

## MEETING MINUTES

Thursday, February 12, 2015 | 10:00 a.m. to 5:00 p.m.  
South Seattle Community College, Georgetown Campus  
Colin Educational Hall, Room C122  
6737 Corson Avenue S  
Seattle, WA 98108

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### Attendance:

Trish Millines Dziko, Kevin Jacka, Dr. Margit McGuire, Steve Sundquist, Cindi Williams, and Larry Wright.  
Absent: Raymond Navarro, Dave Quall, and Dr. Roberta Wilburn  
Staff: Joshua Halsey, Executive Director; Cathy Fromme, Deputy Director; Aileen Miller, Assistant Attorney General; Colin Pippin-Timco, Executive Assistant

### Call To Order

#### Roll Call

Chair Sundquist called the meeting to order at 10:04 a.m. Attendance was taken. The following Commissioners were present: Trish Millines Dziko, Kevin Jacka, Dr. Margit McGuire, Steve Sundquist, Cindi Williams, and Larry Wright. It was determined a quorum was present to proceed with the meeting.

### Approval of the January 14 Commission Meeting Minutes

Meeting minutes for the January 14 Commission meeting were reviewed and approved – Commissioner Williams moved, and Commissioner McGuire seconded. The motion passed with one abstention: Commissioner Wright.

### Public Comment

Jen Davis Wickens, Regional Director of Summit Public Schools, urged the Commission to not adopt further reporting requirements for existing charter school operators applying to the 2015 Request for Proposals for schools opening in the 2016-2017 school year.

Mellissa Westbrook, Editor of Seattle Schools Public Forum, noted that the Commission had been left out of House Bill (HB) 1541, an act relating to implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee. She encouraged the Commission to investigate how it may be added to the legislation.

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Armando Antonio, Washington State public school student parent, urged the Commission to open a charter school in White Center.

## **Chair Report: Steve Sundquist**

Chair Sundquist briefed the Commission on the reappointment process for Commissioners with expiring terms. He noted that Commissioner Dziko had been reappointed by Speaker of the House Frank Chopp, and that Commissioner Williams had been reappointed by Lieutenant Governor Brad Owens. He noted that Commissioner Navarro was still awaiting reappointment by Governor Inslee.

Chair Sundquist noted that he had made an appearance at a Washington Charter Schools Association (WACHarters) event that included teachers from approved charter schools.

Chair Sundquist noted that he had made a presentation to the Youth and Education Committee of Seattle Rotary.

Chair Sundquist noted that the Commission had completed Executive Director Joshua Halsey's yearly performance evaluation. Mr. Halsey received excellent marks. Commissioner Dziko moved to grant Mr. Halsey a 5% salary increase from \$100K to \$105K, and Commissioner Wright seconded. The motion passed unanimously.

## **Executive Director Report: Joshua Halsey**

### **Update on Commission Communication Strategy and Branding**

Mr. Halsey presented the Commission's newly branded material, produced in collaboration with Nyawela Consulting.

Mr. Halsey presented a draft brand framework, produced in collaboration with Nyawela Consulting. Mr. Halsey noted that the framework had been aligned to the Commission's strategic plan, mission, and vision, and encouraged Commissioner Williams to lead a discussion of the framework. Commissioner Williams noted that the draft framework's personality characteristics of the Commission should be more definitive. Commissioner Williams suggested replacing the existing characteristics with:

“laser focused on helping those students most in need, determined to bring high quality schools into underperforming districts, committed to showing that all students can learn at high levels if given the opportunity.”

Commissioner Wright noted that staff should work to update the framework as the agency grows. Mr. Halsey agreed, and noted that staff would return next month with a framework incorporating Commissioner Williams' suggestions.

### **Update on Legislative Strategy**

Mr. Halsey noted that, after conversations with Representative Kristine Lytton, proposed legislation to allow the Commission to accept gifts and grants as well as to allow charter school administrators to file complaints regarding certificated staff directly with the Office of Superintendent of Public Instruction (OSPI) would not be brought out of committee. Mr. Halsey noted that the bills could be brought through the Senate by Senator Steve Litzow, but with such a busy legislative session Mr. Halsey recommended that the Commission table bills until next legislative session. Chair Sundquist responded that there was value in the Commission being out in front of the legislation, and that the charter sector needed legislative advocacy. Commissioner Williams offered her assistance in creating further inroads for the legislation.

Mr. Halsey noted that HB 1971, an act amending the Charter Schools Act 28A.710, would likely get a hearing in the House. The bill would specifically authorize a charter school to contract for an independent performance audit, place geographical caps on charter school authorization, and modify the process by which future Commissioners would be appointed to the Commission. The Commission tabled discussion of HB 1971 until after lunch.

