

MINUTES OF THE ANCHORAGE SCHOOL BOARD
SPECIAL MEETING OF DECEMBER 15, 2004

The Anchorage School Board met in Regular Session on Monday, December 15, 2004 at 8:00 p.m. in the Board Room at the Anchorage School District Administration Building. President Tim Steele presided.

A. CALL TO ORDER, ROLL CALL, FLAG SALUTE

Board Members Present: Tim Steele, Mary Marks, Jeff Friedman, Crystal Kennedy, Macon Roberts, Jake Metcalfe, and John Steiner

Others Present: Carol Comeau, George Vakalis, Janet Stokesbary, Mike Henry, Jerry Sjolander, Patricia McRae, Gail Opalinski, Jeff Wood, Connie Bensler, Eric Tollefsen, Michelle Egan, Marie Laule, Ophelia Dargan-Steed, Mark Mew, Ed McLain, Debbie Bogard, Larry Wiget, Stan Syta, Steve Kalmes, Mary Kay Sambo, the press, and other interested people.

B. ANNOUNCEMENTS

C. APPROVAL OF AGENDA

The agenda was unanimously approved.

D. PERSONS TO BE HEARD ON NON-AGENDA ITEMS (30 minute time limit)

E. CONSENT AGENDA

Consent Agenda attached. All attachments referred to in memoranda recommendations are on file in the Superintendent's Office.

1. ASD Memorandum #142 - Village Charter School Proposal

It is the Administration's recommendation that the School Board consider Village Charter School's request for additional funds for the 2004-2005 school year.

2. ASD Memorandum #143 - Recommendation to Terminate the Village Charter School Contract

It is the Administration's recommendation that the School Board approve and authorize the Superintendent to terminate the contract for Village Charter School effective January 15, 2005.

ASD Memorandum #142 - Village Charter School Proposal

It is the Administration's recommendation that the School Board consider Village Charter School's request for additional funds for the 2004-2005 school year.

MOTION FOR RECONSIDERATION:

Moved by Jeff Friedman
seconded by Tim Steele

to reconsider the action taken
last night on Board
Memorandum #142, Village
Charter School proposal.

On December 14, 2004, Jeff Friedman moved to reconsider the action taken on December 13, 2004 on Board Memorandum #142, Village Charter School. Tim Steele seconded the motion. This reconsideration is pursuant to School Board Policy 174.3.

Jeff Friedman asked Mr. Steele to discuss the motion to reconsider that he submitted in writing pursuant to School Board Policy 174.3. Mr. Steele explained that the motion to reconsider was moved and seconded within a 24-hour period, which our guidelines state is necessary in order to reconsider an item that has had prior action. ASD Memorandum #142 was an agenda item on the December 13, 2004 meeting. Mr. Steele explained the motion that we are attempting to reconsider is whether or not \$20,000 should be added to the Village Charter School budget from the undersigned fund balance. The original motion failed on December 13, 2004 and it is now being brought forward again for reconsideration. Mr. Steele stated that before action is taken on this reconsideration, he would like to take testimony from the public. He further stated that the main reason this came up for reconsideration was to make sure everyone had an opportunity to comment. Some individuals felt that they had not had an opportunity to speak on this subject. President Steele stated that he felt the guidelines were followed and everyone who signed up had the opportunity to speak. Mr. Steele informed the speakers that they may speak to the reconsideration as well as the main motion, which is whether or not to add \$20,000 to the Village Charter School budget for 2004-2005. Once the testimony is complete, the Board will discuss the reconsideration.

John Steiner called for a point of order and stated that he does not believe one can take testimony and debate the motion to reconsider. He believes that the motion to reconsider must be voted on first and then if the Board decides to reconsider, the motion will be on the floor. Mr. Steele responded that the motion to reconsider can be debated and you can take testimony; the debate can go to that question and go to that item if the underlying item is a debatable item, which ours was. Mr. Steele stated according to Roberts Rules of Order, this can be done. John Steiner stated his preference is to take up the motion to reconsider and vote the item back onto the floor, and then take the testimony on that and not just whether or not to reconsider. Mr. Steele responded that the testimony would be on both items, but the purpose of this is to get the testimony on the record. Mr. Steiner agreed that it is important to get the testimony on the record.

President Steele called Susan Green and Richard Hermosillo up to the speakers' podium.

Susan Green is the Director of Village Charter School. She explained that the school budget and staffing was already in place three months ago when she was hired. The director is different from a principal due to the fact that the director does not need principal certification and is non represented by a union. She explained that she not been given charge at any time over the budget, and noted that new members of the Academic Policy Committee came on board in July and did not fully understand what Village was facing for the 2004-2005 school year. Ms. Green also noted that she was not aware of the problems when she was hired. They worked to remedy the low enrollment in the fall through public awareness and advertising. Despite the work by staff and parents on this recruiting process, their enrollment leveled out at 120 students in late October. Due to a smaller than anticipated enrollment, their school would be funded at a lower per pupil rate than any other charter school in Anchorage. It equated out to approximately \$4,500 per student per year as opposed to \$7,500 per student per year at other charter schools. This has to do with the state funding formula. She also believes that the school district has received the additional money for all of their students, but due to the funding formula cannot pass the funds onto the charter school without the worry of setting a precedent. Budget proposals were passed along to the District by the APC over a month ago; the lengthy response and recommendation to the Board were not made available to them until Friday, December 10, 2004. Most of the concerns in the recommendation by the District have to do with confrontations with

