

# ILLINOIS STATE CHARTER SCHOOL COMMISSION

---

## Commission Meeting Minutes

Tuesday, February 9, 2016

The February 2016 Commission meeting was hosted at Horizon Science Academy – McKinley Park Campus, located at 2245 W. Pershing Road in Chicago, IL.

Commission Chair, DeRonda Williams called the meeting to order at 3:02 pm.

Commission Chair, DeRonda Williams announced that she was informed by Commission staff that Commissioner Richard Van Evera would participate in the Commission meeting via telephone. Due to technical difficulty, Commissioner Van Evera was unable to call into the meeting.

### I. Roll Call/Pledge of Allegiance

Commission Chair, DeRonda Williams conducted Roll Call. Commissioner(s) Troy Ratliff, Catherine Rich, Dr. Kathy Robbins, Bill Farmer and Chair DeRonda Williams were in attendance.

Also in attendance: Commission Interim Executive Director – Hosanna Mahaley-Jones, Shenita Johnson - Commission Deputy Director, Treyana Burris – Commission Office & Appeals coordinator, Bertha Rios – School Monitoring & Compliance coordinator, and General Counsel, Lisa Scruggs.

Pledge of Allegiance was recited by all.

### II. Consent Agenda

Commissioner Williams asked for a motion to accept and approve the December 15, 2015 Commission meeting minutes. A motion was made by Commissioner Ratliff seconded by Commissioner Robbins; a voted was called, 5 ayes, 0 opposed. The motion to accept and approve the December 15, 2015 minutes passed.

### III. Public Participation

**Horizon Science Academy – McKinley Park representative, Ms. Richardson**, provided a brief overview of the school and its' achievements. She stated that the school is in its 3<sup>rd</sup> year and currently serves grades K-8. She also mentioned that the school is a part of Concept Schools, which has the highest college retention rate in the city of Chicago and is ranked number #12 out of the 120 schools located within a 3-mile radius of the school.

**Ruchi Verma, the Deputy General Counsel of Chicago Board of Education**, gave a brief statement of CPS' position regarding the Commissions' authority to accept jurisdiction over the pending appeals. She indicated that the Commission is not authorized under the Charter Schools Law to accept jurisdiction over a Charter Campus and should not exceed that authority, as such action could be declared void by the court. She further stated the Commission only has the authority that the statute confers upon it and further encouraged the Commissioners to decline the staff's recommendation to accept jurisdiction over the Betty Shabazz International Charter – Barbara A. Sizemore Academy.

**Sarah Brennan, Founder and the current CIO (Chief Instructional Officer) of Amandla Charter School** came before Commissioners to express that she is looking forward to the school evaluator's site visit at Amandla Charter School and ultimately thanked the Commission for the efforts put forth throughout the appeal process.

**Regina Wall, Grandmother of Amandla student,** came before the Commissioners to express her gratitude in the Commission's efforts to keep Amandla open. She indicated Amandla has done a lot for her grandson as he has shown improvements both academically and socially. She encouraged the Commissioners to keep the school open for the sake of her grandson.

**Robert Hall, Attorney for Betty Shabazz International Charter School,** gave a brief statement regarding his client's position that the Commission does have the authority to accept jurisdiction; however, he indicated that the Commission is not authorized to take over the entire charter of Betty Shabazz International Charter School. He encouraged the Commissioners to act within its' authority as a statewide authorizer and authorize a new charter school as opposed to taking over the entire charter, as it would further complicate the matter.

**Christopher Norma, Teacher at Amandla Charter School,** stated that he hopes the Commissioners will take a look at the school and understand the difference that they are trying to make in their students' lives. He indicated that the staff work hard as a team to help students transition into a college preparatory mindset and if the school closes down, the students will begin to doubt their future.

#### **IV. Reports**

##### Report of the Chair

Commission Chair Williams announced to the Commissioners that there have been two Commissioner resignations - Jaime Guzman and Sylvia Zaldivar. Chair Williams stated both be honored in the coming months. She confirmed the Commission membership is 7; however, ISBE and the Governor's office is working to identify new appointees.

Commission Chair Williams announced reconfiguration of Committees given recent resignations. She further stated later in the meeting she would ask the Commission to accept her recommendation to elect Commissioner Ratliff and Commissioner Robbins to the Nominating Committee. The Commission Committees were appointed as follows:

- Schools Committee – Commissioner Farmer (Chair) and Commissioner Rich
- Operations Committee – Commissioner Ratliff (Chair) and Commissioner Robbins
- External Relations Committee – Commissioner Sohoni (Chair) and Commissioner Van Evera

As of this month, two officer positions Vice Chair and Secretary will be open.

