

**STATE OF WASHINGTON  
CHARTER SCHOOL COMMISSION  
SPECIAL MEETING MINUTES**

**Thursday, November 13, 2014 – 10:00 a.m. to 5:00 p.m.**

Spokane Public Schools Warehouse

2815 East Garland

Spokane, WA 99208

**Attendance:**

Commissioners: Trish Millines Dziko, Kevin Jacka, Dr. Margit McGuire, Raymond Navarro, Dave Quall, Steve Sundquist, and Dr. Roberta Johnson Wilburn

Absent: Cindi Williams and Larry Wright

Staff: Joshua Halsey, Executive Director; Dr. Catherine Fromme, Commission Contractor; 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, Raymond Navarro, Dave Quall, Steve Sundquist, and Dr. Roberta Johnson Wilburn. It was determined a quorum was present to proceed with the meeting.

**Approval of the October 9 and October 31 Commission Meeting Minutes**

Meeting minutes for the October 9 Commission meeting were reviewed and approved – Commissioner Dziko moved, and Commissioner Wilburn seconded. The motion passed unanimously.

Meeting minutes for the October 31 Commission meeting were reviewed and approved – Commissioner McGuire moved, and Commissioner Jacka seconded. The motion passed with one abstention: Chair Sundquist.

**PUBLIC COMMENT**

Travis Franklin, School Leader of Spokane International Academy, urged the Commission to engage charter school leaders in the development of a Commission policy regarding the use of sectarian facilities by charter schools.

Thomas Franta, CEO of Washington State Charter Schools Association (WCharters), noted the challenges startup charter schools in Washington experience in regards to facilities funding and access to suitable school facilities. Mr. Franta presented Commissioners with a memorandum from former Washington State Attorney General Rob McKenna, and former Chief Deputy Washington State Attorney General Brian Moran, regarding the use of sectarian facilities by charter schools in Washington State.

Brenda McDonald, School Leader of Pride Prep, on behalf of Excel Public Charter School, First Place Scholars, Green Dot Public Schools Washington State, Rainier Prep, SOAR Academy, Spokane International Academy, and Summit Public Schools urged the Commission to delay the final adoption of the Organizational and Academic Performance Frameworks.

## **CHAIR REPORT – STEVE SUNDQUIST**

Chair Sundquist expressed gratitude to Vice Chair Wright for his role as Acting Chair from October 31-November 10, 2014.

Chair Sundquist reported that Education Reform Now had hired a Washington-based lobbyist in preparation for the upcoming legislative session.

Chair Sundquist briefed the Commission on the outcomes and takeaways of a public meeting held September 25, 2014 between the Tacoma Public School (TPS) Board and Chair Sundquist, Commissioner Dziko, and Executive Director Halsey. Chair Sundquist noted that the Commission representatives had appeared at the request of TPS to discuss charter schools authorized to open within the district. Chair Sundquist noted that TPS felt singled out by the authorization of three schools within the district, and expressed interest in legislation geographically limiting charter school authorization. The Commission representatives educated the district on their responsibilities as a district with authorized charter schools within their boundaries.

Chair Sundquist noted that he had attended the annual National Association of Charter School Authorizers (NACSA) conference in Miami, Fl. Chair Sundquist noted that conference presentation topics included performance frameworks, authorizer accountability, charter management organizations (CMO), cyber schools, and communicating difficult news to communities.

## **EXECUTIVE DIRECTOR REPORT – JOSHUA HALSEY**

### **General Updates**

Mr. Halsey informed the Commission that Assistant Attorney General Aileen Miller and Executive Assistant Colin Pippin-Timco had hosted a meeting with representatives of Rainier Prep and SOAR Academy on October 29, 2014 in regards to the development of a Commission policy affecting charter school use of sectarian facilities. Mr. Halsey noted that outcomes from the meeting were positive, and that the Commission staff recommends that the Commission include information regarding use of sectarian facilities by charter schools in the form an FAQ. The FAQ would allow the Commission to provide guidance without developing a formal policy.

Mr. Halsey noted that on October 13, 2014 Commission staff had engaged WorkSource, a governmental job training and placement agency, to provide additional administrative staff. On October 20, 2014, Jamilyn Ward began work with the Commission through WorkSource.