prior management over the past few years. On Monday, December 13, the School Board was scheduled to vote on the recommendation for the budget for Village Charter School. Ms. Green stated that APC Chair Richard Hermosillo requested a delay until the next School Board meeting to review and prepare a response; this was not granted. In Memorandum #142, Attachment L, Item 3, states that Village requested funding for 150 students. Ms. Green stated that she did not believe this statement to be true. In Attachment A, line 12, Mr. Hermosillo asked the District to approve a budget for 120 students at the per pupil rate as all other charter schools in Anchorage (i.e., at the rate for schools with a student population greater than 150). She noted that this is the amount of money that Village needs to continue this year. Ms. Green stated that the motion before the Board tonight for an additional \$20,000 falls far short of that; therefore, she cannot support the recommendation. She urged the Board to consider the budget they did propose for 120 students at the higher rate given to other charter schools in Anchorage.

Richard Hermosillo asked to yield and reserve his comments for the next agenda item and reserve his time to speak at the end of all the speakers. Tim Steele stated that his time allowed to speak from the first memorandum would not be transferred to the second memorandum. Mr. Hermosillo would be allowed to speak on the second item for the allowed three minutes. Mr. Hermosillo stated that he concurred with Ms. Green's comments on ASD Memorandum #142.

Linda Sharp asked the School Board to level the playing field financially for all students in Anchorage so that charter schools are funded no differently than any other school in Anchorage. They should be given a facility as part of what they are given to operate their school. Not only would Village receive just over \$4,000 per student, and if you put a per student value on the rent they pay for a strip mall, it would equate to an additional \$2,800 per student to operate the school. Ms. Sharp feels this is not fair and equitable. She believes the tax payers give the District the facilities to manage for all the children in Anchorage and not just those in the regular schools.

Meta Baxter stated that she believes the charter should not be renewed and the school should be closed; therefore, the District should not provide additional funds to the school.

Carol Comeau responded to Ms. Green's comments regarding Mr. Hermosillo's letter, third paragraph, which he presented during a meeting held with Mr. Friedman, representatives from AEA, Totem, and

District staff. In this letter, he requested funding for 120 students at the 150 student funding rate for this year. During a discussion with Mr. Hermosillo, Ms. Comeau told him why she did not think this would be possible, but it would be placed on the December 13, 2004 School Board agenda for full Board discussion. At that time, a decision would be made. Ms. Comeau noted that Janet Stokesbary and Marie Laule were here to answer any questions that Board members may have that are specific to the budget comparisons and why the charter schools are funded at the level that they are.

Jake Metcalfe asked the Superintendent to explain for the record and the public viewing audience what actually occurred at the meeting on November 17, 2004 with Village Charter School personnel and representatives from AEA and Totem, and the District. Carol Comeau stated that it was initially a discussion regarding their budget but evolved into a serious discussion over the number of concerns regarding contract violations and staff issues. The funding was generating a number of issues for the staff. She told Village that they must turn in a revised budget; the deadline was November 15, 2004 by School Board policy, and then we would take their request to the Board in December for consideration. They were told if the Board approved it, they could submit a revised budget with any additional funds if the Board offers them any. Ms. Comeau stated that they are still waiting for the 120 student budget at the 120 student rate.

Tim Steele stated that he would like to move into debate.

John Steiner stated that perhaps he should have posed this question to Mr. Hermosillo and is not sure the Administration will be able to answer it. He commented that when he received the analysis from the Administration, it was that the request for funding was for 150 students, which is \$1,149,000. His understanding was their request when they said at the rate for 150 was actually \$7,000 per pupil rate for 120 students, which would come to approximately \$840,000. Carol Comeau responded that they wanted the higher level of funding, which they would have qualified for if they had reached their enrollment of 151 students or more. Ms. Comeau stated their current enrollment today is 102 students. Their funding is locked in for 120 students based on the foundation count period. Ms. Comeau stated that they wanted the higher level of funding as if they had gotten the higher number of students. Tim Steele asked Mr. Hermosillo for a clear understanding of what he was requesting from the District. Richard Hermosillo stated that he was requesting that they be funded as equal to all other charter school children in Anchorage. All

other charter school children are being funded at near \$7,000 per pupil. Because they have enrolled 20 to 30 students below that level, they are being penalized about \$500,000, which is due to statutory requirements. Mr. Hermosillo changed that figure to \$900,000 as the amount they have been penalized. Carol Comeau stated that all other charter schools have enrollments over 151 students; therefore, they qualify for the higher rate of funding, which is state law.

John Steiner noted that Ms. Green stated the District was receiving, from the state, the full amount, without taking a reduction according to state statute, and were not passing the funds along to the school. Mr. Steiner stated that he did not believe this to be a correct statement. Janet Stokesbary explained that based on the average daily membership during the 20-day count period, which ended on the fourth Friday in October, is what the District is paid for with a plus or minus adjustment after they look at the Oasis Report. The state is currently reviewing that report for any duplication of students that may be claimed between two school districts. Based on the number of students that we submitted on our October claim is what we will be paid for. Ms. Stokesbary stated that we are not going to be paid for 150 students; we will be paid based on 120 students, which was put in the foundation formula.

Jake Metcalfe asked how we could legally get around the state statute regarding funding. Carol Comeau stated that the Board has the option of taking the funds out of the undesignated fund balance so it would be an allocation over and above what we qualify for. Mr. Metcalfe asked if we do this for other schools. Ms. Comeau responded no.

