

**Minutes of the
North Carolina Charter School Advisory Board
Education Building
301 N. Wilmington Street
Raleigh, NC 27601-2825
October 15, 2013**

Attendance/NCCSAB	Alan Hawkes Joseph Maimone Baker Mitchell Helen Nance Paul Norcross Mike McLaughlin	Alex Quigley Eric Sanchez Tammi Sutton Becky Taylor Cheryl Turner Steven Walker
Attendance/SBE/DPI	<i>Office of Charter Schools</i> Joel Medley, Director Thomas Miller, Consultant Lisa Swinson, Consultant Deanna Smith, Consultant Robin Kendall, NACSA Fellow Cande Honeycutt, Consultant	<i>Attorney General's Office</i> Laura Crumpler <i>SBE</i> Martez Hill William Cobey Katie Cornetto

CALL TO ORDER AND INTRODUCTIONS

After extending a welcome to all participants, Chair Helen Nance called the October 15 session of the Charter Advisory Board meeting to order. Ms. Cheryl Turner led the Board in the Pledge of Allegiance. Immediately following Ms. Nance read the Ethics statements and she then asked each member to briefly share their background.

REMARKS FROM SBE CHAIR WILLIAM COBEY

Mr. Cobey thanked the board members for their willingness to serve on this new legislative board. He also introduced Eric Guckian, a representative from the Governor's office. Mr. Cobey made the following points for the members of the CSAB:

- Retain the focus on the quality of charter schools not just the quantity. The key is to read thoroughly the applications to ensure more quality schools open, and that will require careful preparation for each meeting.
- Regular attendance is very important and a pattern of absences will be noted and SBE will not take it lightly.
- He directed the members to send any media contacts to the board chair. The Department communications division will also assist in dealing with media inquiries.

- Shared that information requests should flow through the chair of the CSAB. Legal questions should be routed through the chair rather than calling the legal team individually. Everyone needs to be kept in the loop.
- Discussed that OCS has been asked by the board chair to be more involved in the charter school application procedure.
- Reminded the members that everything they do can reflect upon the State Board in a positive or negative manner. The board speaks with one voice. The SBE cannot allow perceived conflicts of interest to cause any issues with the process. CSAB members will not be able to participate in discussions or vote in matters where there may be real or perceived conflicts of interest.
- Concluded by thanking the CSAB members and stated that he was thrilled that they would be serving. Mr. Cobey exited the meeting.

ELECTION OF VICE-CHAIR

Ms. Nance stated that the revised charter statute that created the CSAB has the need for an annual election of a vice chair. She then asked for nominations of a vice-chair. Ms. Becky Taylor nominated Alex Quigley, and he accepted the nomination. Mr. Steven Walker nominated Paul Norcross, and he accepted the nomination.

Ms. Nance gave both Mr. Quigley and Mr. Norcross time to state why they felt they would like to be the vice chair of the Board. Both individuals shared their vision, and Ms. Nance then called for the vote to determine the vice chair. Mr. Quigley was elected as vice-chair for the CSAB by a 6-4 vote.

APPROVAL OF BY-LAWS

Ms. Nance presented the bylaws that had been prepared by the Department of Public Instruction and the chair of the CSAB.

- Mr. Maimone offered a suggestion that some of the amendments provided by Mr. Baker Mitchell should be considered. Mr. Maimone specifically pointed to the language related to any rules or policies are consistent with the charter school legislature in 3.1. 1. There was also some confusion as to whether meetings could be conducted electronically.
- Mr. Steven Walker stated that he would prefer in 11.2 to waive the provisions that an executive committee would meet to make decisions. He offered suggestions in order to revise this section accordingly. Ms. Laura Crumpler stated that this revision would not comply with Open Meetings law and would need further revision. Voting by email is not permissible because the body must meet in public. A meeting means that they are together at one point and time.
- Mr. Maimone stated that you can have a Go to Meeting and the language of 7.2 does not state that that is permissible. Mr. Walker offered a suggestion an electronic meeting rather than an executive committee.
- Mr. McLaughlin asked who the voting members of the Council were. It was announced that there are 11 voting members, including the Lieutenant Governor's designee Mr.

Walker, and the member of the State Board of Education, Ms. Taylor. Mr. Maimone clarified that 6 members should need to be present instead of the Executive committee making decisions for the CSAB.

