

**MINUTES OF THE SPECIAL MEETING FOR THE PURPOSE OF A PUBLIC HEARING TO SOLICIT
INPUT ON THE CHIEF TAHGEE ELEMENTARY ACADEMY CHARTER SCHOOL PETITION**

**Board Room at the Education Service Center
Thursday, July 12, 2012
4:00 p.m.**

BOARD MEMBERS AND SUPERINTENDENT PRESENT:

Janie Gebhardt, Board Chair
John Sargent, Vice Chair (Excused)
Jackie Cranor, Clerk

Nate Murphy, Member (Arrived at 4:09 p.m.)
Jim Facer, Member
Mary Vagner, Superintendent

Welcome, Call to Order and Statement of Purpose

Chair Gebhardt welcomed everyone and called the Special Meeting to order at 4:03 p.m. She said the purpose of the meeting was to conduct a public hearing to solicit input on the Chief Tahgee Elementary Academy Charter School Petition.

Presentation of Charter Petition Findings and Recommendation

Dr. Mortensen said a Committee was convened to review the Chief Tahgee Elementary Academy Charter School petition. She said the Board accepted the petition at the June 19, 2012 Regular Board Meeting. She said the committee followed the same process as it had in the past utilizing administrators having expertise in each area of the petition. She said each committee member was asked to do an in-depth review and evaluate a section of the petition pertinent to their area of expertise. She said the assignments were as follows: Superintendent Mary Vagner to review Articles of Incorporation (Tab1), Proposed Operation and Potential Effects of the Public Charter School (Tab 2), and Governance Structure (Tab 5); Chuck Wegner, Director of Curriculum to review Educational Programs and Goals (Tab 3); Lynda Steenrod, Director of Special Services (retired) to review Provisions for Special Education and Programs (Tab 3); Dr. Patti Mortensen, Director of Elementary to review Education Dual Enrollment (Tab 3), Admission Procedures and Health & Wellness, Use of Technology (Tab 7), Business Arrangements (Tab 9); Kathy Luras, Curriculum and Assessment Coordinator to review Provisions for Gifted and Talented (Tab 3), and Assessment of Student Educational Progress (Tab 4); Dr. Douglas Howell, Director of Human Resources to review Employees of Chief Tahgee Elementary Academy (Tab 6); Kent Hobbs, Director of Student Support Services to review Discipline Policies & Procedures, and School Climate and Safety (Tab 7); Bart Reed, Director of Business Operations to review Business Plan (Tab 8); and Jan Harwood, Title I Coordinator to review Provisions for Limited English Proficiency (Tab3). She said committee members were asked to report findings on strengths and weaknesses and from that work a Resolution was prepared for Board consideration. Ms. Vagner said included in the packet was a five page Resolution the content of which was self-explanatory. She said key elements documented in the Resolution included the facts that the District currently chartered PCCS and was unable to provide oversight due to limited resources for another charter and the District was concerned with the number of flaws relative to special education in the petition realizing that the District would be held legally responsible for any errors made by the charter relative to special education compliance. She said the District had done its due diligence in reviewing the charter and per Idaho Code recommended the District exercise its authority to refer the charter on to the State Charter Commission.

Convene Public Hearing to Solicit Input on the Summit Charter School Petition

Chair Gebhardt convened the public hearing at 4:09 p.m. and asked for public comment. She said speakers were limited to 5 minutes each. She asked the speakers to provide their name and address and to avoid repetition.

Ken Trimmer – 211 Ardella Drive, Pocatello, ID 83201

Mr. Trimmer said he was the Professor at Idaho State University in the Computer Information department and was also the principle investigator to enhance diversity with the National Science Foundation. He said he participated in the Craters of the Moon project with Fort Hall students who had been working in the science camp to learn about Western Sciences and cultural combining. He said it was a STEM focused

program. He said he had worked with the Chief Tahgee Elementary Academy for over a year and believed it was important for young people to be exposed to multiple languages as it enhanced their learning. He said other schools in the U.S. were good examples of this, such as Hawaii, where young people were exposed to the native island language and culture and later on become integrated with English and western philosophies. He said the information coming from those education specialists is that a child's learning enhances when they are exposed to multiple languages. He said minority groups were underserved in a number of careers throughout the country and the efforts of the charter would help to narrow that gap.

