

**STATE OF WASHINGTON
CHARTER SCHOOL COMMISSION**

Thursday, November 7, 2013 – 11:15 a.m. to 5:00 p.m.
Educational Service District 112 (Clark Room)

MINUTES

ATTENDANCE

Dr. Doreen Cato, Larry Wright, Kevin Jacka, Chris Martin, Dr. Margit McGuire, Dave Quall, Steve Sundquist, and Cindi Williams.

Absent: Trish Millines Dziko

Staff: Joshua Halsey, Executive Director

OPENING AND WELCOME

Chair Steve Sundquist called the meeting to order at 11:23 a.m. Attendance was taken. The following Commissioners were present: Dr. Doreen Cato, Larry Wright, Chris Martin, Dave Quall, Kevin Jacka and Steve Sundquist. It was determined that a quorum was present to proceed with the meeting.

Each Commissioner and staff member made a self-introduction.

Minutes from the October 16-17 Commission meeting were reviewed and approved – Commissioner Cato moved and Commissioner Quall seconded the approval.

PUBLIC HEARING

Dr. Chester (Chet) Edwards– Spoke of his history in Oregon with charter schools, emphasizing his experience in supporting innovative alternative schools.

CHAIR REPORT

Chair Sundquist discussed the October 22nd deadline for Notices of Intent for potential Charter School operators. He also explained that the Notice of Intent is non-binding for the applicant and is primarily a management tool for the Commission and its staff. 28 Notices were received with a number of Notices coming from the Seattle, Tacoma and Yakima regions. He mentioned that the Commission Executive Director invited him to attend and speak at the Senate Early Learning and K-12 Education Committee hearing on November 22nd. The Chair informed the Commission that he is supporting the Executive Director by scheduling meetings with both the Office of Superintendent of Public Instruction and the State Board of Education. He informed the Commission that he and Commissioner Williams will be speaking at the Washington Policy Center Conference, with Commissioner Williams speaking in Pasco and Chair Sundquist speaking in Bellevue. He emphasized that this speaking engagement is not an endorsement of the Washington Policy Center's views. Finally, Chair Sundquist described the staggered terms each of the Commissioners serve under and would like to discuss this further at the December Commission meeting.

At 10:36 Commissioner Williams arrived.

DIRECTOR REPORT

Executive Director Joshua Halsey provided the Commission a report outlining progress on items discussed at the October Commission meeting. Executive Director Halsey reported that two CR101s have been filed to support the development of rules pertaining to public disclosure and corrective action procedures, renewal, non-renewal and revocation procedures, termination protocol, dissolution and contract transfer.

The 2014 monthly Commission meetings with tentative locations were presented for approval to the Commission. The 2014 monthly Commission meeting calendar was reviewed and approved- Commissioner Williams moved and Commissioner Martin seconded the approval.

Meeting schedule and location for 2014: Jan 30 (Seattle), Feb 13 (Spokane), March 27 (Seattle), April 24 (Tacoma), May 22 (Seattle), June 10 (Tri-Cities), July 29 (Olympia), August 21 (Tacoma), September 23 (Seattle), October 9 (Yakima), November 13 (Spokane), December 11 (Tacoma).

Executive Director Halsey reported on the progress made in locating a permanent office space for Commission staff. He asked for the Commission to approve the signing of a two-year lease to secure the state owned State Farm building and this was approved pending a November 12th meeting between Randy Dorn of the Office of Superintendent of Public Instruction, Commissioner Wright and Executive Director Halsey-Commissioner Martin moved and Commissioner Williams seconded the approval contingent on the meeting with Randy Dorn.

Executive Director Halsey updated the Commission on the search of an Executive Assistant and plans to have the position filled by mid-December.

Executive Director Halsey shared the supplemental budget that has been created by the Office of Financial Management on behalf of the Commission to support the costs associated with the ongoing I-1240 litigation.

At 12:06 Commissioner McGuire arrived.

Executive Director Halsey presented issues that have been surfaced concerning the application budget template and requested he be empowered to convene a group of education finance experts to review the budget template with an eye towards improvement for the 2014 RFP release- Commissioner McGuire moved and Commissioner Cato seconded, with the Commission voting to approve.

Executive Director Halsey updated the Commission on the Memorandum of Understanding between NACSA and the Commission outlining NACSA's management of the application evaluation process. He also presented the Request for Qualifications that NACSA is using to identify and secure Washington based evaluators to support the application evaluation process. Executive Director Halsey requested to be empowered to make decisions in consultation with NACSA and the Commission on which Washington based evaluators will be hired by NACSA-Commissioner Wright moved and Commissioner Cato seconded, with the Commission voting to approve.

APPLICATION PROCESS OVERSIGHT

NACSA provided the Commission with an update on the application timeline, application review team composition, applicant capacity interviews and public forums. Applications from prospective charter school operators are due on November 22nd with final completeness findings released on December 2nd. Commission discussed the need for communication from NACSA through Executive Director Halsey

pertaining to applications received. NACSA outlined the geographic regions that the majority of Notices of Intents have come from and suggested the Commission use these regions in their preliminary planning for public forums. NACSA also outlined the Washington based application review team timeline and stated that November 13th is the deadline for Washington based reviewers to respond to NACSA's RFQ. NACSA presented a proposal to the Commission outlining the applicant capacity interview process. The Commission was also provided a sample protocol concerning public forums. The Commission reviewed the materials and asked the Commission Evaluation Team to provide recommendations for full Commission consideration at the December Commission meeting.