- Mr. Hawkes stated that he would like for the board members to be able to submit items at the beginning of the meeting. That would include 10.2 provided that the majority of the board is okay with that. Mr. Maimone stated that there would need to be a 48 hour rule for the provision and if something is added at the beginning of the meeting it affects the agenda especially when people are on the agenda. Mr. Mitchell stated that the item can be added anywhere that the board chair wanted it. Ms. Nance replied that she had some reservations about it because she wanted to be respectful of everyone's time.
- Mr. Hawkes stated that he did not agree with 48 hours and as long as the agenda item is approved it should be added to the agenda. Dr. Medley stated that a tentative agenda is provided a week prior to the meeting. Ms. Crumpler stated that it can be amended. Mr. Quigley suggested that there be 45 minutes built in the agenda to discuss overflow items that way things are not added to an agenda that is jam packed. Mr. Martez Hill stated that the SBE has new business and old business. Ms. Crumpler clarified that the chair makes the final decision. Mr. Hill stated that the SBE chair in consultation with board members shall set the agenda. Mr. Hawkes stated that he was uncomfortable with board chair having so much power for the Advisory board.
- Mr. Norcross suggested that the governance committee discuss the bylaws. Ms. Nance stated that these bylaws be passed and then a committee could be created to discuss any provisions for amendment.

Mr. Maimone made a motion to approve the bylaws with recommendations made by Mr. Mitchell related to the following specific sections: 3.1.1, 7.2 with clarification about electronic meetings, suggestions made for rule 9, 10.1, and 10.2

- Mr. Walker pointed out in 7.2 that no vote can be cast electronically and it reads that there can be no online voting. Ms. Crumpler clarified that you have to be at a meeting before you can vote. The statement is saying that you cannot cast a vote through email.
- Mr. Walker stated the executive committee in the absence of the other members without knowledge of the other board members

Mr. Quigley asked Dr. Joel Medley for clarification on the executive committee. He replied that it could be used if the SBE needed a quick decision and they could convene to make a decision. Dr. Medley mentioned that this would not be utilized regularly but, more than likely, would be solely for issues of litigation because some things could occur in the future. Mr. Sanchez suggested that the number of members on the executive committee be raised from 3 to 5. Mr. Hill suggested striking 11.2 entirely and moving on.

Mr. Maimone made an amendment to his motion to clarify 3.1.1, 9.1, 10.1, 7.2 the online meetings are permissible, 10.2 revised to be at the beginning of a the meeting, and striking 11.2.

- Mr. Mitchell stated 12.1 should stand alone instead of trying to elaborate in 12.2 or 12.3. It adds another layer of confusion.
- Mr. Maimone stated that he would like his motion to move forward without Mr. Mitchell's amendment to strike 12.2 or 12.3.

- **Ms. Nance called for the vote, and the motion carried unanimously.**

ETHICS COMMISSION PRESENTATION

Perry Newsome, Executive Director of Ethics Commission, discussed the Ethics Act and added that the Board needed to be sensitive to it. He distributed a list of contact information so that the Board would have contact information for his staff in case they had questions related to ethics. He added that the advice would be confidential.

- It is the duty of each Board member to file an ethics statement. Evaluation letters are sent to each board member which provides red flags to make you sensitive to where your private interest could interfere with your public duties.
- Each member of the board must participate in a professional development session within 6 months and this short presentation would not count.
- Conflicts of interest are individualized. Monitor and avoid conflicts of interest by adhering to the ethic statement that is read at the beginning of each meeting.
- Review the evaluation letter periodically. Mr. Newsome suggested that the potential conflicts identified should be read during a meeting so that the members can watch out for each other and hold one another accountable.
- The Ethics Commission has the final word for conflicts of interest.

Ms. Crumpler distributed statutes for public meetings and open meetings law.

- She began by discussing Open Meetings Laws. There has to be a public body that includes any committees the board chair appoints. Anytime you come together and you are doing anything other than socializing it is a public meeting. It has to be publicized and the proper notices go out prior to the meeting. There has to be minutes taken at the meeting. There are limited instances where you go into closed session in which someone on the board would make a motion to go into close session in which a reason is stated. If you have less than a quorum then you do not have a meeting.
- Emails that are sent in which public matters are discussed can be requested through a public records request. Dr. Medley stated that if a public records request comes in, Ms. Lisa Swinson will contact board members through email to comply with the request. If the member does not have any emails related to that topic, OCS still needs to be notified of that fact by the member. Ms. Crumpler clarified that it is not just things that board members send out but also things received.

Katie Cornetto joined the meeting at 11:45 am.

OCS (OFFICE OF CHARTER SCHOOLS)

Dr. Medley introduced each member of the OCS and then highlighted changes that have or will be occurring in the office. He also mentioned the mission statement and core values of the Office.

- On the OCS website best practices are being highlighted, which is something that has not been previously done.
- CSAB meetings will normally occur a week after SBE meetings.

QUALITY CHARTER SCHOOL DISCUSSION

Dr. Medley stated that the rationale around this process is so while the Board is working on making recommendations to the SBE concerning renewals and charter applications, everyone can be on the same page. Ms. Nance assigned each Board member to one of three groups: Finance, Governance or Education. Board members dismissed to the various discussion groups. After returning from the discussions, the chairs of the discussion groups provided reports.

- Ms. Cheryl Turner provided the following recommendations from the Academic Discussion Group:
 - Smart goals have to be smart. They must be measurable. All the components of the smart goal must be there because OCS has trained groups in using smart goals.
 - A school is not a replication if they are not doing what the replicated school is doing.
 - The academic track record relative to EMOs must be evident.
 - Concerning renewal, past performance should be weighed more heavily than future promises.
- Mr. Baker Mitchell provided the following recommendations from the Finance Discussion Group:
 - Focus should be on what the statute requires of applications.
 - The applicant has the ability to operate the school and be likely to run the school successfully for financial and education purposes.
 - Schools get in financial trouble when enrollment is low. There should be evidence that initial enrollment is likely to occur or that sufficient financial commitments exist the first year.
- Mr. Paul Norcross provided the following recommendation from the Governance Discussion Group:
 - When Boards come in to the interviews, specific questions are asked of the different members based on their roles.
 - Board members need to be bonded if they are going to be on the board.
 - Boiler plate questions need to be created to ask board members.

Ms. Nance stated that the Board will discuss the recommendation items at the next meeting on November 15. Bullet points will be emailed to everyone and a discussion will be had at the next meeting. The subcommittees are not permanent groups.

OVERVIEW OF RENEWAL PROCESS

Ms. Swinson provided an overview of the NC Charter Renewal Process. She stated that the process that she was going to present is the process that OCS currently uses. In the spring, OCS will make recommendations for amending the process because the SBE policy needs revision.

- Slides from the presentation are available at <https://eboard.eboardsolutions.com/Meetings/ViewMeetingOrder.aspx?S=10399&MID=10>

63

- At the conclusion of the presentation, Ms. Swinson asked the Board if they would like for all schools to provide a presentation to CSAB. Ms. Turner replied that if the schools meet academic

and legal compliance they should receive a renewal letter and not come before the Board. Mr. Maimone added that if they meet 60% composite and make growth they should receive a letter. Mr. Mitchell noted that if a school has no material findings in their audit that should be taken into account.

- Ms. Swinson informed that Board that they would receive data sheets prior to the November 15th meeting so that they could decide which schools would need to make presentations to the Board.
- Ms. Swinson asked the Board for a recommendation for the amount that the charter renewal fee that Senate Bill 355 established and when it should be collected.
- **Mr. Maimone made a motion that the Charter Renewal Fee be \$500. Ms. Turner seconded. The motion passed unanimously.**
- A discussion on when the money should be collected was tabled until Dr. Medley could gather more information from Mr. Phillip Price concerning whether the money would roll over at the end of the fiscal year.

OVERVIEW OF THE APPLICATION PROCESS

Ms. Deanna Townsend-Smith provided an overview of the NC Charter School Application process. She stated that the process that she was going to present is the process in which current applicants have been trained and the Board would be using.

- Slides from the presentation can be found at <https://eboard.eboardsolutions.com/Meetings/ViewMeetingOrder.aspx?S=10399&MID=1063>
- Fees will have to be paid through check. OCS could not set up an electronic payment because the Department is not set up for credit card. Further, verification of payment for which application would be more difficult.
- Mr. Hawkes stated the application should be divided by section so that experts could read it. Ms. Turner stated that the sections must be read together to ensure alignment and should not be read or discussed in isolation.
- Mr. Norcross stated that if OCS will be given the power to screen the applications then their decision should not be revised. He also noted that he liked the process he was just concerned about the timeline.

Mr. Hawkes made a motion to adjourn the meeting. Mr. Norcross seconded. The first meeting of the CSAB was adjourned and the next meeting is planned for November 15, 2013.