Commission Chair Williams stated once the Nominating Committee was elected, they would meet to develop a proposed slate of candidates. Williams invited Commissioners to provide nominations to Commissioner Ratliff and Commissioner Robbins.

##### Report of the Operations Committee

Commissioner Ratliff reported that the Commission is doing well with the budget and requested a \$50,000 increase for the 2017 fiscal year. Commissioner Ratliff also acknowledged a request to the Commission to waive the administrative fee, but reported to the Commissioners that the Operations Committee is unable to support this request due to Commission's policy to consistently apply the fee to all schools.

Commissioner Robbins further indicated that the decision was based on Commission's sole revenue source, the administrative fee, which has already been accounted for in the FY 16 budget.

Commissioner Ratliff further stated that the request was made because the school has had expenses that should have been anticipated.

#### Report of the Commission Staff

Interim Executive Director, Hosanna Mahaley-Jones reported to the Commissioners that the Commission is currently reviewing 4 appeals and that the Commissioners would be conducting a final vote on one of those appeals at the today's meeting. Jones announced that the Commissioners are to vote on the other three appeals at the next Commission Meeting in March. She also provided to the Commissioners information on the upcoming public hearings and Commission Meetings.

Interim Executive Director, Hosanna Mahaley-Jones have also reported that Commission currently authorizes 5 Commission schools and there are two submitted material modifications and will be brought before the Commissioners at the appropriate time.

The Commission has added two additional staff members. Due to the anticipation of additional staff, the Commission Office will also require additional space and further anticipates relocating later in the year.

External relations have not been hindered and the staff has been able to hire vendors as needed.

Interim Executive Director, Hosanna Mahaley-Jones provided Commissioners with a second quarter budget update. She further noted the increases in legal expenses were contingent upon appeals.

Lastly, Jones noted that another appeal may be submitted next month, based on the denial of LEARN Charter School's proposal to open a campus in North Chicago, IL.

#### Report of the General Counsel

General Counsel, Lisa Scruggs reported a known conflict of interest between Commissioner Aneesh Sohoni and the three (3) pending appeals scheduled for jurisdictional action today. Scruggs stated that Commissioner Sohoni recused himself as it relates to any actions on these appeals.

The Ethics Office is requiring a new round of training; additional information will be provided to Commissioners as soon as possible.

As an update on pending litigation, Scruggs stated that at the end of 2015, the appellate court ruled to reverse the trial court decision for Prairie Crossing Charter School but the Woodland School District sought leave to appeal to the Illinois Supreme Court. The hearing for LEARN Charter School - Waukegan, is scheduled for late March, when the court will hear oral arguments.

#### **V. Action Items**

A. Adopt Recommendation to Elect Commission Officer Positions

Commissioner Catherine Rich made a motion to elect Commissioner Ratliff and Robbins to serve on the Nominating Committee. The motion was seconded by Commissioner Kathryn Robbins. A vote was called, 5 ayes, 0 opposed. The motion was passed to elect Commissioners Ratliff and Robbins to the Nominating Committee.

B. Approval of Staff Recommendation to Deny Appeal SCSC 16-001

Interim Executive Director, Hosanna Mahaley-Jones, came before the Commissioners to present the Commission staff recommendation to deny Appeal SCSC 16-001. She began by giving a brief overview of the ISCSC's vision and mission. She further explained the current Appeal process, procedural history, due diligence, as well as an overview of the proposal submitted by Connected Futures Academy.

As basis for the recommendation to deny Appeal SCSC 16-001, Commission staff agreed with the District's concerns and further concluded that the proposal submitted by Connected Futures Academy does not meet the Commission's standards.

Managing Director, Ron Giles, came before Commissioners to give a statement in support of his appeal and proposal to establish the Charter School, Connected Futures Academy. He encouraged the Commissioners to consider granting the appeal despite the District's recommendation.

Elisa Botello, Director, CPS Office of Innovation and Incubation, presented a statement regarding the District's decision to deny the proposal submitted by Connected Futures Academy. She explained that the proposal was evaluated by a comprehensive evaluation team to review and develop the recommendation report to deny the submitted proposal. The District's decision to deny the proposal stands on the basis of the proposed school's failure to meet standards set forth in the Request for Proposals (RFP) as well as the Illinois Charter School Law.