Jeff Friedman asked if the District has received a budget from Village based on the 120 student count. Carol Comeau responded that we have not received a revised budget for 2004-2005 based on 120 students. Marie Laule concurred with the Superintendent. Richard Hermosillo stated that he believes that the 150 is a minimum and the District may allocate additional funds but it is not a statutory requirement. He also believes that the District pools the money from all of their schools and there is hardly any school that has less than 120 children. Carol Comeau stated that the state law changed a couple of years ago to add more funding based on enrollment and changed the law so a charter school that has 151 students or more gets a higher level of funding. It has always been the discretion of any school board in the state to give any school extra funds. This has never been done for any charter schools in the past.

Tim Steele opened the discussion on whether or not we reconsider this item. The money issue may be talked about, but the debate should be centered on whether we reconsider.

Jeff Friedman, as the maker of the main motion and the motion to reconsider, stated that it was useful and important to hear the additional testimony. Much of what has been discussed tonight was heard previously. Mr. Friedman stated that it saddens him, but does not change his original vote.

John Steiner's preference would be to postpone this question. Tim Steele stated that this was out of order; the debate is to reconsider. Mr. Steiner stated that we would have to vote to reconsider and then postpone. He would support reconsideration and offered his explanation. Mr. Steiner stated that with reconsideration, we haven't already decided the next question. The next question is whether or not to terminate this contract. If we decide there is merit to leaving this contract alive, then it will need more money to survive.

Macon Roberts does not wish to reconsider.

Mary Marks does not wish to reconsider.

Jake Metcalfe stated that he does not believe the Board did anything wrong on Monday, December 13, 2004. The Board had all the information, the notice went out, there was a list of speakers, and there has not been any additional information received tonight. Mr. Metcalfe does not wish to reconsider.

Tim Steele does not believe there was an error made in the testimony at the Board meeting on Monday, December 13, 2004 or how it was handled. He will vote against reconsideration.

VOTE TO RECONSIDER:

Ayes: Steiner

Nays: Metcalfe, Kennedy, Marks, Steele,
Friedman, Roberts

MOTION TO RECONSIDER FAILS

ASD Memorandum #143 - Recommendation to Terminate the Village Charter School Contract

Jeff Friedman recalled a comment Ms. Green made over being given responsibility without authority. He asked that she elaborate because he sees her position as one as having total authority within the school building. Susan Green stated that she receives her directions from the APC and the founder on how the Village Charter School tradition has been and how they expect the school to be run. Mr. Friedman noted that the founder is Ms. Green's employee and she should supervise her. Ms. Green responded that this is the way it is set up, but not always the case.

Jake Metcalfe asked Ms. Green where she gets the direction when the founder is not there. Ms. Green responded that they stay in touch through email and phone calls on a daily basis. She stated that it depends on the level of decision as to whether she is permitted to make the decision and whether she must seek guidance from the APC.

John Steiner requested a response from Ms. Greene on the various staff members who indicated that things were chaotic and felt that education is suffering, and if she believes the situation is acceptable the way it is going and if not, does she have any ideas to remedy this should the Board decide to keep the school open. Susan Green does not believe the education system is chaotic at the school. She thinks some of the scheduling for the teacher time does need to be changed to allow them more autonomy in their classrooms. Ms. Green also feels that she needs more authority to make the school run smoothly.

Linda Sharp stated it is her opinion that the District receives about \$10,000 per student in funding, roughly \$500,000,000 million dollars per year for roughly 50,000 students, which equates to \$10,000 per student. Many of the difficulties facing charter schools begin with the facility. Being in a strip mall poses certain challenges for a K-8 school that would not occur if there was a regular facility and the children were under one roof. If the District were to adequately disburse some of its funds across the board to all the students, including facilities and funding, she believes some of the challenges Village faced would not have occurred. The Administration has also talked about test scores. Ms. Sharp stated that Richard Mauer, chair of the State Board of Education in 2003, was quoted as saying in the Anchorage Daily News, September 18, 2003, "Can we fix NCLB, I suspect that is the easy part. The real question is can we improve our schools and increase achievement for all students." Ms. Sharp stated that both years, Village has made Adequate Yearly Progress and it is puzzling to her why the Board continues to discuss individual student test score or individual cell test scores in a negative way because in the last analysis, Village did make AYP. She noted that only 50 percent

of District schools made AYP. Many of the students whose scores were lower last year were brand new to Village. The majority of the students who had high test scores have been with the program for some time.

Jeff Friedman commented that we do look at individual cells as well as individual students and the reason is that it is a requirement of NCLB. There is a very huge achievement gap between minority and Caucasian students at Village. He noted that this is not the only school where this exists, but it does need to be addressed. In looking at the school as a whole as just getting by does not absolve us from the responsibility to make sure each of these children receives an excellent education.

Melissa McGinnity has a kindergarten student at Village and is extremely impressed with the school. She had a terrible experience in public schools and is very picky in her selection of a school for her son. Ms. McGinnity stated that she would like to have him continue until the end of the school year. She emphasized that her child would not attend a public school; her family is now faced with home schooling or a private school. Ms. McGinnity feels that it is completely unreasonable to tell these children that they don't matter and to tell the families that they are not important.

John Steiner asked Ms. McGinnity if her bad school experience was in Anchorage schools. Ms. McGinnity responded no, and does understand that not all public schools are the same. She stated that she must go by her personal experience when choosing a school that is most beneficial for her child. Mr. Steiner understands her rationale, and informed her that the decision made tonight will be for the benefit of the students and not for any political reason. He noted that she may disagree with that judgment, but knows that this is what motivates his colleagues and himself on the Board.

