

**Minutes of the
North Carolina Charter School Advisory Board
State Board Rm. 755
September 10, 2018
10:00AM**

Attendance/NCCSAB	Alan Hawkes Joseph Maimone Phyllis Gibbs Sherry Reeves Cheryl Turner Lindalyn Kakadelis Lynn Kroeger	Alex Quigley Tammi Sutton – <i>Via Phone</i> Steven Walker Heather Vuncannon Kevin Wilkinson - <i>Absent</i>
Attendance/SBE/DPI	<i>Office of Charter Schools</i> Dave Machado, Director Ashley Baquero, Consultant Shaunda Cooper, Consultant Stephenie Clark, Consultant Jay Whalen, Consultant Danielle Allen, Consultant	<i>SBE</i> <i>Attorney General</i> Tiffany Lucas <i>SBE Attorney</i> Eric Snider

CALL TO ORDER

- The North Carolina Charter School Advisory Board (CSAB) meeting was called to order at 10:00 am by Chairman Alex Quigley who read the Ethics Statement and CSAB Mission Statement. Mr. Steven Walker led the Pledge of Allegiance.
- Mr. Quigley stated that he will not participate in discussion or vote on a Healthy Start Academy amendment. Mr. Joseph Maimone stated he would recuse himself from any discussion and voting on anything related to Thomas Jefferson Classical Academy and Team CFA schools, including the Bonnie Cone Classical Academy amendment.

Motion: Ms. Sherry Reeves made a motion to approve the July 16th meeting minutes.

Second: Mr. Steven Walker

Vote: Unanimous

Passed

Failed

Motion: Mr. Steven Walker made a motion to approve the August 13th special meeting minutes.

Second: Ms. Sherry Reeves

Vote: Unanimous

Passed

Failed

- A back to school video from Healthy Start Academy was played for the Board. Mr. Quigley stated it was the best team building activity he's ever done.

GUEST SPEAKER: DR. ERIC HALL

- Dr. Eric Hall addressed the Board and introduced himself as the Deputy Superintendent of Innovation. Dr. Hall stated he is proud of the work this department is doing and excited to work with the Board and the Office of Charter Schools. He stated he is here to serve, to support and be a resource. He provided background information regarding his experience in serving communities and students. Dr. Hall asked the Board if there were any questions.
- Mr. Quigley asked for an update on how the Innovative School District (ISD) is going. Dr. Hall stated it is going really well. Dr. Hall stated they are very proud from a community standpoint and have helped change the narrative about helping schools as a partner. Community leaders, faith leaders, and parents have come together to make the school successful. We've introduced the next six schools that qualify for the ISD and look forward to engaging with those communities.
- Mr. Quigley asked if Dr. Hall believes we will see more charter school operators stepping forward this round. Dr. Hall stated the ISD legislation is broad in terms of what an operator can be. He continued that once you identify where schools are located, it helps people know where the work will take place, so he looks forward to hearing from operators in the next few weeks.
- Ms. Phyllis Gibbs asked if he selects the school or if they come to him. Dr. Hall responded that the schools apply. Dr. Hall said the statute expresses what it takes for a school to qualify. He continued that they have narrowed it down to six schools at this point.
- Ms. Reeves asked if there are only two per year. Dr. Hall said we could do more - under legislation we are capped at five schools.
- Dr. Hall stated he is encouraged by the engagement of the community in Roberson County and seeing the district improve.
- Mr. Quigley asked what Dr. Hall feels he needs from the CSAB. He stated this Board is a critical component of talking about how to have good outcomes for all students. He believes the goal overall is that if we have low-performing schools, how do we address that in conversation to make sure all schools are moving into the right direction.
- Mr. Alan Hawkes asked whether schools moved to the ISD get their performance metrics removed from the LEA. Dr. Hall stated yes. For the five years under the ISD, those metrics are reported under the ISD.