Mr. Halsey informed the Commission that he had engaged Melia LaCour, Director of Equity in Education at Puget Sound Educational Service District, in a discussion regarding cultural competency level-setting for the Commission. The level-setting is intended to allow the Commission to become more explicit in its description of cultural competency, cultural responsiveness and culturally inclusive practices for future application cycles. Mr. Halsey noted that the level-setting could take two hours, and should occur at the Commission's December 2014 meeting.

Mr. Halsey noted that Commission staff had recently released the fall edition of the Commission's quarterly newsletter.

### **Authorized Charter Schools Update**

Mr. Halsey informed the Commission that SOAR Academy, Green Dot Public Schools (Tacoma), and Summit: Olympus had co-hosted the first of four community engagement events on October 8, 2014, and have begun

accepting applications from potential students. Excel, Rainier Prep, and Summit: Sierra have also begun accepting applications from potential students.

Mr. Halsey noted that an email regarding concerns over Summit and Excel's student application process written by Mellissa Westbrook, Seattle Schools Community Forum blog, had been received by Commission staff. Mr. Halsey stated that he had contacted the school leaders in regards to this concern, and that he was confident that the issue was resolved.

Mr. Halsey noted that contract negotiations with Green Dot (Seattle) had begun, and these negotiations were on schedule to conclude with a finalized contract before the end of 2014.

#### **Legislative Engagement Strategy Update**

Mr. Halsey informed the Commission that he had met with Sen. Steve Litzow, (R) 41<sup>st</sup> Leg. Dist. on October 24, 2014. The Senator was supportive of the Commission's legislative agenda.

Mr. Halsey informed the Commission that Commission staff were continuing to engage Rep. Kristine Lytton, (D) 40<sup>th</sup> Leg. Dist., in the editing of two bills drafted earlier in 2014. Specifically, Commission staff would work with Cece Clynych, Counsel for the House Office of Program Research for the Education Committee, to review revisions to the two bills.

Mr. Halsey informed the Commission that he had received a phone call from Sen. Andy Billig, (D) 3<sup>rd</sup> Leg. Dist., regarding introducing legislation regarding charter school authorizing. Mr. Halsey noted that he had expressed concern over such legislation in the conversation, and Sen. Billig had stated that he would continue further talks on the matter with stakeholders. Chair Sundquist expressed concern that such legislation could affect the Commission's authorization duties.

#### **Commission Website Update**

Mr. Halsey gave a presentation of the Commission's new public website, scheduled to go live on December 1, 2014.

#### **Protest Update**

Mr. Halsey gave a brief update regarding the protests of the 2014 Request for Proposals (RFP) Commission staff had received. Mr. Halsey had interviewed three individuals to review the protests. Of these individuals, Mr. Halsey had selected Judith Billings, former State Superintendent of Public Instruction. Ms. Billings will review the Commission's 2014 RFP for process compliance and biases, and will produce a recommendation by December 5, 2014 in advance of the Commission's December 2014 meeting.

#### **EXECUTIVE SESSION**

Chair Sundquist adjourned open session at 11:15 a.m. An executive session was held pursuant to RCW 42.30.110(1)(i).

#### **RECONVENTION FROM EXECUTIVE SESSION**

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

The Commission returned from lunch at 12:49 p.m.

#### **PERFORMANCE FRAMEWORK RECOMMENDATION**

Representatives William Haft and Whitney Spencer from the National Association of Charter School Authorizers (NACSA) joined the commission via teleconference.

Dr. Catherine Fromme presented Commission staff's Performance Framework recommendations:

**Financial Performance Framework**

<i>Maintained Indicators</i>	<i>Added/Altered Indicators</i>	<i>Deleted Indicators</i>	<i>Review/Ratings Processes</i>
1.a: Current Debt Ratio 1.b: Unrestricted Days Cash 1.c: Debt Default 2.a: Total Margin 2.b: Debt to Asset Ratio 2.c: Cash Flow	Enrollment Variance	2.d: Debt Service Coverage Ratio	1. Eliminate <i>Falls Far Below</i> rating 2. Eliminate <i>Preliminary</i> rating 3. Implement two, differentiated financial viability reviews based on school life cycle

Commissioner Dziko moved to accept the Financial Performance Framework as amended for adoption at the December 11, 2014 Commission meeting, and Commissioner McGuire seconded. The motion passed unanimously.