Jeanne Ladd contracted with Village Charter School in the fall of 2004 and had high hopes for the success of the school and its program. She believes the management problems have directly impacted her work and the work of other staff. Ms. Ladd stated that it is in the best interests of the students and the school district that the school be closed. Ms. Ladd explained that she was hired by the former principal of the school under a special activity agreement to work with the special education teacher. Once she started to work, her original responsibilities were changed and she was directed to work in an extra math class for Friday. Students who were judged to be behind in math were assigned to this class for the entire six-hour school day. Ms. Ladd feels that this is too long for a

student to focus on one subject. She objected to this schedule because she felt it was ineffective and punitive. As she predicted, student productivity declined as the day progressed. After a period of weeks, she was advised that the Friday extra math class was discontinued. She was then directed to test every student in the school in the areas of math and reading on a monthly basis. The testing instruments used were the Saxon Math Placement Test, the Brigance Math Test, the San Diego Quick and the DRA. Ms. Ladd stated that the onerous testing schedule seemed arbitrary and without purpose; she strongly opposed the testing schedule. She believed that the repeated testing appeared to be punitive. Ms. Ladd voiced her concerns regarding the excessive testing to the new director who then directed her to the business manager. She noted that the business manager stated that she had already been through DRA training at the District and was in full agreement with her that the testing was too frequent and not being used for its intended purpose. Ms. Ladd also stated that the business manager had already addressed the testing issue with the former principal and that there was no room for additional discussion based on her conversations. She believes that the students at Village Charter School are not being provided a stable, predictable learning environment and this affects their performance and learning. Ms. Ladd believes that it is in the best interest of the students, staff, and community to close Village Charter School.

Douglas Young has been a parent of a special education student at Village for the past three years. He feels that his son has not received an acceptable education despite many promises that have been made. His son learned three different languages when all he needed to learn was English. Mr. Young complained to the previous administrator and nothing was done; the current director sold him phonograms and told him to teach him at home. He begged the Board to not let this happen to any other child. Mr. Young does not have the patience to teach his child at home—that is why he is sent to public school. He urged the Board to close the doors for Village Charter School. Mary Marks asked Mr. Young if he feels that his son has not received an adequate education as a special education student. Mr. Young responded that his son was finally evaluated today as a special education student. He also commented that he was not notified when his son was moved from a first grade class back to kindergarten. His son is now in first grade and can't read or write.

Kimberly Singleton is a parent of two boys who formerly attended Village Charter School for 1.5 years. She and her husband care deeply about education and when they enrolled their sons in Village, they believed in the concept; it looked great on paper. Ms. Singleton believes

the school was mismanaged and the Board also knows it. She noted that both of her sons deal with learning disabilities and did not receive their special education services due to administrative mismanagement and a total ignorance of the law. Ms. Singleton is an Alaska Native and stated that the former administrator would not allow an Indian Education tutor to utilize a vacant classroom to provide her sons their services. The tutor had to use a busy hallway after school to provide services; this was a blatant way of telling the tutor that she was not welcome in the school. Ms. Singleton stated that both of her sons are behind three years in their education. She attributes this to Village Charter School. This school receives public funds and does not accommodate special education services to those students with special needs. Her experience at Village was horrific. This has placed a monumental burden on other schools. Ms. Singleton urged the Board to listen to the parents and revoke their charter.

Rusty Singleton noted that the charter schools have been in existence in the state for seven years, and this school has received several extensions when their five-year renewal came up. They charged parents \$125 per child which has never been explained. Mr. Singleton alleged there were questions of impropriety when dealing with funds for special activities. He stated that funds were funneled through various school and private accounts. Mr. Singleton has seen total chaos in the school when they were forcing enrollment to increase their numbers; this deprived many children of their education. He does not believe their enrollment numbers are accurate; he would like to see the school audited. Mr. Singleton accused Village Charter School of skewing their enrollment numbers. He encouraged the Board to close the school. Mary Marks asked what school their two sons currently attend. Mr. Singleton responded that they are in separate schools. They are working through some agreements with special education services since they did not receive services at Village. One of their sons had an IEP and they requested testing for the other child, which Village would not provide. The school also would not cooperate with the psychologist assigned to the school after Mr. Singleton secured private testing, which was accepted by the Psychology Department. By law it should have taken 45 days and it took five months to get his IEP. The school told Mr. Singleton that they did not have funding for special education testing.

Janet Monson is a teacher at Village Charter School. She is here tonight to speak in favor of closing Village Charter School. Ms. Monson has 20 years experience in education and has a clear picture of what a good education should be. She feels that she is not allowed to teach what

should be taught; she is told what to teach and for how long. Ms. Monson urged the Board to close the school.

Clotilde Brown is a teacher at Village and feels strongly that the school should be closed. She is a teacher who is not allowed to teach her students and is speaking on behalf of the students. Ms. Brown does not know what she is doing each day in the classroom. Many times she is not informed until 8:00 a.m. in the morning on what her daily schedule will be. Ms. Brown stated that the students are not progressing in the school. She was told by the director to explain to a parent about a letter of retention for a special education student, which she refused to do so. Children are changed from one language to another just to adjust the schedule. Ms. Brown does not want any more students and teachers to go through this daily chaos. She feels that she is a failure as a teacher at the school; she knows that she can do so much more for them. Macon Roberts asked Ms. Brown if she was told when she was hired at the school that they would make the schedule for her. Ms. Brown responded no and was under the impression that she could set her own schedule and teach the children to speak Spanish the best way she could. She also noted that there is no money for materials and could only make limited copies. Ms. Brown stated that she personally pays for copies to provide visual aids for her students.