- Ms. Lindalyn Kakadelis asked whether the statute says anything charter schools becoming eligible for the ISD. Dr. Hall stated no.
- Mr. Quigley asked if Dr. Tomberlin’s work falls under Dr. Hall’s purview. Dr. Hall stated that no. Under Dr. Hall’s portfolio is the ISD, accountability, federal programs, standards/curriculum/instruction, Office of Charter Schools, advanced learning, and career and technical education.
- Mr. Quigley stated he is hearing charter school advocates want accountability to be strong and for flexibility to be maintained. He believes that the CSAB believes in strict accountability for schools and schools that are doing it right want the flexibility and autonomy to innovate.

GUEST SPEAKER: DR. THOMAS TOMBERLIN

- Dr. Tomberlin (Director, School Research, Data, and Reporting) addressed the CSAB. He presented the purpose of the Professional Educator Preparation and Standards Commission (PEPSC). He explained that his division is staff to the PEPSC. He explained that PEPSC ultimately brings policy recommendations to the State Board of Education (SBE). The SBE can either accept or reject the policy recommendation. If rejected, the SBE returns with reasons for rejection. The PEPSC revised and resubmits. If rejected a second time, the SBE may develop and adopt its own policy.
- Dr. Tomberlin stated that his division works closely with the PEPSC to make sure they understand the desires of the field in terms of policy recommendations and what the SBE will entertain.
- Dr. Tomberlin stated that PEPSC is made up of 18 members. Commission members are appointed by the House of Representatives and Senate. He noted there is no charter school representation on the PEPSC. Mr. Walker asked if he knew why no charter school affiliated people were appointed. Dr. Tomberlin stated he did not know. Mr. Walker wondered if that part of the reasoning would be that they thought this commission wouldn’t impact charter schools. Dr. Tomberlin stated that sounds like a reasonable rationale.
- Dr. Tomberlin stated the work PEPSC has largely engaged in is bringing the changes to teacher licensure and preparation that were part of SB 599 into SBE policy. We had a deadline of February 1st to incorporate those requirements into SBE policy and we achieved that goals. Now as we look forward, we are looking to refine licensure and educator prep policy. Part of that work includes looking at licensure exams for teachers.
- Mr. Quigley asked how often PEPSC meets. Dr. Tomberlin stated about every other month.

- Ms. Reeves asked what the impetus behind the PEPSC was. Dr. Tomberlin stated he can't speak to legislative intent. But he believes this is a way for the field to bring input into SBE policy.
- Dr. Tomberlin stated that the lateral entry process expires June 30, 2019. He explained how lateral entry teachers will be supported.
- Dr. Tomberlin explained the residency model that will start after June 30, 2019. He stated it is a variation of the lateral entry. Rather than being granted a three-year license, they are granted a series of one-year licenses. So every year, a resident will need to apply for a residents license.
- Ms. Cheryl Turner asked if they would have to pay the \$90 each year. Dr. Tomberlin stated that he can't answer that at the moment; he isn't sure what the renewal process will look like.
- Dr. Tomberlin discussed Ed Prep Providers (EPP). Mr. Quigley asked if he could clarify what qualifies as an EPP. Dr. Tomberlin stated that EPP and IHE (Institute of Higher Education) can no longer be used synonymously. EPPs do not have to be connected to a university to prepare teachers. There are two ways to be approved as an EPP – CAPE Certified entity or there is a process for applying to be an EPP.
- Ms. Turner asked if a list of EPPs will be available. Dr. Tomberlin believes there is a list on the Ed Prep website but he will check on that.
- Mr. Joseph Maimone asked if it is feasible for LEAs to be an approved EPP. Dr. Tomberlin stated yes, we have a consortium of districts that have worked together to create an ed prep program to prepare their own teachers. There is one in Charlotte and Guilford county.
- Ms. Kakadelis asked if there could be a charter school consortium to do the same thing. Dr. Tomberlin stated yes. He continued that if the charter school is not using NCEES, we would have to have data to show how your instrument matches the data from NCEES.
- Ms. Turner stated that when she requested an alternative to NCEES she was required to show how the data would match proficiency data from NCEES.
- Mr. Quigley stated that his concern is that somehow this would lead charter schools to be required to use NCEES.
- Dr. Tomberlin stated that his understanding is that charter schools are not governed by local boards of education so charter schools are not required to use NCEES. He understands that is

an implicit understanding and not explicit. He continued that if the CSAB wants something more explicit excluding charter schools from using NCEES, we could come up with recommendations. He stated he is not the business owner of that, so would have to bring it to someone else.