TEAM REPORT OUTS

The Communication Work Team provided an update on their work emphasizing the need for the Commission to develop some messages concerning the November 22nd application deadline.

The Legal Disclosure Policy Work Team provided an update on their work and advised the Commission to adopt a conflict of interest policy that allows Commissioners the opportunity to disclose a conflict and provides Commissioners with a clear set of conditions to recuse from voting. This team will present a draft conflict of interest policy at the December Commission meeting. The Commission requested that this Work Team collaborate with NACSA to determine if example conflict of interest policy from other authorizing entities can be shared.

The Contract Work Team provided an update on their work and reviewed a memo written by Aileen Miller, AAG. Contract Provision 4.4.10 Student Conduct and Discipline was discussed and a motion was raised to leave the contract language as is and provide more detailed guidance and evaluation information via the performance framework, or other written guidance-Commissioner McGuire moved and Commissioner Cato seconded, with the Commission voting to approve. Contract Provision 4.15.4 Limitations of Liabilities was also discussed followed by a motion to revise the contract language to explicitly limit liability on the part of the state of Washington including its agencies. The new provision would read: **4.15.4 Limitations of Liabilities.** In no event will the State of Washington, or its agencies, ~~Commission or its~~ officers, employees, or agents, including, but not limited to the Commission, be responsible or liable for the debts, acts or omissions of the School, its officers, employees, or agents. Commissioner Wright moved and Commissioner McGuire seconded, with the Commission voting to approve. Contract provision 5.1.5 Notification of Perceived Problems was discussed and a motion was raised to not define the phrase "perceived problem". Commissioner Cato moved and Commissioner Jacka seconded, with the Commission voting to approve. Contract Provision 6.1.5 Disposition of School's Assets Upon Termination or Dissolution was discussed and a motion was raised to replace the existing contract language with the following: **Disposition of Assets upon Termination or Dissolution.** All assets, including tangible, intangible, and real property in use by the School but originally owned by the state or purchased wholly with public funds are the property of the state and shall be returned to the state upon termination or dissolution, in accordance with Commission policy and governing law. School owned assets, including tangible, intangible, and real property, remaining after paying the School's debts and obligations and not requiring return or transfer to donors or grantors, or other disposition in accordance with state law, will be disposed of in accordance with governing state and federal law, including, but not limited to RCW 28A.710.210, and the rules adopted thereto. Commissioner Martin moved and Commissioner Quall seconded, with the Commission voting to approve. Contract Provision 4.9.2 Maximum Enrollment was discussed and a motion was raised to amend the contract as follows: **4.9.2 Maximum Enrollment.** The maximum number of students who may be enrolled in the first year of operation of the School shall be [NUMBER] students. This maximum enrollment ~~was determined pursuant to negotiations between the Commission and the School and is~~

consistent with facilitating the academic success of students enrolled in the School and facilitating the School's ability to achieve the other objectives specified in the Contract. If the School wishes to enroll more than the maximum number of students listed above, it shall, before exceeding this number, provide evidence satisfactory to the Commission that it has the capacity to serve the larger population. The maximum enrollment shall not exceed the capacity of the School facility. Commissioner McGuire moved and Commissioner Cato seconded, with the Commission voting to approve. The Commission also discussed a concern that was raised at the October Commission meeting in public testimony indicating that when charter school operator applicants submit an application they are acknowledging and accepting the requirements and conditions outlined in the existing sample contract as per the language in the Request for Proposals (RFP). The Commission moved to affirm the language in the RFP- Commissioner Wright moved and Commissioner Martin seconded, with the Commission voting to approve.

WILLIAM LAY LETTER DISCUSSION

William Lay, a charter school operator applicant, wrote a letter to the Commission dated October 21, 2013. Chair Sundquist requested that the full Commission review the letter and the Executive Director prepare a written response to the letter that will appear in the Commission's weekly Frequently Asked Questions (FAQ). The FAQ will be placed on the Commission's website, Fluid Review and will be sent out via the Commission's list serve. The Commission clarified the following points in response to William Lay's letter.

There are no federal grant funds available for charter schools within the state of Washington
There are not state start-up funds available to potential charter school operators
State monthly apportionment dollars will become available to established charter schools on the last day of September of their first year of operation.
The Commission emphasized the importance of applicants following written instructions in the RFP and not rely on third parties for information or verbal directions.

PLANNING SESSION

Evaluation of Washington based evaluators has been granted to Executive Director Halsey
Interview/Public Forum team will provide recommendations for Commission consideration in December pertaining to the applicant capacity interviews and public forums.
Communications team will work to create messages to support the November 22nd charter school application deadline

NEXT STEPS

Next steps were identified during the Commission's Planning Session.

EXECUTIVE SESSION

The Commission did not go into executive session.

The Commission adjourned at 5:00 p.m.