Crystal Kennedy asked both Ms. Monson and Ms. Brown if the school were to remain open, would they remain as teachers in the school. Ms. Monson responded no, she would not be allowed to teach the way she is accustomed to teaching. Ms. Brown responded that it hurt her to see another teacher going through what they have gone through; it is about teachers' lives and about the education of children.

Mary Marks told both Ms. Monson and Ms. Brown that they have not failed as teachers. They are there for the children and have given their very best. Ms. Brown stated that when she walked into the school on Tuesday, December 14, the children ran to her and asked why she was speaking out against their school and saying things that will close the school. She responded that everything they see and hear is just because she loves her students.

John Steiner asked if these teachers are under contract with the District and his understanding is that a teacher is provided an opportunity to transfer. He asked if we don't have a specific position in mind, what happens to the teacher. Carol Comeau responded yes, they are under contract to ASD, and if the Board supports her recommendation to close

the school, the Administration will place the teachers in various schools because they are under contract for the school year. She also noted that if there are no vacancies, they will be placed and the cost of their contract will be absorbed. Ms. Comeau will work very closely with Human Resources and AEA to make the appropriate assignments. Mr. Steiner mentioned that the absorption of the Village students in the neighborhood schools could generate the need for additional teachers. Carol Comeau responded yes, the teachers will have jobs for the rest of the school year.

Rosie Atkinson is a parent at Village and has a kindergarten student in the German program. She does not understand the politics of what is going on, but it sounds like a couple of people are causing the problems. Ms. Atkinson is very impressed with the Village enrollment publicity and has been planning for a very long time to have her child attend the school. She likes the idea of various languages. Ms. Atkinson is concerned that they will have to look at other options if the school closes; she does not want her daughter to attend public school due to the high class sizes. She urged the Board to keep the school open and then close at the end of the school year. Ms. Atkinson asked the Board to please deal with the problem persons at the school rather than close the school.

Charlotte McKay asked to speak only on the transition of children. She is a parent of a student who has attended Village for three years. Ms. McKay feels that the concept at the school was wonderful and it is sad to see it facing closure. She feels that the transition should happen over the holiday break, and if Aquarian is willing to take the students and if the District can help bring about their expansion now instead of next fall, it would allow them to stay with their peers and the languages to continue for the children. Ms. McKay thanked the teachers and Linda Sharp for giving so much to the school and the Board and Administration for their time spent dealing with the school.

Joanna Noble is a parent at Aquarian and is in favor of the school closing. She applied to Village in 2001-2002 and pulled her application when she witnessed what was happening in the school. Ms. Noble stated she saw unsupervised students running in and out of classrooms; staff that did not speak to her and ask what she was doing in the building; friends who had students in VCS that did not receive special education services; knows that accurate records were not being kept; and the overall education for students was not happening. She admires the courage of the teachers who came before the Board to express their concerns. Ms. Noble stated there is no strong balance in the school. She personally has

witnessed underwear clothing from the opposite sex in opposite sex bathrooms. Ms. Noble believes that the management is not supervising the students. She has heard children from VCS brag about flooding the restrooms. Ms. Noble supports closure of Village Charter School because the children need a safe, secure environment; they are not receiving this at Village. She believes the school administration should be held accountable and should be removed from teaching in the Anchorage School District.

Elizabeth Issac stated that she went to an orientation at Village Charter School and was told by Ms. Baxter that students attending the school were above average than the other students attending public school. They would also learn good discipline techniques at the school. Ms. Issac also stated that she was told that lunch would be available to students for the first time. She was also told volunteering was mandatory and signed all the necessary paperwork with contact numbers, etc. Her son had a traumatic experience the first day of school; he did not get lunch. Once she learned that he did not get lunch, she returned to the school to find the staff in a meeting. She received a call from the former administrator and Ms. Issac expressed her concern as to why she did not receive a phone call from the school regarding this issue. Ms. Issac has also witnessed children playing in fecal matter in the restroom at the school; the teachers do not give the importance to hand washing, which could lead to various diseases. She feels the school is an unsafe environment. Her children are enrolled in Chinook Elementary and are way behind educationally. Ms. Issac's son is currently receiving tutoring in math and reading. She favors closure of the school due to hygienic reasons and allowing her children to fall behind.

Meta Baxter apologized to Ms. Issac for any misinformation she may have given her during the orientation. Ms. Baxter favors termination of the Village Charter School charter tonight. She stated that it is very difficult to speak out against a program that her family believed in and supported, but it is not difficult to share facts. She noted that the school was in the same place 18 to 20 months ago with teachers leaving, subs being brought in, and students' education being lost. Ms. Baxter stated that dollars that should have been used for classrooms and students went to lawyers. She has done everything she could, along with other parents, to keep the school going. Ms. Baxter emphasized that too many children's lives have been affected by their educational loss—this is not fair to families. She noted that dozens of students have withdrawn and the count is now down to 94 students. Ms. Baxter urged the Board to do what is right for students and families and to close the school.