- Mr. Quigley stated that he thinks it would be really good to have something explicit for charter schools. He thinks it would be great to have a clear policy on NCEES as it pertains to charter schools.
- Dr. Tomberlin states he doesn't see any issue with that, but it will start to raise the question that given that flexibility, if a charter school is using something that is really helping teachers improve, how do other districts gain that information. The agency doesn't know what you are doing and if it helps your teachers improve.
- Mr. Quigley replied that the student outcomes are visible and anyone can ask for information from successful schools.
- Ms. Kakadelis stated that charter schools would be more than happy to share information, but district schools are not always open to that communication. She relayed information regarding a county that had held a breakfast for educators for 25 years and decided to not hold it this year after charter school teachers were invited.
- Dr. Tomberlin stated that there are interconnected pieces to this. One thing that concerns him, is with the schools that are doing restart. That model allows for those schools to have charter like flexibility. Evaluation itself doesn't fall under the purview of PEPSC, so this could be a policy directly from CSAB to the SBE. However, where evaluation touches licensure and educator preparation, that is under the purview of PEPSC so we need to make sure it is all coordinated.
- Mr. Quigley asked if currently, charter schools can continue to use the evaluation system approved by the local board of directors. Dr. Tomberlin stated that has been his understanding. But with the new reorganization, he is not sure that that continues to be the case.
- Mr. Quigley stated that concerns him and how do we expedite that type of clarifying conversation. Dr. Tomberlin asked for clarity on the confusion.
- Mr. Machado stated that our consultant received an email from educator support services stating that beginning teachers and that teachers in their fifth year renewal cycle were

required to have NCEES data. This conflict is the issue and needs clarity. Mr. Machado stated we need to work on a policy to clarify this issue.

- Dr. Tomberlin discussed the conversion process. He finds it unlikely that the SBE would require a charter school to switch in the fifth year to doing something completely different. That's the question we have to put to the SBE to determine if that's the intent. He continued that the issue is that particular piece – a charter or charter like flexible school that may use a different evaluation process for new teachers or the fifth year - needs to go to PEPSC sooner rather than later.
- Ms. Reeves wondered how many educators come from lateral entry. Dr. Tomberlin stated he believes there are about twice as many traditionally prepared than lateral entry, maybe about 1200 lateral entry. He stated it's a substantial number of educators coming through that process.
- Ms. Turner asked about EVAAS – how do the subgroups and grades work. Dr. Tomberlin stated that it will work the same way it currently does for the 80/20 split. Ms. Turner asked if it includes proficiency. Dr. Tomberlin stated that is more a question for accountability, but they will look at the growth of that subgroup relative to the overall growth in the state.

THREE RIVERS ACADEMY UPDATE

- Mr. Dave Machado presented the CSAB with an update regarding Three Rivers Academy. Mr. Machado stated the school has opened as of Wednesday. The SBE approved the amendment to relocate. Mr. Machado stated the building is up and running and looking good. They have an Executive Director and Principal. As of Friday, they only have 61 students. He continued that Three Rivers Academy is aware they need to get to 80 students by day 20.
- Mr. Quigley asked what happens if they don't get to the 80 students. Mr. Machado stated they may have to ask for a waiver from SBE.
- Mr. Maimone asked if we have any idea of how many students were from the old school. Mr. Machado stated that no he doesn't but can find out.
- Mr. Hawkes asked what they projecting. Mr. Machado replied that they were projecting 125 to 175.
- Ms. Turner asked if 61 students was even possible, budget-wise. Mr. Machado stated yes.