Paul N. Vitale – 1969 Barton Road, Pocatello, ID 83204

(Written Comment submitted by Mr. Vitale and read by Nancy Murillo)

“Due to a prior commitment, I am not able to attend the hearing regarding the proposed Chief Tahgee Elementary Academy. I would, however, like to express my opinion regarding the school. I was employed as a social worker by the Bureau of Indian Affairs on the Fort Hall Indian Reservation for 20 years. While I am not a proponent of charter schools as a rule, I believe the Chief Tahgee Academy is an exception. There are two reasons for my belief. The first and most important reason, in my mind, is that the program could foster a sense of ethnic and cultural pride that would encourage children to strive to excel in their academic pursuits. Pride in one's heritage has spurred many a person to make that extra effort to be successful. Secondly, the Academy's language program would be an aid in keeping the Shoshoni language alive. Knowledge of and the ability to speak one's native language can instill a powerful sense of pride in one's culture. Success in school and in life can be encouraged if one has a positive view of their culture.”

Beverly Kluge – 255 S. 10th Street, Pocatello, ID 83201

Ms. Kluge said she had worked at Idaho State University for many years. She said her area of expertise was in American Indian Education. She said she read the Resolution and the administration expressed legitimate concerns with the petition. She said the Chief Tahgee Elementary Academy members asked her to be a part of effort in developing teachers and curriculum in both the English and Shoshone languages and she had been working with them for fourteen months. She said the main reason for opening the charter was to ensure that both language and cultural needs of students were met to ensure their success in society. She said she was the major author of “Widening the Circle”. She said the book reviews teacher prep programs that work with Native American students. She said the programs help reach students on a cultural level and then build skills and literacy. She said one of the highlights of the program was achieving 93% attendance for the school which had never happened before and helping kids relate math to everyday life. She said she envisioned that would be the case with the Academy.

Cyd Crue – PO Box 217, Fort Hall, ID 83203

Ms. Crue thanked the Board, Superintendent and Committee for all of the hard work they put into the review of the petition. She said the Chief Tahgee Elementary Academy went to the state charter commission on April 5th thinking the charter would reside within School District #55. She said a lot of changes were made to the petition following that initial meeting including the fact that the State Charter Commission informed the charter it would need to identify three possible locations for the charter and directing the charter to remove the special education piece and put it into policy which did not make it in the Appendix. She said there were some areas identified by the District's committee that the State Charter Commission did not catch and she was grateful for the District's thoroughness and said those issues would be addressed before their next meeting with the State Charter Commission. She said Utah was the leading state in bilingual education for English speakers with over 50 language emergent schools for French, Spanish, and some indigenous languages. She said students who were bilingual did better in school because cognitive development occurred that did not occur with only one language. She said the charter's program was modeled after a program in Arizona. She said she was really excited about the program and the possibilities and success for students.

Tony Shay – Cemetery, RR2 Box 77E, Pocatello, ID 83202

Mr. Shay said he was in support of the charter being developed and was there to provide the rationale. He said he was trilingual. He said Shoshone was his first language, Bannock was his second and English was

his third. He said some might question the value that language had. He said he agreed with Ms. Crue's statements about multiple languages increasing a child's cognitive development because he experienced it firsthand. He said elementary school was difficult for him at first as he only spoke Shoshone fluently but once he caught on everything came easier. He said he still had not seen any studies on the effects of being bilingual on intellectual processes but had to agree that it had a positive impact. He said he got through school and his grandmother passing away and eventually went on to get a Bachelor's Degree and then his Master's Degree. He said he believed that his bilingual background helped support his intellectual process with English language concepts and theories and was able to apply them. He said it was the whole key to learning. He said while living on the Reservation he has observed their native language slowly disappearing. He said he was 59 and out of everyone left, very few still spoke the language. He said he believed the charter would be very valuable and was in support of submitting the charter petition to the State Charter Commission.

Melissa Syria – 2476 Gooding Street, Pocatello, ID 83201

Ms. Syria said her children were half Shoshone/Bannock and half white. She said her children attended Gate City and were doing well but were unprepared to deal with some of the cultural differences. She said there were a lot of differences in communication styles and it took a lot of extra effort to learn those differences. She said as a parent she was excited about the possibility of a bilingual charter school and wanted to make sure her voice was heard.