Richard Hermosillo stated that he made a commitment to the school not only as APC chair in July 2004, but back in 1997 when he was Vice President of the Anchorage Latino Lions Club and Ms. Linda Sharp came to them and proposed this program. He feels that it is a great program and a great experiment in the charter school system, but has a flaw because it is poorly funded and the 150 student rate is very unfair. Mr. Hermosillo stated what has happened at the school is a result of the funding. The program, for the past six years, has been very effective; his daughter did very well. He noted that Ms. Sharp will not allow a child to just pass when they do not meet grade level. Funding is a major problem due to the fact they have not been adequately funded because they have not met the enrollment. They are missing about 30 students and 120 students are paying the price for that. The test scores and the accountability and everything that has to do with this school were up to par and passing up until this time. Mr. Hermosillo stated that Ms. Sharp told the APC and the Board last year that she would be spending time away from the school, but no one listened. He believes they have not received the necessary support. Mr. Hermosillo complained that they have not had adequate time to respond to the Superintendent's recommendation. He implored the Board to not take action tonight as it is not the fair or the right thing to do.

Macon Roberts stated that he fails to see how more funding would have increased the quality of the education when the count was lower; this makes for a lower pupil-teacher ratio. Mr. Hermosillo stated that Village Charter is based on the basics as well as languages, which the Board knows and approved. They promised those families that came to them that they would be educated in languages, arts, and music. The funding did not come through; they experienced a shortfall of \$900,000 because of 30 children. Mr. Hermosillo feels that anytime a charter school has a problem, it is highlighted to the Board. He noted that the school made AYP and should be recognized and applauded, but because of other test scores that were not acceptable for minority students, they have been harassed by the District Administration. Mr. Hermosillo again stated that in his letter, he asked for more time to consider his request; he believes there is a procedure problem. He agreed that they have management problems at the school, but blamed it on the inconsistent support from the District Administration. Mr. Hermosillo wants to start a local charter school association to try to improve communication between the charter schools.

Mary Marks thanked Mr. Hermosillo for his comments and stated that funding is not the problem. She reminded him that the reason they are before the Board tonight is due to the many consistent concerns and issues brought forward by parents. The messages received from the VCS board are not consistent; it doesn't align with our standards or how we do our policies. She informed Mr. Hermosillo that he has been asked to turn in the Village Charter School budget on time and that request was not followed. Mr. Hermosillo interrupted Ms. Marks and stated that they have submitted their 2005-2006 budget on November 16, 2004; in fact, two were submitted. Carol Comeau reminded Mr. Hermosillo that the discussion is centered on the 2004-2005 budget and not the 2005-2006 budget. Mr. Hermosillo stated that it has been submitted, but not to the liking of the Administration because the budget they want for 120 students at \$4,000 per student is a death warrant. He doesn't believe he can be that irresponsible to their families and students in the school. Mr. Hermosillo stated that he did not and would not submit the budget as requested by the Administration.

Jake Metcalfe commented that he has sat on the Board for four years and every year he has been here, they have instructed the school in order to get the funding they want and need, they must have the required population. He stated that the Board has been very clear about that, and every year he has sat on the Board, that number has not been met. Mr. Metcalfe has seen the numbers consistently decline from the beginning of the year to the end of the year. He expects Village to live up to their charter; they need to give the District a budget that coincides with the number of students that they have. Mr. Metcalfe stated that if the Administration requests something, we deserve to get it.

Sarah Grosher was a former teacher at Village Charter School during her first year of teaching. She believes that the decision to close the school before the Board tonight is not irrational on the Board's part. This is a problem that has been going on for over two years. The year she left, an additional six teachers also transferred. Ms. Grosher stated that teacher turnover is a problem along with the decline in student enrollment. She stated that it is beyond time to close the school.

Virginia Hudson had two children who attended Village and thought they would get a good education at Village. She noted that they had to pay \$125 for each child for their supplies as well as provide uniforms; they also had to pay for intensive fees. Ms. Hudson did not see where the supply money went throughout the year. Her daughters were in

special education and did not receive required services. Ms. Hudson removed her children and urged the Board to close the school.

Dan Delie stated that this is an ongoing problem at the school and closing it would be an asset for the District. Children's IEPs are not being met, which is binding by federal law. He believes both of his children fell behind at Village Charter School.

President Tim Steele closed the public testimony at 9:50 p.m.

John Steiner stated the recommendation from the Superintendent, as he understands it, is to have the Board vote for closure, which would then result in a termination letter from the District. Under the charter contract, there would be a notice period and the letter would say that if the causes for termination are not cured within the notice period, it would automatically close. Mr. Steiner wants to make sure that proper procedure is to vote affirmatively on a closure before that notice period has run. He would also like to inquire how it would be determined whether there has been a cure at the end of the notice period.

Attorney Andrena Stone responded that the vote taken by the Board tonight is a vote of intent to terminate with termination effective the time period set by the Board. That needs to be a minimum of 30 days under the charter school contract with Village Charter School. What the contract does not specify is the procedures for VCS to come back before the Board and indicate they have cured the deficiencies. Ms. Stone stated another step the Board needs to take tonight is to identify for VCS what steps the Board would like to see if VCS intends to come before the Board within 30 days and indicate they have cured their deficiencies. She suggested that the Board may want them to submit it in writing or set another meeting to discuss this. If nothing happens and VCS does not approach the District, then by language of the charter school contract, the termination would be effective automatically without further Board action based on the date the Board sets in the notice.