Commissioner Ratliff made a motion to adopt the staff recommendation to deny Appeal SCSC 16-001. The motion was seconded by Commissioner Farmer.

Commissioner Williams called for questions and/or discussion on the motion to deny Appeal SCSC 16-001.

Commissioner Ratliff stated that innovation brings risk and a different way of doing things, he further indicated it is difficult to reject a proposal based on strict standards, especially when considering a nontraditional model.

Ratliff also indicated that the financing issue stands out and he understands how difficult it is for the new school. However, he believes that the school will not persevere if it cannot support its financial needs to raise sufficient funds/external support, which is the basis for his vote to support the staff recommendation.

Commission Chair Williams asked about the public participation at the public hearing. Commissioner Rich indicated there was not strong representation of community support at the hearing.

Commissioner Robbins asked the District should the Commission vote to deny the appeal, would Connected Futures be given the opportunity to submit another proposal.

Elisa Botello responded that the RFP was available to submit and the deadline for Letter of Intent is February 22, 2016 and further stated that CFA is encouraged to apply and submit a revised plan.

The vote was called on the motion to accept the staff's recommendation to deny Appeal SCSC 16-001; 5 ayes, 0 opposed. The motion was passed to deny Appeal SCSC 16-001.

C. Accept Jurisdiction over Appeal SCSC 16-002

Commissioner Chair, DeRonda Williams made a motion to adopt the staff's recommendation to accept jurisdiction over Appeal SCSC 16-002. The motion was seconded by Commissioner Ratliff.

Commission Chair Williams asked if there were any questions or discussion on the motion.

Williams informed the Commissioners that the vote today was based on the accepting jurisdiction only and explained the Commission staff's commitment to provide the legal rationale and more information of what will happen next.

Scruggs provided explanation that the Charter Agreement is between Betty Shabazz International Charter School and the Chicago Board of Education; however, if the Commission votes to reverse the revocation decision, then the Commission assumes the entire charter.

Commissioner Ratliff asked the District to define "school". Ruchi Verma responded that the charter school is within an entire charter agreement as opposed to an attendance site under the charter umbrella. Attorney Bob Hall further indicated that the oldest schools within Chicago (including Betty Shabazz International Charter School) are subject to being closed with no process under CPS' explanation of a "school" and the District's interpretation of the replicating charter school law. He further explained that this particular law is intended for relief of these schools and referred to the Commission's authority to uphold this law.

A vote was called to accept jurisdiction over Appeal SCSC 16-002. 5 ayes, 0 opposed. The motion was passed to accept jurisdiction for Appeal SCSC 16-002.

D. Accept Jurisdiction over Appeal SCSC 16-003

Commission Chair, DeRonda Williams made a motion to accept jurisdiction over Appeal SCSC 16-003. The motion was second by Commissioner Ratliff.

Commission Chair Williams asked if there were any questions or discussion on the motion. There was no discussion and a vote was called to accept jurisdiction over Appeal SCSC 16-003. 5 ayes, 0 opposed. The motion was passed to accept jurisdiction over Appeal SCSC 16-003.

E. Accept Jurisdiction over Appeal SCSC 16-004

Commission Chair, DeRonda Williams made a motion to accept jurisdiction over Appeal SCSC 16-004. The motion was seconded by Commissioner Farmer.

Commission Chair Williams asked if there were any questions or discussion on the motion. There was no discussion and a vote was called to accept jurisdiction over Appeal SCSC 16-004. 5 ayes, 0 opposed. The motion was passed to accept jurisdiction over Appeal SCSC 16-004.

## **VI. Announcements**

Interim Executive Director, Hosanna Mahaley-Jones, announced that there are several upcoming public hearings. She further indicated that some dates listed were corrected and Commission staff would confirm availability of Commissioners.

Commission Chair, DeRonda Williams made a motion to adjourn the meeting and Commissioner Ratliff seconded.

**Meeting adjourned at 4:32pm.**

*Attached is a copy of public comment provided by Chicago Public Schools, Deputy General Counsel, Ruchi Verma and opening statements provided by Connected Futures Academy, Ron Giles and Chicago Public Schools, Elisa Botello as it relates to Appeal SCSC 16-001.*

DISTRICT STATEMENT ON THE ILLINIOS STATE CHARTER SCHOOL  
COMMISSION'S JURISDICTION OVER THE APPEAL SUBMITTED BY BETTY  
SHABAZZ INTERNATIONAL CHARTER SCHOOL

February 9, 2016

Good afternoon. My name is Ruchi Verma and I am a Deputy General Counsel for the Chicago Board of Education. Thank you for this opportunity to speak. I would like to make three points on behalf of the Chicago Board of Education.