**Organizational Performance Framework**

<i>Maintained Indicators</i>	<i>Added/Altered Indicators</i>	<i>Deleted Indicators</i>	<i>Review/Ratings Processes</i>
All	2.a: Fourth bullet (State Auditor's Office (SAO) audit requirement) 1.a, 2.a, 4.c, 4.e, 5.a: WAC and RCW additions as recommended by the Office of the Superintendent of Public Instruction (OSPI)	2.a: First bullet (unqualified audit opinion)	1. Eliminate <i>Falls Far Below</i> rating

Dr. Fromme noted that there still remained outstanding recommendations to indicators 1.a, 1.c, 1.d, 2.a, 3.a, 4.a, 4.b, 5.a, and 5.c from the State Board of Education (SBE). Dr. Fromme also noted that Commission staff would consider developing an overall rating system that would appropriately rate a school's compliance with state and federal laws, as well as the charter contract. In service of developing a rating system, Commission staff would also consider weighting each measure of the organizational framework.

Mr. Halsey noted that the Organizational Framework's reporting must-haves were contingent on a number of state and federal agencies. Mr. Halsey proposed moving the adoption of the Organizational Framework to the January 14, 2015 Commission meeting.

Chair Sundquist moved to postpone the acceptance of the Organizational Performance Framework as amended until the December 11, 2014 Commission meeting, with a scheduled vote for adoption at the

January 14, 2014 Commission meeting; Commissioner McGuire seconded. The motion passed with one abstention: Commissioner Jacka was not present for the vote.

**Academic Performance Framework**

<i>Maintained Indicators</i>	<i>Added/Altered Indicators</i>	<i>Deleted Indicators</i>	<i>Review/Ratings Processes</i>
2.a.4: Proficiency comparison to schools serving similar students 2.b.3: Subgroup proficiency comparison to schools serving similar students 3.c: Subgroup growth comparison to district 3.d: Subgroup growth comparison to similar schools	1.x: Split into separate indicators for Washington State Accountability Index and Federal AYP status 2.a.3: Proficiency comparison to district 2.a.x: Graduation rate comparison to district 2.a.x: Graduation rate comparison to similar schools 2.b.2: Subgroup proficiency comparison to district 2.b.x: Graduation rate subgroup comparison to district 2.b.x: Graduation rate subgroup comparison to similar schools 3.a: All student growth comparison to district 3.b: All student growth comparison to similar schools 4.b.3: Graduation Rate: Above under comparison to traditional schools 4.b.4: Graduation Rate: Above under comparison to schools serving traditional students 5: Optional mission-specific academic goals: SAT/ACT, Postsecondary enrollment, College remediation courses, FAFSA, College bound, other academic goals	2.a.1: Proficiency 2.a.2: Advanced Proficiency 2.b.1: Subgroup proficiency 4.a: ACT or SAT performance and participation 4.b.1: Graduation Rate: All students 4.b.2: Graduation Rate: Disaggregated by subgroup 4.c: Postsecondary Enrollment	1. Change language to Washington centric terminology 2. Utilize SBE three-year Achievement Index (AI) composite 3. Change 'School of Origin' to 'District' comparison

Dr. Fromme noted that trial runs of the Academic Framework have not been conducted, as database information for such runs has been unavailable. On November 4, 2014, Commission staff received database information from OSPI, and Commission staff will collaborate with NACSA to run the data for the December 11, 2014 Commission meeting. The runs will allow Commission staff to facilitate the process of target setting.

Chair Sundquist moved to postpone the acceptance of the Academic Performance Framework as amended until the December 11, 2014 Commission meeting, with a scheduled vote for adoption at the January 14, 2014 Commission meeting; Commissioner Dziko seconded. The motion passed with one abstention: Commissioner Jacka was not present for the vote.