LaVern Truchot – 2476 Gooding Street, Pocatello, ID 83201

Mr. Truchot said he was a Shoshone/Bannock Tribal Member. He said he heard about the public hearing on the news. He said he had two young kids that he would like to see go to the Chief Tahgee Elementary Academy to learn about their culture and the language. He said he knew some of the history but not a lot. He said he grew up and went through public school and college and became an iron worker but wanted his children to have more opportunities than he did. He said he believed the charter would be a good thing.

Merceline Boyer – RR3 Box 249, Blackfoot, ID 83221

Ms. Boyer said she was on the Board for the Chief Tahgee Elementary Academy. She said at first she thought opening the charter was a long shot and felt like entering a tunnel with no end in sight, but the longer the Board worked on making it happen the more it progressed and she could see the light at the end of the tunnel and felt good about what they were doing. She said she attended public school knowing both the Shoshone and Bannock languages. She said she did not know English in the 1st grade but eventually picked it up. She said many children in the Shoshone and Bannock Tribes had not learned the language or the culture and were lacking something important. She said knowledge of their culture and language guided their hopes and dreams and she hoped the charter would be able to accomplish the goals it had set out to achieve.

Velda Racehorse – PO Box 591, Fort Hall, ID 83202

Ms. Racehorse said the Shoshone and Bannock languages were beautiful. She said when the old people told their stories it flowed and always had a purpose. She said that kind of story telling died out when Native American children were sent to boarding schools. She said they were not allowed to speak their Native language. She said her parents went through that. She said her mother spoke both Shoshone and Bannock and her father spoke only Bannock. She said her parents did not speak English at home. She said she went to school and picked up on English. She said some kids would get their heads or their hands smacked when they spoke their Native language at school. She said her parents stopped speaking their language at home because they did not want her to get in trouble and she became more fluent in English. She said what she experienced at school was not as harsh as what her parents had experienced at boarding school. She said as time goes on more and more Native American children are speaking more English and less their native languages. She said the language and culture was being lost. She said Tribal children that stayed home kept the language but those that were raised in the white man's society conformed to their ways. She said she believed in a bilingual system where children could learn and preserve their native language and culture. She said the language was beautiful and she was in support on the Chief Tahgee Elementary Academy.

Nancy Eschief-Murillo – PO Box 663, Fort Hall, ID 83203

Ms. Eschief-Murillo said she was the Chair of Chief Tahgee Elementary Academy Board. She said thanked the administration for the time and effort it put into reviewing the petition. She said it had been quite a journey for the Shoshone/Bannock Tribal people when the Europeans came. She said we were sitting on Treaty land. She said their people survived and she believed they would survive any catastrophe. She said the people were facing the loss of their language and culture and ultimately that was genocide. She said there were still those who saw the value of what their culture and Tribe could be. She said there were some jurisdictional issues between the cities and counties and the Shoshone/Bannock Tribes but when it came to education the Tribe was there to educate its youth no matter what District or school they were in. She said the Academy was needed to preserve the culture and to enable students to learn more effectively. She said the ability to learn and grasp culture helped students realize their goals. She said a lot of youth were not concerned about their future and this would expand their ability to look forward. She said instilling values, respect and honor was most important. She said many people that were truly traditional were very successful. She said there were still subtle discriminations in Southeast Idaho but the Tribe could still be a people but retain its distinctiveness. She said the Tribe believed the Academy would be very successful and would keep the remarks of various teachers and administrators out. She said there would be pride and respect throughout. She thanked the Board for referring the petition to the State Charter Commission.

Chair Gebhardt thanked everyone for their comments and wished the Chief Tahgee Elementary Academy well and said she hoped the Board would address some of the recommendations in the Resolution.

Adjourn Public Hearing and Reconvene Special Meeting to Take Action on the Summit Charter School Petition

Chair Gebhardt adjourned the public hearing at 4:46 p.m. and reconvened the Special Meeting to take action on the Chief Tahgee Elementary Academy Charter School Petition.