APPLICATION SEASON UPDATE

- Dr. Danielle Allen (consultant, OCS) presented an application season update. She outlined the statute that governs the approval process – GS 115C-218.5. Dr. Allen reviewed the policies that govern the approval process.
- Dr. Allen explained fast-track replication applications and stated we anticipate 1-2 of those this application season. She also explained acceleration applications. Dr. Allen explained that statute allows charter applicants the opportunity to correct applications and address the CSAB.
- Dr. Allen stated the application will close September 28th at 5pm. This is one week later than last year's process. Clarification interviews and full interviews will take place November to March. Regular application recommendations will be forwarded to SBE in April for a final decision in June.
- Dr. Allen explained the responsibilities of OCS and CSAB as it pertains to the application process. The CSAB will provide clarification interviews and full interviews for those selected. Following the full interviews, CSAB will make a final recommendation to SBE.
- Ms. Turner asked if the CSAB could get applications sooner than a week prior to clarification interviews. Dr. Allen stated we will work to get applications to CSAB as soon as possible.
- Ms. Kakadelis asked how external evaluators are selected. Dr. Allen stated she used the list provided by Dr. Townsend-Smith. She explained that external evaluators have varied charter school experience and expertise. They are asked to submit a letter of interest and resume and if we find their qualifications will lend themselves to the application process, we ask them to come on as an external evaluator. Mr. Maimone asked how many we have. Dr. Allen stated we currently have nine but hope to recruit more.
- Dr. Allen stated that currently we have 49 potential applications. She also knows of one group planning to submit six applications. Eighteen are acceleration applicants. She also anticipates five that have not yet been entered into the system. Dr. Allen told the CSAB she will keep the CSAB updated on the application portal.
- Mr. Hawkes asked if it is safe to assume these external evaluators come from successful schools. Mr. Machado stated yes.
- Ms. Turner stated that she finds it hard to believe that these acceleration applicants have the required criteria such as a facility. She wonders if there is a way to vet those applicants. Mr. Machado stated we will do our best to vet those applicants.

RENEWAL UPDATE

- Ms. Shaunda Cooper (consultant, OCS) presented the CSAB with a renewal update. Mr. Walker asked how many will meet the ten-year renewal statutory requirements. Ms. Cooper stated that about 6-8 schools should need to come before the CSAB.
- Ms. Cooper explained the Tier I Epicenter group that will be the first group to use the new software system Epicenter.
- Ms. Cooper told the CSAB she would present all the schools to CSAB in October. Mr. Quigley asked when we will have low performing schools come before the CSAB. Mr. Machado stated probably in October and November.
- Ms. Kakadelis asked how many renewals fall under low-performing. Ms. Cooper stated she believes it is six schools.
- Mr. Maimone asked whether these low-performing schools know about the school improvement plan option. Ms. Cooper stated she has not asked them formally to come up with a school improvement plan, but many schools are already reaching out her on their own. Ms. Turner stated they must have one in NCStar if they are on the low-performing list.

PERFORMANCE FRAMEWORK UPDATE

- Ms. Stephenie Clark (consultant, OCS) presented the CSAB with an update on Performance Framework. She explained that for our initial collection our team reviewed over 2200 documents and required resubmission from about 1100. Currently we have about 600 that still need to be reviewed.
- Ms. Clark stated that Epicenter will allow us to decrease the number of documents that we collect from schools. For the 2019 collection, Ms. Clark explained language will be updated. Ms. Clark stated that going forward the language will get a refresh to give greater clarity to schools about what is expected. She continued that we are also moving to statements of assurance that allow schools to certify that compliant policies have not changed. Ms. Clark stated that we will provide more reference documents and exemplars. She also explained that webinars or instructional videos will also be created to help schools understand specific requirements. Ms. Clark stated the goal is to decrease the burden on schools.
- Ms. Turner stated that the exemplars she received were really helpful.

- Ms. Reeves stated that with all the work done this year and with the new data system, it should be much easier going forward. Ms. Clark stated that is what she is anticipating.
- Ms. Kakadelis stated that she really appreciates the work OCS has done. She also believes that we need to look at Charter Agreement and statute – specifically, with the language regarding a conflict of interest and being able to serve on the board. She feels there is a conflict with the language there and would like some clarification.
- Mr. Eric Snider (attorney, SBE) stated we could take a look at those and make sure they are aligned.
- Ms. Kakadelis asked if something is collected via Performance Framework does it also need to be collected through the audit. Mr. Machado stated that is something we are working on.
- Ms. Reeves stated that we previously talked about whether uploads are required annually and wonders whether that conversation will continue. Ms. Clark stated there are certain things, like a fire inspection, that may need to be collected annually, but other things are being considered as something that does not need to be submitted each year.