## **COMPLIANCE AND MONITORING UPDATE**

### **Charter Tools Overview**

Mr. Halsey presented Charter Tools, an online charter school monitoring and compliance application, to the Commission. Charter Tools will simplify and expedite the process of approved charter school monitoring. Charter Tools is a Washington based company out of Redmond, and provides an electronic submission and notification portal for schools for \$900 per school per year. Charter Tools will also be utilized to run the Commission's 2014 RFP application process. Mr. Halsey noted that Commission staff are in the process of creating reporting forms for use with Charter Tools.

### **Intervention Protocol**

Mr. Halsey noted that the discussion of the Commission's intervention would need to be postponed until a later date.

## **COMMISSION BYLAWS AND POLICY DISCUSSION**

### **Updates to Bylaws**

The following changes were made to the Commission's bylaws:

**Section 3.2 Reimbursement.** ~~The Commission members shall serve without pay, but shall be entitled to reimbursement for necessary expenses, including travel and lodging expenses, while attending meetings of the Commission or when actually engaged in business relating to the work of the Commission.~~

Commissioners shall not be compensated for their service but may be reimbursed for travel expenses in the same manner as provided for in RCW 43.03.050 and 43.03.060.

**Section 3.4. External communication.** Members of the Commission should support ~~group~~ Commission decisions and policies when providing information to the public. This does not preclude Commission members from expressing their personal views, as long as they are communicated as such. The executive director or a Commission designee will be the spokesperson for the Commission ~~with the~~ in regards to media matters.

**Section 6.1 Standing Committees.** The Commission shall have four Standing Committees:

- (1) Executive Committee
- (2) ~~Administration & Operations~~ Finance
- (3) ~~Applications~~ Charter School Authorization
- (4) ~~Performance & Accountability~~ Charter School Performance

### **Section 6.2. Executive committee.**

- a) The executive committee shall consist of the chair, vice chair, and one member- at-large.
- b) The executive committee shall be responsible for the management of affairs that are delegated to it as a result of Commission direction, consensus or motion, including transacting necessary business in the intervals between Commission meetings, ~~inclusive of preparing agendas for Commission meetings.~~
- c) ~~The executive committee shall be responsible for oversight of the budget.~~
- d) The Commission chair shall serve as the chair of the executive committee.
- e) The executive committee shall meet at ~~least monthly~~ regularly scheduled intervals.
- f) The executive committee shall assure that the Commission annually conducts a Commission review and evaluation.

### **Section 6.3. Finance Committee**

- a) The finance committee shall consist of at least three Commissioners.
- b) The finance committee shall be responsible for working with the Executive Director and appropriate staff to review and recommend to the entire Commission the biennium budget and annual budgets.
- c) The finance committee shall meet at regularly scheduled intervals.

### **Section 6.4: Charter School Authorization Committee**

- a) The charter school authorization committee shall consist of at least three Commissioners.
- b) The charter school authorization committee shall be responsible for working with the Executive Director and appropriate staff to review the annual charter school solicitation calendar and documents and recommend to the entire Commission any changes to the calendar and documents.
- c) The charter school authorization committee shall meet at regularly scheduled intervals.

### **Section 6.5: Charter School Performance Committee**

- d) The charter school performance committee shall consist of at least three Commissioners.
- e) The charter school performance committee shall be responsible for reviewing data from charter schools pertaining to the performance framework and annual school reports.
- f) The charter school performance committee shall provide the entire Commission with its recommendations concerning corrective action, revocation and closure of Commission authorized charter schools.
- g) The charter school performance committee shall meet at regularly scheduled intervals.

**Section 6.8 Voting.** Standing Committees can make a recommendation to the Commission upon the concurrence of a simple majority of the Standing Committee.

~~**Section 6.9 Committee Reports.** Committees may submit written reports in advance of any regular meeting in lieu of an oral report unless the report contains action items.~~

**Section 6.11 Investigative Committees.** The Commission, as provided by law, may designate two or more members, but less than the number of members that would constitute a quorum of the Commission, to investigate matters concerning Commission business. The members designated by the Commission are required to report their resulting findings and recommendations to the entire Commission ~~at a properly noticed meeting.~~

**Section 7.1 General Business Meetings.** Meet monthly per pre-approved schedule by the Commissioners. This same body will set new schedule in September. The new schedule will be submitted to the Office of Code Reviser in accordance with the statutory requirements of the Open Public Meetings Act.