A motion was made by Mr. Murphy and seconded by Ms. Cranor to adopt the Resolution that:

WHEREAS, representatives of the Chief Tahgee Elementary Academy Charter School submitted a petition to the Board of Trustees of the Pocatello/Chubbuck School District on May 14, 2012 communicating their intention to open a new charter school within the boundaries of District No. 25 in September 2013; and

WHEREAS, the Sufficiency Review conducted by the State Department of Education indicates the charter school is to be located in the Blackfoot School District while the petition submitted to the Pocatello/Chubbuck School District No. 25 states the charter school is to be located within the boundaries of District No. 25; and

WHEREAS, the charter petition states that the purpose of the charter school is to preserve the Shoshoni and Bannock languages. While the intent and purpose of this petition statement is a commendable goal, from strictly an educational standpoint, District No. 25 questions whether the emphasis of the school will be on language preservation rather than on the skill development of the children in accordance with the Common Core State Standards as measured by performance on the Smarter Balanced Assessment Consortium; further, District No. 25 questions who will be responsible for data collection, analysis and student progress monitoring; and

WHEREAS, the charter petition mentions that the school will manage language preservation of the community, while again an admirable goal, appears to be an impossible task and is not a task for which data collection or objective goal measurement can occur; and

WHEREAS, the charter petition mentions that the school will develop an educated person for the 21st century and the school will measure student attitude; District No. 25 questions how that vision will be actualized and how student attitude will or can be measured; and

WHEREAS, the charter petition mentions that the school will provide cultural socialization that will be incorporated into instructional practices that impact American Indian students' learning styles inclusive of

discipline, group harmony and a holistic approach to health and spirituality; District No. 25 questions the concept of teaching or developing spirituality in the students as that is outside the purview of public schools and cautions detailed steps would have to be taken in assuring this goal does not run afoul with Article IX, Section 5 and Article IX, Section 6 of the Idaho Constitution; and

WHEREAS, the charter petition addresses educating children in an immersion Shoshoni language program; District No. 25 questions where the charter school will find highly qualified certified teachers who are proficient in Shoshoni and English; where the charter school will find highly qualified classified staff proficient in Shoshoni and English to work with children in an immersion program; and where the charter school will find highly qualified certified administrators proficient in Shoshoni and English to work with children evaluating and supervising bilingual teachers and a bilingual education program; and

WHEREAS, the charter petition addresses seeking limited certification options in regard to allowing various community experts and other specialized persons who may not hold certification to contribute to the school according to their talents, experience, creativity or expertise on an as needed basis; District No. 25 questions whether non-certified people in the community will be teaching Shoshoni or core educational subject matters to the children; and

WHEREAS, District No. 25 questions the availability of university programs to prepare highly qualified certified teachers who are bilingual in Shoshoni and English; District No. 25 questions whether or not the school is sustainable in accordance with the vision of the school; and

WHEREAS, the charter petition indicates that in the primary grades students will be taught in the Shoshoni language with limited English spoken at school in those grades; the petition addresses the fact that a test like the IRI will be adapted to Shoshoni; however, students in Idaho public schools will only be tested in English; thus, the IRI will be administered to students in English who may have limited proficiency and fluency in English; District No. 25 questions the fact that with limited English spoken at the school in the primary grades and no indication of actual time for instruction in English how will the school prepare students to greater levels of proficiency in English as required by the Common Core State Standards; further, it should be stated that all state assessments must be administered in English, which substantiates a need for all students to be proficient, receive education in and be fluent in English; and

WHEREAS, the charter petition addresses that the Culture and Language Department of the Shoshone-Bannock Tribes is preparing curriculum and instructional materials in the Shoshoni language for use in the school K-2; the charter petition also references that curriculum is to be developed for Shoshoni Language, Social Studies, Health, Physical Education and Technology; District No. 25 is concerned that the curriculum and instructional materials, must be research-based and materials must be selected from the state approved list; further, District No. 25 is concerned that the curriculum and materials selected must support the Common Core State Standards; and

WHEREAS, the charter petition does not address the need of the school to make provisions for the state's new Star Rating System as opposed to the provisions necessary under the former No Child Left Behind Act; further, the state of Idaho requires that all schools that have not met AYP requirements, regardless of Title 1 status, must enter into a needs improvement status which would have to be addressed by the charter school; and