First, the Board respectfully disagrees with the Commission staff's recommendation to accept jurisdiction over Appeal SCSC 16-002, Betty Shabazz International Charter School-Barbara A. Sizemore Academy v. Chicago Public Schools #299.

The Commission should not accept jurisdiction in this matter because the Illinois Charter Schools Law does not provide the Commission with the authority to hear an appeal of a campus revocation. Section 27A-9(e) of the statute authorizes the Commission to "reverse a local board's decision if the Commission finds that the charter school or charter school proposal" complies with the statute and is in the best interest of students.

The plain language of the statute clearly states that a charter has a right to appeal the revocation of a charter; the statute does not provide the Commission with authority to review an amendment of the charter agreement to close a campus.

The Commission can act only within the scope of the authority conferred upon it by the Legislature. The Commission's Staff may believe it would be better for the

Commission to have the authority to review a decision to close a campus. But the Staff's view doesn't change the fact that the Commission cannot enlarge its own authority or jurisdiction. Any such enlargement of the Commission's jurisdiction must come through an amendment to the existing statute.

The Illinois Supreme Court has emphasized that state agencies cannot exceed their statutory authority. When agencies have sought to enlarge their own jurisdiction, the Supreme Court has ruled that their actions are void. If the Commission were to accept jurisdiction to hear an appeal of the closing of a campus - while the charter itself remains valid - we respectfully submit that the Commission's decision would be beyond the scope of its statutory authority and the Commission's action would be declared by the courts to be void.

Second, if the Commission decides to accept jurisdiction in this matter and grant the appeal, the Commission cannot authorize the entire Betty Shabazz charter. The statute does not permit the Commission to assume control of a charter that the authorizing school board has not revoked. There is simply no language anywhere in the statute that confers upon the Commission the authority to assume control of a valid charter.

The basic facts are clear and not in dispute:

- The Chicago Board of Education has a charter agreement with Betty Shabazz.
- The charter agreement, effective July 1, 2013, allows the Board to revoke the Agreement in whole or "as to any Attendance Center or campus."



- On November 18, 2015, the Board voted to “authorize an amendment to the Charter School Agreement with respect to that campus.”
- The Board did not terminate the Agreement with Betty Shabazz. Rather, the Board acted in accordance with the express terms of the Agreement to take action against the low-performing Sizemore campus while maintaining its authorizing relationship with Betty Shabazz.

The statute does not provide the Commission with the power to terminate a charter agreement with a local school board. The Commission, therefore, would be acting beyond the scope of its authority if it were to seek to terminate the Agreement.

Third, Section 27A-7.5(k) of the statute does not permit the Commission to transfer to itself a charter agreement without “the approval of the local school board.” The statute allows the Commission to grant a charter when the local school board has denied an application for a new charter, has revoked an existing charter, or has failed to renew an existing charter. The Commission then authorizes a new charter of its own.

Those basic principles have special application here because the Betty Shabazz charter is what is commonly referred to as a replicating charter. However, if the Commission were to authorize a new charter, the statute would prohibit the new charter from functioning as a replicating charter. There could be only one school. In 2003, the legislature expressly amended the statute to prohibit replicating charters. The Commission cannot avoid that statutory prohibition by claiming to have the power to transfer a charter to itself.

In conclusion, the Commission has only those powers that the statute confers upon it. The merit or lack of merit of one policy over another policy is for the legislature to decide. The Commission is not the author of its own jurisdiction. Nor does the Commission have the final word on how to interpret the statute. The state courts, and ultimately the Illinois Supreme Court, have the power to interpret the statute and to declare void any action that exceeds the Commission's statutory authority.

We respectfully urge the Commission to decline the Staff's recommendation that the Commission enlarge its jurisdiction beyond what the statute expressly states.

Commission Statement  
Connected Futures Academy  
By Ron Giles 2-9-2016

Good Afternoon Commissioners,

I must say I struggled with what to say to you. For the past two years we have worked to bring a different model of how to educate some of our most challenging youth to Chicago Public Schools. We brought together national and local organizations with the know-how, desire, experience and capacity to partner to serve disconnected youth, those that have been under nourished by our educational community.