**Section 7.4 Meeting Agenda.** The General Business Meeting agenda shall be promulgated by the ~~Commission Chair~~ Executive Director, with input from the Committee Chairs and members.

**Section 7.6 Conference Call Meetings.** Members of the Commission, or any standing committee of the Commission, may participate in a meeting of the Commission or standing committee by means of conference telephone or similar communications equipment by which means all persons participating in the meeting can simultaneously hear each other during the meeting. Participation in a meeting pursuant to this Section shall constitute presence in person at such meeting.

**Section 8.2 Public Testimony Comment.** All interested persons shall be provided an opportunity to present ~~testimony~~ public comment on any agenda item to the extent that time allows.

- 1) An individual or representative wishing to ~~testify~~ comment should register prior to the meeting, ~~testimony~~ Comments must be related to an item that is on the agenda and such person shall be required to identify the agenda item to be addressed by the ~~testimony~~ comment.
- 2) Each individual or representative of an organization is allotted two (2) minutes, or an amount of time otherwise designated by the Chair, to provide comment to the Commission. Written comments are strongly encouraged.

**Section 9.2 Duties.** The executive director shall perform such duties as may be determined by the board and shall serve as secretary and non-voting member of the commission.

The executive director shall house records of the commission's proceedings in the commissioner's office and the make the records available upon request.

~~The executive director is responsible for the performance and operations of the office and for staff support of commission members' duties.~~ The Executive Director, subject to the input and advice from the Commission, shall supervise and have general charge of all operating functions and activities of the Commission and shall be charged with carrying out the policies, programs, orders, and resolutions of the Commission.

The Executive Director may employ, discharge and supervise, and determine the compensation of employees of the Commission.

The Executive Director shall perform such other duties and shall have such other authority and powers as the Commission may from time to time prescribe, shall keep the Commission, officers, and committees of the Commission fully informed as to the business and affairs of the Commission and shall consult freely with them concerning its business and affairs.

**Section 11.2 ~~Formal AGO Opinion~~ Written Opinion.** The Commission Chair or Executive Director, with support from a quorum of the Commission, may submit a written request for a formal AGO Opinion to the Attorney General's Office.

**Section 12.1 The rules contained in *Robert's Rules of Order*.** The newly revised Robert's Rules of Order shall govern ~~public hearings~~ public meetings where they are not in conflict with the law, these bylaws, or other



rules of the Commission. In making a ruling or interpretation of the rules, the order of determination shall be 1) the law, 2) these bylaws, 3) Commission policy, and 4) *Robert's Rules of Order*, newly revised.

Chair Sundquist moved to amend the bylaws, and Commissioner Wilburn seconded. The motion passed with one abstention: Commissioner Jacka was not present for the vote.

### **Issuing Letters of Support to Agencies and Organizations**

Mr. Halsey presented Commission policy regarding issuing letters of support to agencies and organizations. Commissioner Dziko moved to adopt the policy, and Commissioner Navarro seconded. The motion passed with one abstention: Commissioner Jacka was not present for the vote.

### **COMMISSIONER REAPPOINTMENTS UPDATE**

Chair Sundquist noted that Commissioners Dziko, Navarro, and Williams each had terms ending in March of 2015, and that each had expressed an interest in reappointment. Chair Sundquist encouraged staff to work with the appropriate parties to assist the Commissioners in the reappointment process.

### **NEXT STEPS**

The Commission has identified the following next steps:

1. Continue legislative engagement strategy
2. Perform yearly performance evaluation of Executive Director
3. Review Commissioners' conflict of interest assurances for approved charter schools
4. Draft public records retention policy
5. Draft FAQ regarding charter school use of sectarian facilities
6. Perform cultural competence level setting
7. Obtain agency finance update from Executive Director
8. Secure locations for 2015 Commission public meetings
9. Obtain recommendations regarding the two protests of the Commission 2014 RFP
10. Debrief 2014 RFP

The Commission adjourned at 3:34 p.m.