WHEREAS, the charter petition addresses the concept of outsourcing various professional administrative functions; District No. 25 recognizes that the technical skills of outsourced individuals must be inclusive of knowledge of compliance with federal and state laws and federal and state rules and regulations and further recognizes that outsourced administrators must still hold a valid Idaho Administrative credential and that the state's funding for outsourced administrative personnel is for salary provisions only, without any benefits compensation pursuant to Section 33-1004(5), Idaho Code and that such could negatively impact the financial status of the charter school; and

WHEREAS, the charter petition speaks to contracting psychologist, counseling, OT and PT services with the statement that many Tribal members already receive these services through the Tribes; District No. 25 questions the fact that there are multiple and significant differences between these personal services and the mandated school based special education services; and

WHEREAS, the charter petition speaks to special education services, the petition incorrectly references federal law and incorrectly uses various terms; practices are partially defined leaving District No. 25 with a curiosity as to how the school will identify and meet the needs of students who are struggling; how the school will identify and meet the needs of students who are identified as in need of special education services; how the school will establish a continuum of special education services; how the school will conduct its child find in an on-going manner; how the school will select intervention and special education materials; how the school will address staffing allocations to meet the needs of students in need of special education services; how the school will budget for special education services; and

WHEREAS, the charter petition speaks to the school making decisions about providing special education services in consultation with special education teachers of IEP teams; this process is contrary to federal law as the decision making process is subject to the IEP team; and

WHEREAS, the charter petition speaks to Gifted and Talented services; however, according to Idaho Code, those teachers providing direct Gifted and Talented services must have a Gifted and Talented endorsement and be Highly Qualified to provide said services; District No. 25 questions the process and the tool that will be used to screen all potential gifted students as required by Idaho Code; and

WHEREAS, as to Limited English Proficiency (LEP) services, the charter petition meets the Office of Civil Rights requirements, however, the petition does not address the need to create an Education Learning Plan for LEP students requiring accommodations on state testing; and

WHEREAS, the charter petition speaks to the possibility of contracting with the Tribe for food service and transportation services; District No. 25 cautions that outsourced services would need to be in compliance with state and federal laws, rules and regulations; further, District No. 25 realizes that specialized transportation services may be necessary for students with disabilities inclusive of various special assistance, safety restraints, ramps, lifts, field trip travel and driver training, which are not discussed in the charter petition; and

WHEREAS, the charter petition addresses enrollment numbers, caps and temporary and permanent space; District No. 25 is concerned that the school will not be able to maintain its desired class size and caps due to the funding for public schools in the state of Idaho; District No. 25 questions the future financial ability of the school to abandon portable classrooms in lieu of a permanent structure; and

WHEREAS, the charter petition addresses state funding of a dually enrolled student; the petition states that the school will negotiate the terms of how ADA will be divided with any local school district; this negotiation is not possible as the student's day will be funded through fractional ADA which is a state determination; further, the petition states that parents will receive written notice regarding placement of a child in a dual enrollment program; District No. 25 notes that it is the parent who makes the choice of placement in a dual enrollment situation and in the case of dual enrollment the school must be clear about the curriculum it is responsible for during the time the student is enrolled; and

WHEREAS, the charter petition targets a student population from the Pocatello/Chubbuck School District No. 25, the Blackfoot District and from the Ft. Hall Indian Reservation; District No. 25 questions whether or not the provision of one more option for schooling for elementary children will provide for even greater possible disruption for those children who may be in the student population who are mobile; and

WHEREAS, the charter petition speaks to overcrowding in the neighboring school districts; Tyhee Elementary School is the District No. 25 school that services the children who live on the Ft. Hall Indian

Reservation and that school is well below recommended capacity and can easily accommodate the children who live on the Ft. Hall Indian Reservation and is not overcrowded; and

WHEREAS, the charter petition references Blackfoot School District's impact aid FY 2012; District No. 25 gets no impact aid; the petition documents Blackfoot School District's JOM funds; District No. 25 does not get JOM funds; the petition references Blackfoot School District's Title VII-A funds; District 25 does not get Title VII-A funds; the petition references Blackfoot School District's Title II-A funds, their Title I-A funds and their Medicaid revenue; the three year projected operating budget identifies revenue from impact aid, JOM and Title VII funds all of which District 25 does not receive; and