### **Update on Authorized Schools**

Mr. Halsey noted that on February 5, 2015 Deputy Director Cathy Fromme and himself had presented at WACharter's Strong Start meeting, a gathering of Commission-authorized charter schools staff. The topics of the meeting included the Performance Framework, charter contract changes, OSPI relationship-building, and the annual compliance calendar.

### **Update on Charter School Compliance Monitoring System**

Mr. Halsey noted that the Online Charter School Compliance Monitoring System, Charter Tools, was nearing completion, and would be ready to launch in March, 2015.

### **Update on First Place Corrective Action**

Mr. Halsey reported that First Place Scholars had submitted all required documentation in regards to the Corrective Action filed December 1, 2014, save a special education (SPED) compensatory services plan. In regards to the SPED plan, First Place had submitted a plan on time, and Mr. Halsey had requested further information in regards to the plan. First Place continued to work with Commission contractor Val Lynch to provide Mr. Halsey the requested information and to design an effective and equitable plan. The deadline for the revised plan was February 23, 2015.

Mr. Halsey noted that he had filed a Letter of Inquiry with First Place on February 2, 2015 in regards to the school's compliance with the charter contract and satisfaction of its legal obligations.

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## Executive Session

Chair Sundquist adjourned open session at 11:35 a.m. An executive session was held pursuant to RCW 42.30.110(1)(i).

Chair Sundquist reconvened the Commission from executive session at 12:35 p.m., at which point the Commission broke for lunch.

The Commission returned from lunch at 1:07 pm.

### Action from Executive Session

There was no action from the executive session. The Commission engaged in a deep discussion regarding First Place. Commissioner Wright requested further information from the inquiry as quickly as possible, and that the Commission act, if necessary, with urgency.

## Commission Policy Considerations

### Organizations Operating Multiple Schools in Washington

Mr. Halsey presented an amendment to the Commission's Sample Charter Contract, as well as new language to be added to the Commission 2015 Request For Proposals (RFP):

*Sample Contract: Section 5.23 Multiple School Applicants and Operators*

An Applicant that has been authorized to open one school must successfully execute its legal obligations to the satisfaction of the Commission before any subsequent school may open.

*2015 RFP: Section 15: Legal Status and Governing Documents*

4. If the applicant does not already operate one or more schools, including charter management organizations (CMOs), as well as applicants proposing to contract with ESPs, please describe organization's five (5) to ten year growth plan regarding the total number of charter schools it hopes to operate in Washington State. Include discussion of the organization's capacity to successfully support and execute that plan including business plans to support anticipated growth.

*2015 RFP: Section 31: Existing Operators*

Applicants who already operate one or more schools, including charter management organizations (CMOs), as well as applicants proposing to contract with ESPs must respond to the following questions:

1. Provide a detailed description of the organization's growth plans and capacity to successfully support and execute that plan including business plans to support anticipated growth. The description must also include the organization's overall growth plan regarding the

total number of charter schools it hopes to operate in Washington State. (Bolded indicates new language)

Mr. Halsey noted that the proposed amendment and changes would address new applicants; the Commission would need to renegotiate the new contract language with previously approved schools.

The Commission discussed the amendment and each change. Commissioner McGuire pressed for more refined language in the amendment. Commission Counsel Aileen Miller encouraged the Commission to support broad language.

Commissioner Dziko moved to accept the amendment *Section 5.23 Multiple School Applicants and Operators* to the sample contract, and Commissioner Williams seconded. The motion passed 5 to 1: Commissioner McGuire opposed the motion.

Commissioner Wright moved to accept the new language in the 2015 RFP: *Section 15: Legal Status and Governing Documents*, and Commissioner McGuire seconded. The motion passed unanimously.

Commissioner McGuire moved to accept the new language in the 2015 RFP: *Section 31: Existing Operators*, and Commissioner Dziko seconded. The motion passed unanimously.

#### **Family Members Serving on a Charter School's Board of Directors**

Mr. Halsey presented a memo from the National Association of Charter School Authorizers (NACSA) providing guidance in regards to family members serving on a charter school's board of directors. Mr. Halsey noted that the guidance had been incorporated into the Commission's soon to be released Frequently Asked Questions (FAQ) as follows:

*Q. Can individuals with close family relationships (brothers, sisters, parents, etc.) serve on the same charter school board?*

A. Washington state law governing non-profit corporations does not prohibit or constrain who can serve on a non-profit board. Similarly, the Charter Schools Act does not constrain who can serve on a charter school board. While the Commission recognizes these laws, it discourages charter school boards from having individuals with close family relationships serve on the same charter school board and prohibits the practice in certain circumstances. Best practice in non-profit governance also discourages individuals with close family relationships from serving on the same board due to the potential conflicts that could arise. Applicants that apply to the Commission, should disclose in their board documents if such a relationship exists. The Commission will examine the applicant closely and may question the applicant during the resolution meeting in order to discern whether adequate safeguards are in place to ensure that such a relationship will not pose a risk to the financial or organizational health of the charter school. For existing charter schools, if their board composition changes and individuals with a

close family relationship begin to serve on their charter school board, the relationship must be disclosed to the Commission by completing the board disclosure statements. The Commission does prohibit close relations from constituting the majority of a quorum on a charter school board due to the inherent conflict of interest and the implications regarding compliance with the open public meetings act.