John Steiner stated that since one of the issues is financial and is a funding situation for this school, and from the testimony heard tonight indicates that they feel they are under the amount of money they are eligible for under state funding and because they would get what is provided under the state funding formula, we would have to provide an extraordinary additional amount of money to them to make this school work. That, theoretically, cannot be cured and he wondered under those circumstances, is it still appropriate to give an opportunity to cure a

deficiency. Ms. Stone understood Mr. Steiner's concern that it may be a theoretical opportunity to cure a deficiency; however, the charter school is granted a 30 day opportunity in the contract so the Board does need to provide this to VCS. That would be the effective date that the charter school contract is terminated and the charter school then would cease operations. That would not prohibit the school district from working with any parent at any time. It is really the effective date for when the charter school must cease operation under the Board's direction.

Jeff Friedman noted that it may not be a likely possibility, but it is more than a theoretical possibility that they could cure with financial restraints. They could come up with a budget for 100 students, reduce the number of teachers, and staff and while it would not be the full wonderful program they wanted, it would be a continuation of a charter school for this rest of the school year. That has been possible since enrollment numbers first came out in September; he believes it is more than theoretical.

Jake Metcalfe stated that we have given them ample opportunities to cure this. He doesn't see why they haven't attempted to cure it like they have been requested to do so. He believes it is more than theoretical.

Jake Metcalfe noted how hard it was to make the motion to close the school because it affects a lot of students. He stated that since he was elected, this school has been a continuing concern. They have been given instructions on how to improve the situation at the school and they have simply refused to follow directions. Mr. Metcalfe stated that he has never received as many emails on any one issue than he has on this school. He noted that the same problems surface every year and feels that it is a management problem that has not gotten any better since he was elected to the School Board. Since 2001, there have been requests for information that have not been responded to, special education issues that have not been addressed, violations with collective bargaining agreements and the charter agreement, lack of continuity with teachers leaving, declining enrollment, and a lack of accountability. Mr. Metcalfe stated Ms. Baxter's testimony is the one that has pushed him over the edge. He noted that Ms. Baxter was formerly a huge supporter of the school; she no longer feels this way. Mr. Metcalfe stated that he has seen this over and over and doesn't see how we can continue to allow this school to operate and urged the Board to support the motion to revoke the Village Charter School charter.

Crystal Kennedy stated that it is hard to listen to all the testimony regarding the closing of Village Charter School. She noted that people are really struggling to tell the truth, but to do so in a way that protects students and families. She is overwhelmed with all the emails and testimony that she has heard between the December 13 meeting and the one on December 15, 2004. Ms. Kennedy stated that it is true that the Board has seen an overall decline in Village Charter School as well as a decline in numbers and support. Her concern is that things have gotten to a point that even if the remaining 94 students were to stay, will that be enough to keep the program going the way it was originally intended to do so. Ms. Kennedy stated that she is not sure even if they were to remain open they could recover from such traumatic events over the past few days. She will support the recommendation as well.

Mary Marks will also support the Superintendent's recommendation. It saddens her that no real leadership has taken place at Village Charter School, and the children have missed out educationally. With the NCLB requirements and state standards, these children are far behind their peers in other schools. There will be additional pressure on the new teachers to bring these students up to grade level and improve their education. Ms. Marks stated that she is very upset with this school and it is unfair to place the burden on the new teachers. She deeply apologized to the families and students who attended this school.

Jeff Friedman stated that one of the things each Board member believes in when they serve on the School Board is that each and every decision must be guided by what is in the best interest of the students. Changing schools is not good, but delaying the inevitable is worse. Mr. Friedman stated that the Board is faced with no good choice, but they must pick the lesser of the two evils. The first duty of any charter school is to meet your enrollment projections. Failure to meet your enrollment projections is a breach of the contract. This has caused financial problems, but it was the failure of Village to meet enrollment projections. It is not the result of any action of this Administration, the School Board, or the State Legislature or anybody else that is at fault. By fiscal management standards, VCS knew in September that enrollment was way down. That was the time that staff should have been transferred to other schools. Mr. Friedman stated another issue that is not on the list of deficiencies is their failure to follow special education regulations, which has been highlighted this evening. He suggested adding it to the list of deficiencies. It saddens him to have to support the recommendation to close VCS, but Mr. Friedman feels there is no other choice.

John Steiner agrees it is a very difficult decision to make. He visited Village Charter School after he was elected and was pleased when he learned they were teaching Norwegian. Mr. Steiner does not believe there are enough supportive parents left to make the school work, and now we have a school with insufficient students to support the financial obligations of the budget. He was also hopeful that the new administrator, Susan Green, would also make a difference. Since his time on the Board, he has also observed problem after problem with this school. The fact that the Administration and the Superintendent must spend an inordinate amount of time dealing with these issues is not acceptable. It appears that it is theoretically possible, over this cure period, that there could be a budget that could be tailored to the number of students they currently have. Unless that could be done, the result is that we would have to use regular taxpayer funds that support our regular District programs in order to provide what winds up to being extraordinary funding to this school. This would be difficult to justify on that basis as well as the fact that the school does not have an outstanding record and glowing support. At best, Village Charter School has a mixed record and a non-supportive staff. Mr. Steiner will be supporting the motion tonight to revoke the charter. He feels it is in the best interests of everyone to not prolong the agony.

Macon Roberts stated that money is not the problem. This is one of the tough tasks of a school board member. He commented that we are placed in these positions to look out for the best interests of the students. Mr. Roberts will sleep well tonight knowing that we have extended every possibility to Village and even when management changed, the culture did not. He believes the hands of the new administrator were strapped. Mr. Roberts feels bad that no responsibility has been taken by the school; he would have like more admission that they owned some responsibility. They have continually blamed the District Administration for their failures. Mr. Roberts does not wish to prolong the existence of this school.