WHEREAS, the charter petition references a fund raising goal to collect \$150,000 in grants and donations the first year; the petition also speaks to identifying religious organizations for charitable giving to the school; District No. 25 cautions that this goal may be unreachable and cautions with respect to the separation of church and state; and

WHEREAS, the Educational Program outlined in the petition indicates that an elementary student will be proficient in word processing and the use of a spreadsheet package; District No. 25 believes that the technology competencies expected for elementary children will be more expansive than those described; and

WHEREAS, the charter petition speaks to the evaluation of administration and faculty in accordance with Idaho Code and rules; District No. 25 cautions that the policies and forms submitted do not include provision for parent input into the evaluations and do not provide for the inclusion of a goal/measure for 50% of the evaluation to be based on student achievement; District No. 25 cautions that the policies and forms need to be examined to adhere to the timelines set forth in Students Come First legislation; and

WHEREAS, the charter petition speaks to a process for evaluating teacher effectiveness, it is unclear as to how this is tied to student academic performance and it does not discuss the frequency for conducting evaluations; and

WHEREAS, the charter petition speaks to the number of days that the school board can suspend; that number is not accurate as pursuant to Section 33-205, Idaho Code, a school board can only suspend for 5 (five) days; and

WHEREAS, the charter petition is void of a discussion of disciplining students who are receiving special education services inclusive of a need for a manifest determination and its process; time requirements for suspension of students; flexible time limitations for expulsions and readmissions; and

WHEREAS, the charter petition speaks to issues of student discipline, the petition appears to be incomplete in part with respect to due process; the right to be heard appears to be missing as is a description of an investigation; and

WHEREAS, the charter petition includes a Weapon's Policy; the policy does not state that only the Board of Trustees can grant permission to bring a weapon on school property for educational purposes; and

WHEREAS, in the charter petition, the Tobacco, Alcohol, Substance Abuse Policy gives leeway to reporting such use or possession to the police; possession and/or use of these substances are illegal and there is no option to not report such to law enforcement; further in the policy discussion, the school administrator does not have the right to prohibit Health and Welfare's right to interview children; and

WHEREAS, the charter petition does not address safety planning and drills; District No. 25 views this lack of discussion as a concern; and

WHEREAS, the District No. 25 is the authorizer of the Pocatello Community Charter School and fully understands the responsibilities and oversight obligations required of authorizers under Idaho Code; and

WHEREAS, given the charter petition's numerous errors in law and fact with regard to the provision of student special services, ranging from a failure to address discipline of special education students, incorrect references to law, incorrect use of terms, practices and the application of the law to events occurring in the school and given that District No. 25 will be held legally responsible for special education errors made by a District approved charter, District No. 25 is concerned that the petitioners do not have a solid fundamental understanding of the significant obligations and legalities involved in provision of special education services; and

WHEREAS, due to the actions of the Idaho Legislature over the past four years, District No. 25 resources have been dramatically reduced requiring increased workloads for all employees thereby limiting the District's ability to meet the oversight obligations required of a charter authorizer; and

WHEREAS, the Chief Tahgee Elementary Academy petition was reviewed by the Pocatello/Chubbuck School District No. 25 Board of Trustees and a committee of District representatives in a reasonable effort demonstrating due diligence as required by Idaho Code 33-5205 (c);

THEREFORE BE IT RESOLVED that pursuant to Idaho Code, Section 33-5205, and State Board of Education Rules Governing Charter Schools, the Pocatello/Chubbuck School District No. 25 Board of Trustees exercises its legal authority to refer the Chief Tahgee Elementary Academy Charter School petition to the State Charter Commission. The voting was unanimous in the affirmative.

Adjourn

A motion was made by Ms. Cranor and seconded by Mr. Facer to adjourn. The voting was unanimous in the affirmative. The Board adjourned the Special Meeting at 4:49 p.m.

APPROVED ON:

SEPTEMBER 18, 2012

MINUTES PREPARED BY:


Secretary, Board of Trustees

BY:

Janie Gelhardt
Chair

ATTESTED BY:

Jackie Cranor
Clerk