

POCATELLO/CHUBBUCK SCHOOL DISTRICT NO. 25
BOARD OF TRUSTEES
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
3115 Pole Line Road
Pocatello, ID 83201
4:00 p.m.

Thursday, July 12, 2012

AGENDA

The Board of Trustees for the Pocatello/Chubbuck School District No. 25 will hold a Special Meeting in the Board Room at the Education Service Center, 3115 Pole Line Road, Pocatello, ID 83201 for the Purpose of a Public Hearing to solicit input on a charter petition and to take action on the following:

- 1. Welcome, Call to Order and Statement of Purpose**
- 2. Presentation of Charter Petition Findings and Recommendation**
- 3. Convene Public Hearing to Solicit Input on the Chief Tahgee Elementary Academy Charter School Petition**
- 4. Adjourn Public Hearing and Reconvene Special Meeting to Take Action on the Chief Tahgee Elementary Academy Charter School Petition**
- 5. Adjourn**

Memo

To: Superintendent Mary Vagner
From: Patti S. Mortensen, Director of Elementary Education
Date: 7/9/2012
Re: Chief Tahgee Elementary Academy Charter Petition

A committee of district administrators was established to review the charter petition submitted by representatives of the Chief Tahgee Elementary Academy. Each committee member was charged with reading through the petition and completing an in-depth review on an assigned section(s). A copy of the Charter School Petition Evaluation Rubric provided by the State Department of Education was utilized in the review process. Committee members were directed to report their findings relative to strengths and weaknesses observed in the assigned section(s) of the petition. From this work, a resolution was prepared for consideration by the Board of Trustees.

Committee member assignments were as follows:

Superintendent Mary Vagner – Articles of Incorporation (Tab 1); Proposed Operation and Potential Effects of the Public Charter School (Tabs 2); Governance Structure (Tab 5)

Chuck Wegner, Director of Curriculum – Educational Program and Goals (Tab 3)

Lynda Steenrod, Director of Special Services (retired) – Provisions for Special Education and Programs (Tab 3)

Dr. Patti Mortensen, Director of Elementary – 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 – Provisions for Gifted and Talented (Tab 3); Assessment of Student Educational Progress (Tab 4)

Dr. Douglas Howell, Director of Human Resources – Employees of Chief Tahgee Elementary Academy (Tab 6)

Kent Hobbs, Director of Student Support Services – Discipline Policy and Procedures; School Climate and Safety (Tab 7)

Bart Reed, Director of Business Operations – Business Plan (Tab 8)

Jan Harwood, Title I Coordinator – Provisions for Limited English Proficiency (Tab 3)

Pocatello/Chubbuck School District No. 25

RESOLUTION TO REFER THE CHIEF TAHGEE ELEMENTARY ACADEMY CHARTER SCHOOL PETITION TO THE STATE CHARTER COMMISSION

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.

Adopted this _____ day of _____, 2012.

Board Chair

Board Clerk