Tim Steele has been on the Board along with Mr. Metcalfe since 2001. He noted the charter schools and their concepts are part of the Anchorage School District. Our strength in this District is the options that we offer. When we establish a charter school, we are making a commitment to make it work. Mr. Steele reminded everyone that VCS knew the consequences of falling below 150 students; the Board should not be blamed for the inadequate funding of this school. He stated that we have given direction to the school and asked them to work together with us regarding their decline in enrollment. This is not a problem caused by

some Board action to punish the school and reduce the funding. This is a failure on the part of the school to recognize the situation and provide a good education. Mr. Steele reminded the Board and the public when VCS asked for a ten year contract, we said no due to continual problems. We encouraged them to solve their problems and only granted them a two-year renewal. We are at a point now where a decision needs to be made. Mr. Steele does not believe that the problems are rectifiable. He stated that the school has broken laws and is not providing services to students. Mr. Steele is a long-time supporter of alternative programs, and sees now that parents do not want this program any longer. He stated that the Board must act on the recommendation tonight.

Carol Comeau feels she has laid out the issues very clearly in Memorandum #143. If Village Charter School is interested in putting together a budget for a 120 students based on what they qualify for, it will be openly considered if that is what they want to do to keep the school going. Ms. Comeau stated if the enrollment is down to 94 students, it is very concerning to her even though they will qualify for a 120 student budget. She will absolutely stand behind the discussion that occurred in June when the annual report was presented; this meeting is held annually with every charter school. Ms. Comeau apologized to those people in attendance tonight regarding this discussion; the key people, who should have been in attendance at the June meeting to discuss their annual report, were not present. The Administration was very clear about the issues and they are clearly reflected in the minutes of the June 14, 2004 School Board meeting. She stated the issues have not changed; they have gotten worse. It is unacceptable to her to say that there is high quality education going on in this school; she cannot say that and will not say that. Ms. Comeau stated that if the Board approves this recommendation, she will work with the school along with Connie Bensler, Jan Christensen, Janet Stokesbary, Marie Laule, and Eric Tollefsen to work through the issues. The budget is built for 120 students so there will be transfers. There has to be a sense of willingness from VCS to work with the District on these issues. There are state regulations and statutes, School Board Policy, negotiated agreements, federal laws, and expectations that are not being met by this school. This has to change or this school will go out of existence. One of the major premises of charter school law is that if parents do not support the school any longer, and academic standards are not met, rules and regulations are not followed, the Board is authorized to close the school down. Ms. Comeau doesn't believe the issues should be a surprise to anyone; it is a very sad commentary. The testimony Monday evening, December 13 and tonight, December 15, and all of the emails, phone calls, and letters

received is a tragedy. Ms. Comeau implored the Board to support this recommendation.

Tim Steele noted that there is some concern over the time allowed to correct the deficiencies. He will send a letter to the school on Thursday, December 16, 2004 outlining the items that need to be corrected. He will state in the letter that if the situation is not remedied by January 15, 2005, the charter school contract will be terminated.

John Steiner requested the indulgence of the Board to allow him to have his substitute motion reviewed by legal counsel. Jake Metcalfe requested an at-ease at 10:20 p.m. so Mr. Steiner can confer with legal counsel.

The Board returned from the at-ease at 10:30 p.m.

John Steiner read his substitute motion; Jake Metcalfe and Mary Marks, makers of the original motion, concurred with the substitute motion.

SUBSTITUTE MOTION:

Moved by John Steiner
seconded by Jeff Friedman

that the School Board provide 30 days written notice of its intent to terminate the Village Charter School contract and the reasons therefore as stated in ASD Memorandum #143 plus violation of special education obligations, termination to occur automatically unless with that 30 days the APC demonstrates clear remedy of all defaults, both budgetary and managerial.

VOTE:

Ayes: Metcalfe, Kennedy, Marks, Steele,
Friedman, Steiner, Roberts

Nays: None

SUBSTITUTE MOTION TO THE MAIN MOTION PASSED

Tim Steele will send the letter out on December 16, 2004, which will basically reflect this memorandum and the motion that was just passed. He hopes that the charter school will work with parents, students, teachers, and the District to make the transition as smooth as possible.

John Steiner commented that there were many statements made tonight about the school, and he knows that there were many dedicated people who worked very hard to do their best for the children at the school. His vote is not to denigrate what they did or their commitment. Mr. Steiner noted that many of the children learned at the school and the staff members worked very hard. He stated that it is unfortunate that it went this way and by saying there was default, he does not mean that it was the fault of any one particular person at this school. Mr. Steiner stated that he does not want to dishonor the effort they put into this. He would like to thank them for their service, but the charter has run its course and it is time to close.

F. PERSONS TO BE HEARD ON NON-AGENDA ITEMS

G. COMMUNICATIONS & SCHOOL BOARD COMMENTS

H. EXECUTIVE SESSION - (PERSONNEL/FINANCE/NEGOTIATIONS/
LITIGATION)

I. ADJOURNMENT

The Regular Meeting of December 15, 2004 adjourned at 10:30 p.m. by unanimous consent.

Tim Steele, President

Jeff Friedman, Clerk

Mary Kay Sambo, Recording Secretary

Date Minutes Approved