CFA began with the recognition of a single fact: non-persisting high school students returned to school *only* when they realized that school was a better option than the path they had been traveling. This is an individual choice and, as such, a young person must conclude there has to be a better way. Yet he/she cannot determine the better way, they must be shepherded to it. This shepherding is possible only because the young person has motivation and hope for a better future (or great fear of the path he is on). This hope allows the possibility of a connection between his/her current circumstance and a positive, fulfilling future. The idea for CFA stemmed from our team members' intense desire to connect disconnected youth to a realistic and promising future. Roots for the idea grew from firsthand knowledge among team members of shortcomings of existing Chicago-based alternative, or option schools. Existing programs frequently stop short of addressing the realistic needs of out-of-school youth who had more than ample time to engage in crime or other nefarious activities.

As the Connected Futures Team considered appealing to the state charter school commission we took into account the legislative priorities of the charter school act. CPS estimates that currently there are 27,000 youth that could use an alternative educational option but they have capacity for less than 50%. A recent study conducted by the University of Illinois at Chicago suggests that the number of youth that could use an educational alternative is closer to 40,000 youth, thereby CPS is serving less than 30% of identified youth. CLEARLY SUGGESTING THE NEED IS THERE.

Across the state our school districts are struggling with how to motivate our youth to re-engage in a system that has failed them to date. Connected Futures has proposed a unique and innovative way to re-engage our youth that are struggling to find purpose in a public education system that does not meet or address their needs. We know that many of these 16-20 year olds are trying to find purpose. We know that they seek a future in the work world but our current educational systems do not provide significant direction. Our strategy of marrying high school degree attainment with the career pathways of the Community College programs has been lauded by CPS as innovative, but as the CEO of Chicago Public Schools stated during the CPS board meeting where CFA applications was denied, "We could not ascertain a track record of success".

It is our belief that CPS has abandoned everything that resembles building a charter movement around innovation; instead pushing a replication model that closely resembles small school districts. While we understand that economies of scale may justify this approach, the equities and the conception of the charter school model scream against it.

Commission Statement  
Connected Futures Academy  
By Ron Giles 2-9-2016

CFA's proposal was prepared with the backdrop of the 1996 Illinois Charter School Law and subsequent 2005 amendment that states the purpose of the legislation is to:

1. Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for at-risk pupils...
2. Encourage the use of teaching methods that maybe different in some respects than others regularly used in the public school system.
3. Allow the development of new, different, or alternative forms of measuring pupil learning and achievement.
4. ... 5 charter schools devoted exclusively to re-enrolled high school dropouts and/or students 16 or 15 years old at risk of dropping out...

CFA was crafted to provide an innovative model that increased learning opportunities for disconnected youth (at-risk) aged 16-20; thus addressing the Legislative Purpose #1 and #4 as stated above. While options (alternative) schools that serve out-of-school youth exist in Chicago, none of these institutions were designed to offer the combination of educational programs that resemble CFA: a three year blended learning program that follows the Early College model that simultaneously prepares learners for the high school diploma, to enter college, and to transition to Career Pathway Programs operated by City Colleges of Chicago. Hence we proposed an innovative teaching model that addressed Purpose #2 above. Based on Purpose #3 stated above, we provided a framework for an assessment system that gauged student achievement. Because our curriculum model was innovative, we had not accumulated student achievement data to demonstrate its success. And based upon Legislative purpose # 4, we recognized that only 1 of the 5 charters devoted to serve re-enrolled high school dropouts and/or students at risk of dropping out had been granted.

We had hoped that the commission staff could see with eyes different than CPS; not dimmer, but acknowledging that the model was good and could be implemented with the right leadership. The recognition that our organizational model meets standard would seem to recognize this. We had hoped that they could see that the finances were inherently supported by the way the CPS and CCC systems work, and that the needed income from workforce dollars could flow only if we existed. Most importantly that the organization of individuals who could live in this community, conceive this idea, develop it over so much time, would deliver on it because we must.

I implore the commission to take the bold step of moving beyond bureaucratic thoughts to take the bold action to allow an organization with the expertise and support systems and partnerships to engage in taking on the work of serving our communities youth that have been disconnected and disengaged in the educational process.

**IT IS CLEAR THAT OUR COMMUNITIES YOUTH ARE IN DESPERATE NEED OF SOMETHING NEW AND DIFFERENT.**

**Statement by Chicago Public Schools (CPS) for the Public Hearing Before the Illinois State Charter School Commission Regarding the Appeal by Connected Futures Academies (CFA) on the Denial of their Charter School Proposal by CPS**

**January 14, 2016**

**I. