

**Minutes of the
North Carolina Charter School Advisory Board
Via Cisco Webex Remote Meeting
Special Called Meeting
August 12, 2020
9:00 am**

Attendance/NCCSAB	Joseph Maimone (non-voting) Joel Ford – <i>arrived 9:30am</i> Rita Haire – <i>Absent</i> Sherry Reeves Cheryl Turner Lynn Kroeger	Alex Quigley Jeannette Butterworth – <i>absent from approx. 10am – 10:48am</i> Steven Walker Hilda Parlér Heather Vuncannon – <i>Absent</i> Bruce Friend
Attendance/SBE/DPI	<i>Office of Charter Schools</i> Dave Machado, Director Ashley Baquero, Consultant Claire Porter, Consultant Jay Whalen, NC ACCESS Barbara O’Neal, NC ACCESS Joseph Letterio, Consultant Shaunda Cooper, Consultant Darian Jones, Consultant	<i>Attorney General</i> Tiffany Lucas Stephanie Lloyd

CALL TO ORDER

- The North Carolina Charter School Advisory Board (CSAB) meeting was called to order at 9:00 am by Chairman Alex Quigley who read the Ethics Statement and CSAB Mission Statement. Mr. Quigley led the Pledge of Allegiance.

Motion: Approve the August 12, 2020 agenda.

Motion: Steven Walker

Second: Bruce Friend

Vote: Unanimous

Passed

Failed

Virtual Charter Schools 2020-2021 Enrollment Expansion Request

- Mr. Dave Machado, Office of Charter Schools (OCS) Director, introduced this agenda item. He stated that the State Board of Education (SBE), at its August meeting, discussed the possibility of expanding enrollment this school year at the two virtual charter schools due to waitlist data and virtual school interest due to the pandemic. He stated the SBE has asked the CSAB to make a recommendation for this item. He stated this enrollment expansion would be effective for this year only. He stated a waiver for testing/accountability purposes was discussed but that is not possible due to federal requirements. He stated NC Virtual Academy (NCVA) confirmed they can enroll an additional 2,800 students and NC Cyber Academy (NCCA) confirmed they can enroll an additional 1,000 students.

- Ms. Alexis Schauss, NCDPI Chief Business Officer, explained how funding projections work for all public school units (PSUs). She stated this type of enrollment increase would impact both districts and charters, as well as the state budget. She explained how important the projections are in making appropriate budget requests from the General Assembly. She stated that anything under a fifteen percent (15%) increase is budgeted in the state budget; anything over is transferred over from school district funds. She stated that the numbers provided as final projections for charter schools, in June, are sent to districts and allows for proper planning. She stated the maximum input by charter schools are set at this final projection for funding purposes. She stated it is consistently applied so that other charter and district schools are not adversely impacted.

- Ms. Schauss stated at this point it is late in the game to change projections and this will impact both charter and district schools. She stated you also must consider shifts in other funding such as Exceptional Children (EC) headcount funding. She explained that supplemental funds would not flow to EC students if those students come from private or home schools and that becomes a state budget issue. She stated they would be eligible for base funds, but not supplemental funds. She stated we are also trying to support the schools from not bottoming out if they lose students this year to homeschool. She raised concerns about funding students twice due to movement and also concerns about month five funding. She stated this also impacts federal funding that is funded by population and because it is a pie, movement of students leads to movement of funds.

- Mr. Bruce Friend wondered what percentage of the students on the waitlist come from private or homeschools. Mr. Quigley stated perhaps the virtual schools know, but his understanding is that this item was presented to meet the needs of students that may not have virtual options. Mr. Quigley spoke about the fact there is so much uncertainty with enrollment at this point. He stated schools should be saving money. Ms. Cheryl Turner stated she would take exception to that and has spent a large amount of money on technology. Mr.

Quigley stated that is true, and just thinks there is so much uncertainty right now in terms of how many students are going to show up to school. Ms. Schauss stated that there is a substantial amount of stress on the part of district schools for this same reason and that district schools have less flexibility with allocations. She stated districts and charters are facing similar stresses.

- Mr. Steven Walker stated that we haven't spoke about the students yet. He stated that the waitlists show that many parents think the virtual charters are the best decision for their students. He stated that parents need more choice and more stability for children and families. He stated this is a stressful time, but it would be a one-year option for families that want it.
- Dr. David Stegall, NCDPI Deputy Superintendent of Innovation, stated he agrees that options are important. He stated that we don't want to dismantle public education and don't want to harm any PSUs in the process. He stated he has concerns about the funding. He stated that an accountability waiver is not possible; he stated that this is a federal requirement. He stated he has concerns with the fact the schools are both low-performing charter schools. He continued that he has concerns with the teachers being able to quickly conform to the requirements needed to effectively teach remotely. He wonders how we will require disengagement from the environment if students feel it is a good fit after this year. He stated that there are also infrastructure concerns for students that do not have internet or cell service. He wondered how that could be resolved by these schools. Dr. Stegall stated that the number of students in counties that are not offering virtual academies is only about fifty, which is far from the 7000+ waitlist number.
- Mr. Walker asked if he agrees that charter schools are part of the public education system. Dr. Stegall stated yes, of course. Mr. Walker stated that parents should have all options. Dr. Stegall stated he has no intent to pick sides, and parents should have all options, but he wants a full view of the situation.
- Mr. Quigley stated we know that accountability would need to be absorbed from the schools. He stated parents have more options than they ever have because districts must offer these choices. He stated this is a short-term discussion because at this point no one knows what will happen long-term. He stated he doesn't think the one-year allowance is as big of a deal now as it would be in other years simply because parents simply want something that works right now.
- Mr. Quigley stated we need to get clear on the numbers we are speaking about right now. Ms. Cheryl Turner stated that the schools stated they could accept over one thousand each, which is almost doubling the school and school starts in three days. She has concerns over the ability to make that happen. Mr. Friend stated that we have to recognize that waitlists are not

solid. He also raised concerns about whether other charter schools that offer virtual schools would have the option to increase enrollment. He wondered whether the teachers are based in North Carolina. He also wondered if we would be having this discussion about any other non-virtual schools with similar performance grades.

- Ms. Lynn Kroeger states she believes in choice, but there should have been more planning with this and doubling your size in this amount of time is a ton of work. She states she has concerns regarding infrastructure for students that may be forced out of the school when the pandemic crisis is over.
- Mr. Martez Hill, Superintendent of NCCA, stated they are seeking to increase enrollment by 1,000 students. He stated that is based on the resources and capacity of the school. He stated additional teachers would be hired and additional support from Edgenuity. Mr. Walker asked if any students have been turned away due to lack of internet access. Mr. Hill stated he is not aware of any. He stated they provide hotspots and devices.
- Mr. Joel Ford asked if NCDPI can verify the schools have infrastructure to do what they say they can do. Mr. Machado stated staff cannot verify that information but must go by what the schools state they can handle.
- Mr. Quigley asked if Mr. Hill if the school would be comfortable with 1,000 additional students for a one-year term. Mr. Hill stated they would take it one day at a time, but they have concerns about how funding would flow to the school because there would be additional costs, such as devices, for these students, as well as additional staffing needs.
- Mr. Quigley asked if NCVA would like to speak and Mr. Machado confirmed that the school leader was unable to attend the call.
- Ms. Hilda Parlér stated she has concerns about the low-performing status and how more students would impact that.
- Mr. Quigley stated there seem to be several stipulations that would be needed for the State Board to approve this. He stated if we just look at the districts that do not have a virtual academy, it would be less than 600 students. He stated he's trying to figure out how to shape this recommendation. He stated we need to consider limiting factors on which students are eligible.
- Ms. Reeves stated she is really torn on what to do in this situation. She agrees the students are the number one concern, but she has trepidation about this last-minute change because she knows how it will impact all PSUs across North Carolina. She stated they started back this week and they have three options but have a huge increase in the number of families

requesting to be all virtual. She stated there have been many cost increases because of device needs and cleaning and health supplies. She stated teachers are being asked to teach three different groups, so it is a lot of planning. She stated they have been impacted by lower enrollment, so she sees both sides.

- Mr. Ford stated that no one has figured this out during the pandemic and believes it is unfair for the board to think they can figure it out. He does believe we can do our best assessment and be transparent with parents about options. He trusts and respects the DPI staff and board members about what can be realistically done at this point.
- Ms. Turner stated she is particularly sensitive to parents that are not comfortable with going into buildings and have no other choices. She stated she would like to see that option for all students. She stated she does not think all 7,000 of those students are in that situation. She stated she can't understand how a major increase could be realistically handled with schools starting next week.
- Mr. Ford asked if the staff has a recommendation. Mr. Machado stated the office does not have a recommendation and is concerned about the one-year increase and whether it would be legal to enroll student for one year and then unenroll those students. He stated he believes strongly in giving parents a choice but has concerns about the time frame we are looking at. Mr. Joseph Maimone stated we should look at the proposals sent from the schools. Mr. Ford stated he is looking for an outside, objective view.

Motion: Recommend that enrollment at NC Virtual Academy and NC Cyber Academy be increased by the capacity limits set by the schools (NCVA – 2,800 and NCCA – 1,000) for any student that meets the following requirements: no full-time virtual school option in the student's district, no spots available in a district full-time virtual school, or a district unwilling to provide devices or internet service.

Motion: Steven Walker

- Mr. Quigley wondered how the schools would determine those requirements for enrollment. Ms. Turner stated that devices were required as part of the remote instruction plans submitted to the state. Mr. Walker stated it would apply to any student who can't access a virtual learning environment in his/her home district.

Second: Joel Ford

- Mr. Machado asked if this an enrollment preference. Mr. Walker stated not necessarily, but more of a pool of students that could enroll. He stated he believes the schools can do this, but he would let legal weigh in on that for the State Board of Education. Mr. Quigley wondered if there was a way to make the motion more legally and logistically clearer. Mr. Walker stated he believes the schools can figure this out and that this is a good motion.

- Mr. Friend stated he is inclined to support this motion or a motion for a general percentage increase, but it does concern him that we are increasing enrollment at low-performing schools. He stated he does not want to hear that serving additional students is an excuse for not improving performance.
- Mr. Hill stated he would be open to a percentage increase such as twenty percent (20%) and hopes that any increase would be allowed to remain after this school year if performance improves. He spoke about changes made operationally to improve performance.
- Ms. Ashley Baquero, OCS Consultant, read the motion. Mr. Walker confirmed it was correct.

Vote: Unanimous

Passed

Failed

Elaine Riddick RTO Status Update

- Ms. Claire Porter, OCS Consultant, stated that OCS has not received an actual certificate of insurance or an educational certificate of occupancy from the charter school. She stated OCS has worked with the school to try and obtain the necessary documents but have not received those. She expressed concerns as to whether the school is prepared to open and stated that according to allotment policy, funding will not flow to charter schools prior to NCDPI obtaining a certificate of occupancy. She also stated that the Perquimans County inspections office has expressed concerns with the building being ready by the school's stated opening date. Mr. Machado stated the office wants to support its schools but also must ensure a school is prepared to open which is why Elaine Riddick has been asked to attend and explain the situation.
- Dr. Mary Felton, Principal, asked for Mr. Don McQueen with Torchlight to give an update. Mr. McQueen was not available and the Board Chair stated she was just appointed and did not have an update. Dr. Felton asked for several other people to give an update but they were unavailable due to technical difficulties.
- Mr. Quigley stated he believes the school leader should be able to give an update. Dr. Felton stated she was waiting to receive an update from Mr. McQueen. She stated that Mr. Tony Riddick should be providing a certificate of occupancy and the school desires to continue.
- Ms. Baquero asked if the school was still scheduled to open next Monday, August 17, 2020. Dr. Felton stated yes. Ms. Baquero asked for enrollment figures. Dr. Felton stated about 115.
- Mr. Quigley stated a lot of grace was given this school and now we still don't have answers. Mr. Ford asked if Mr. McQueen is a consultant. Mr. Machado stated he is the head of the Torchlight EMO, partnered with the charter school.

Motion: Recommend that the State Board of Education require a one-year delay for Elaine Riddick Charter School.

Motion: Sherry Reeves

Second: Hilda Parlér

- Mr. Don McQueen, Torchlight EMO Director, stated that they are working as hard as they can to get the building complete. He stated that the school has discussed moving the opening day back and/or moving into a contingency location. Ms. Porter stated OCS has not received a Certificate of Occupancy or Certificate of Insurance for any building. Mr. McQueen stated there is liability insurance in place for the workers, but the students have not been in the building and they will have that in place before students enter. Mr. Tony Riddick stated the school could give a day by day update on the church contingency locations. He stated that at least 130 students are ready and looking forward to start school.
- Ms. Reeves stated she is very upset listening to this after months of going back and forth with the school. She stated it is not even clear when school is scheduled to open. Mr. Riddick stated they are asking for a day to day update.

Vote: Unanimous

Passed

Failed

ADJOURNMENT

- **Mr. Walker made a motion to adjourn the meeting at 11:26AM. Ms. Reeves seconded the motion and the meeting adjourned via acclamation.**