Chair Sundquist pressed for language as such:

“The Commission does prohibit close relations from constituting the majority of a quorum on a charter school board or committee due to the inherent conflict of interest and the implications regarding compliance with the open public meetings act.

Commissioner Dziko moved to accept the language as amended, and Commissioner McGuire seconded. The motion passed unanimously.

#### **Frequently Asked Questions (FAQ) Review**

After reviewing the FAQ, Commissioner McGuire moved to delegate authority to the Executive Director to implement the FAQ and to notify the Commission of substantive changes; Commissioner Dziko seconded. The motion passed unanimously.

#### **Charter School Preopening Conditions Review**

Mr. Halsey presented the Preopening Conditions Calendar to the Commission. Mr. Halsey noted that the Preopening conditions now included a site-visit in early August. Commissioner Wright asked if the quarterly financial report included in the calendar would be prospective or retrospective. Mr. Halsey responded that it would be retrospective.

### **Performance Framework**

#### **Academic Framework Follow-Up**

Mr. Halsey noted that at the January 14, 2015 meeting, he had recommended that the Commission use a regression analysis as a comparison measure regarding how Commission-approved charter schools perform in comparison to schools serving similar populations. The Commission had instead moved to adopt comparable school matching as the above mentioned measure. Mr. Halsey noted that the Commission had received considerable pressure to reconsider the regression analysis as a viable option. Mr. Halsey recommended that the Commission adopt the regression analysis as well as the comparable school matching as measures for the first term of Commission-approved charter schools.

In support of Mr. Halsey’s recommendation, William Haft of NACSA gave a presentation regarding the regression analysis as a viable option. Mr. Haft noted that the regression analysis allowed the Commission to choose multiple variables of comparison, and would give the Commission a much

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broader picture of how a charter school was performing in comparison with schools serving similar populations. Mr. Haft noted further that though the regression analysis would in a sense rely on a synthesized comparison, it drew from all schools in Washington State; were the Commission to only use comparable school matching, the Commission would need to identify similar schools across the state, a labor-intensive effort.

The Commission discussed the regression analysis, and how this indicator would be weighted in the Academic Framework.

Commissioner Wright moved to adopt the regression analysis as an indicator in the Academic Framework, noting that the Commission would return at a later date to weight the indicator; Commissioner Williams seconded. The motion passed 5 to 1: Commissioner McGuire opposed the motion.

### **Rule Change**

Mr. Halsey presented an amendment to remove language from WAC 108-03-02(3)(a) regarding the Commission Performance Framework's evaluation of student academic literacy in history/social studies/civic education, technical subjects, and advanced proficiency measurements in English language arts and literacy in history/social studies/civic education, as well as removing language from WAC 108-03-03(3)(d) regarding the Commission's Performance Framework's evaluation of student performance and participation on the American College Testing (ACT) or Scholastic Assessment Test (SAT).

Commissioner McGuire noted that she was passionate about these evaluative measures because the children affected by the charter school movement need civic education.

Commissioner Wright moved to adopt the amendment, and Commissioner Williams seconded. The motion passed with one abstention: Commissioner McGuire.

This rule is being amended through an expedited rule-making process. Objections to the use of this process must be received by the agency rules coordinator by April 30, 2015.

### **Addition of Social Emotional Indicators**

Mr. Halsey noted that he had recently met with Tacoma Public Schools (TPS) deputy superintendent Joshua Garcia. Mr. Garcia had noted that TPS would be using social emotional indicators as evaluative measures for district schools. Mr. Halsey suggested that the Commission investigate using social emotional indicators in its Performance Framework. Commissioners were supportive, and the Academic Performance framework project will research and put forward possibilities.

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## Further Discussion of HB 1971

The Commission discussed HB 1971 at length.

Commissioner Wright moved that the Commission express opposition to the bill, and empowered the Commission Chair and Executive Director to respond to any questions regarding the Commission's opposition; Commissioner Dziko seconded. The motion passed 5 to 1: Commissioner Jacka opposed the motion.