AMENDMENTS FOR DISCUSSION

- Ms. Ashley Baquero (consultant, OCS) presented several amendments for discussion. She reminded the CSAB that SBE policy allows some amendments to be processed and approved in office and others require CSAB/SBE approval. Ms. Baquero gave the CSAB an update on those amendments that have been processed in the OCS.

The Exploris School

- Ms. Baquero explained that the Exploris School is seeking to amend their lottery process to allow for a weighted lottery giving preference for economically disadvantaged students. This is allowed per state statute once approved by the SBE. Ms. Baquero explained the school's commitment to improving its diversity and how the weighted lottery process would work.
- Mr. Walker believes it is a good idea but questioned the reference to the school's website in the proposed charter language. He believes the policy they actually have is fine, but they shouldn't reference the website.

Motion: Mr. Steven Walker moved that the CSAB recommend approval by the SBE pending revision of the charter language so that the reference to the school's website is removed.

Second: Mr. Joseph Maimone

Vote: Unanimous

Passed

Failed

- Mr. Hawkes asked if this weighted lottery is preferential treatment. Mr. Snider replied that yes, any preference, such as the sibling preference, is preferential treatment.
- Mr. Machado stated this will be our fifth school, if approved, with a weighted lottery.
- Ms. Kakadelis stated that she knows that magnet schools that had weighted lotteries would hold seats vacant when they didn't get the number of enrollees through the lottery. Mr. Snider stated he can't speak to that situation, but he can't imagine schools keeping seats vacant.
- Ms. Baquero stated that Exploris has a substantial wait list and she can't imagine the school holding seats vacant. Mr. Machado and Mr. Walker discussed that a weighted lottery is just like a sibling preference or other preference, and when those seats aren't filled, they go back to the general population on the waitlist.

Bonnie Cone Classical Academy

- Ms. Baquero explained the three amendment requests from Bonnie Cone Classical Academy: enrollment and grade expansion, relocation outside a five mile radius, and partnering with a management company, TeamCFA.
- Mr. Machado stated the relocation is to the Huntersville area where demand is high for school choice.
- Ms. Reeves stated that she is concerned that they would go from K-2 to K-6 given they are in a delayed year. Mr. Walker stated that he believes the delay was due to facility issues. Ms. Heather Vuncannon stated that she believes that management company and sibling preferences will help with enrollment. Mr. Quigley stated that he also believes the management company will help.
- The CSAB discussed the proposed amendments with Mr. Joseph Maimone abstaining.

Motion: Mr. Steven Walker moved that the CSAB recommend approval by the SBE and that the SBE hear the amendment on Action on First Reading.

Second: Ms. Lindalyn Kakadelis

Abstaining: Mr. Joseph Maimone

Vote: Unanimous

Passed

Failed

Pine Lake Preparatory

- Ms. Baquero explained that Pine Lake Preparatory seeks an amendment to their mission statement. She explained that this revision grew out of the school’s strategic planning process.
- The CSAB discussed the proposed changes.

Motion: Ms. Sherry Reeves moved that the CSAB recommend approval of the amendment by the SBE.

Second: Ms. Phyllis Gibbs

Vote: Unanimous

Passed **Failed**

Healthy Start Academy

- Ms. Baquero explained that Healthy Start Academy seeks an amendment to this mission statement. She explained that this revision grew out of the school’s comprehensive turnaround plan.
- The CSAB discussed the proposed changes with Mr. Quigley abstaining.

Motion: Mr. Joseph Maimone moved that the CSAB recommend approval of the amendment by the SBE.

Second: Ms. Phyllis Gibbs

Abstaining: Mr. Alex Quigley

Vote: Unanimous

Passed **Failed**

RULES COMMITTEE UPDATE

- Mr. Eric Snider (attorney, SBE) gave an overview of the rules committee process and update. He explained that back in June the NC Supreme Court clarified that the SBE is subject to the Administrative Procedure Act (APA). He stated that should the SBE want to implement a rule with the force of law, it must go through the formal rules making process.
- Mr. Snider explained that the SBE creates rules that are internal rules about how DPI works (governance rules) – they are not subject to the APA. The SBE also creates guidance/recommendations to people outside DPI. Formal rules are where the SBE fills in

the gaps of a statute. He continued that if the SBE wants to create a rule that functions as a statute, it should go through the formal rules making process and there needs to be statutory or constitutional basis for that rule.