## 2015 Request For Proposals (RFP) Approval

### RFP and Rubric

Mr. Halsey presented the 2015 RFP and Rubric for Commission approval. Mr. Halsey noted that language regarding cultural competence had been incorporated throughout both documents. Dr. Fromme noted that the rubric broke criteria into four sections: Exceeds, Meets, Partially Meets, and Does Not Meet.

Commissioner Wright suggested amended language in the *Introduction* of the 2015 RFP as follows:

#### *Cultural Competency...*

- ~~Placing~~ Places the focus of responsibility on the professional and the institution
- ~~The Examining~~ examination systems, structures, policies and practices for their impact on all students and families viewing those qualities as deficits.

Commissioner Dziko moved to accept the 2015 RFP and Rubric as amended, and Commissioner McGuire seconded. The motion passed unanimously.

### Public Forum Changes

Mr. Halsey noted that the Commission would return to the subject of the 2015 Public Forums at the March 19, 2015 public meeting. For now, Mr. Halsey wanted to make clear that the question of equity in public comment time allotted to those speaking through a translator would be codified in a Public Forum protocol.

Mr. Halsey turned to RCW 28A.710.140(2) for a discussion of the intent of the public forums:

(2) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. Authorizers shall give preference to applications for charter schools that are designed to enroll and serve at-risk student populations: PROVIDED, That nothing in this chapter may be construed as intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk students or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a



nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, *and an opportunity in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff, to learn about and provide input on each application.* (Emphasis Added)

Ms. Miller noted that “Public Forum” was a legal term, and that the Charter School Act intended that the location for the public forums be a location where all stakeholders may attend, that the act contemplated that the Commission would be utilizing information gathered from the public forums in its decision to approve or deny the charter school.

Mr. Halsey contemplated data-collection at the public forums, pondering what data would be collected, and how would the Commission use this data in its decision to approve or deny the charter school. Commissioner McGuire proposed that the Commission pilot interaction with applicants at the 2015 Public Forums.

The Commission will return to the subject of the 2015 Public Forums at the March 19, 2015 public meeting.

#### **Consistent Communication with Advocates**

Mr. Halsey presented a recommendation regarding how Commissioners were to communicate in a consistent manner with individuals or organizations that contact the Commission past the established Request for Proposal (RFP) public input deadline:

##### *Advocacy Received via Email*

Good Morning/Afternoon [Advocate’s Name],

I received your email this morning/afternoon regarding a charter school application currently under review. Please note that while an application is under review, I cannot discuss this or any other application. I have cc’d the Commission’s Executive Director to this email.

Thank you,  
[Commissioner’s Name]

##### *Advocacy Received via Telephone*

Thank you for calling me; however, I cannot discuss a charter school application that we are currently in the process of reviewing. You are welcome to attend our August 13th Commission meeting in Seattle where we have a scheduled time to hear directly from the public prior to

passing resolutions to approve or deny each charter school application currently under review. I will make the Commission's Executive Director aware of this phone call.

### **Rule Change**

Executive Assistant Colin Pippin-Timco presented an amendment to WAC 108-20-030(4)(a) reducing the number of hardcopy applications charter school applicants need to deliver to the Commission during the Commission's annual Request For Proposals (RFP) from ten to five application hardcopies, and increasing the number of days said hardcopies are to be delivered to the Commission offices from five to ten business days.

Commissioner McGuire moved to adopt the amendment, and Commissioner Dziko seconded. The motion passed unanimously.

This rule is being amended through an expedited rule-making process. Objections to the use of this process must be received by the agency rules coordinator by April 30, 2015.

## **Commission Officer Elections and Standing Committees Update**

### **Commission Bylaws Review**

The Commission discussed amending the bylaws to allow the Chair to serve for more than two one year terms and establishing a clear succession process for incoming Chairs. Commissioner Wright offered to lead the drafting of the amendment.

### **Finance Committee Expanded Scope**

Discussion of the Finance Committee Expanded scope was tabled until the March 19, 2015 public meeting.

## **Review of Draft Executive Director Goals**

Mr. Halsey presented a memo detailing his goals for the 2015 calendar year as follows:

1. Solidifying and operationalizing the charter school oversight processes;
2. Fully manage and develop complete ownership of the charter school authorization process;
3. Fully develop and implement a human resource management and performance system; and
4. Operationalize the communication strategies.

Commissioner Wright asked that Joshua include a finance based goal for the 2015 calendar year.

Commissioner McGuire moved to accept the goals as amended, and Commissioner Dziko seconded. The motion passed unanimously.

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## Next Steps

The Commission has identified the following next steps:

1. Continue with Commission's legislative strategy;
2. Continue work on Academic Framework
3. Follow up on Commissioner Reappointment
4. Review Committees' scope of work
5. Amend bylaws regarding Chair terms
6. Establish Finance Committee

The Commission adjourned at 4:54 p.m.