- Mr. Snider explained that this is what the SBE will have to think about as it goes through policies – is it an internal policy for DPI, a guidance policy, or a policy that acts like a rule? He stated that this Board will need to think about whether any policies you propose needs to be in the administrative code to achieve the purpose of the rule.
- Mr. Snider explained that the agency is engaging in the formal rules making process now and as this Board gets up to speed making recommendations to the SBE, the SBE and legal office is here to work with you.
- Mr. Snider continued that in the meantime, we have all the existing policies on the books right now – they have the status of interim rules until May 30, 2019 and there are a number of steps that must take place for those interim rules to still have the force of rules in the administrative code. This agency will be doing a robust review of existing policies to determine which rules ought to be advanced to the rules commission to make their way into the administrative code.
- Ms. Kakadelis asked if the Charter Agreement is a policy. Mr. Snider stated it is an agreement that is a condition of the license, not a policy. He stated that he did not want to get into a legal analysis of the Charter Agreement, statute, and policy in open session. Mr. Snider stated there is really an opportunity to discuss that with the SBE.
- Mr. Walker asked if CSAB should talk to SBE legal about any policies CSAB may be proposing. Mr. Snider said yes, we will continue to engage stakeholders on the frontend and go through the steps we have in the past and then when a policy is SBE approved, it will go through the rules process. Mr. Snider stated that means the timeframe will be different going forward.
- Mr. Snider stated under HB 374, which became law, all existing policies for the SBE have interim rules status. Now, we are taking all the policies on the book and categorizing them to determine which ones need to go before the formal rules committee.
- Mr. Snider let the CSAB know that Jason Weber will be leaving DPI to go into private practice. Mr. Snider introduced the new Attorney General attorney, Stephanie Lloyd.

STATE BOARD OF EDUCATION UPDATES

- Mr. Machado presented the CSAB with an update on SBE matters. He stated they approved the Three Rivers Academy relocation and Cardinal West relinquishment. He stated that the SBE discussed the renewal policy at last month's meeting.
- Mr. Machado stated that the SBE asked the Office of Charter Schools to make a presentation regarding the office's workflows and operations. He stated they were concerned about the number of charter schools and our ability to monitor.
- Mr. Machado updated the CSAB on school visits, special visits, and professional development opportunities hosted by OCS. He continued that he met with the Huntersville mayor and town council to answer questions about charter schools.

UPCOMING OCS INITIATIVES

- Mr. Jay Whalen (consultant, OCS) gave an overview of upcoming OCS initiatives. The first is a social media initiative. OCS has officially launched a twitter account to better promote our schools and share good news and have a direct line of communication with our schools and the public. He stated the handle is NCCharteroffice.
- Mr. Whalen stated the other two initiatives are in the early planning phases – charter school/district collaboration and increasing support for low and continually low-performing charter schools.
- Mr. Whalen stated we welcome any input and feedback from the CSAB as we work on these initiatives.

MISCELLANEOUS DISCUSSION

- Ms. Kroeger asked about the new LINQ software system. She said the system is very cumbersome and has been steps backwards for her school. She doesn't know if there is anything that can be done about it but it is causing many inefficiencies.
- The CSAB discussed problems they have encountered within their schools using this new LINQ system. Ms. Kroeger stated she was in the pilot program, and most of the suggestions they made were not implemented.
- Mr. Machado stated he spoke to the Director of Modernization about the issue. Mr. Machado stated he our office is aware of it and are working on trying to assist schools.

- The CSAB discussed the November meeting dates. The CSAB decided to keep the November meeting a two-day meeting. The CSAB requests that OCS attempt to keep the meeting shorter on Tuesday so people can leave in time to vote if needed.

ADJOURNMENT

- **Mr. Walker made a motion to adjourn the meeting at 12:44 pm. The meeting adjourned via acclamation.**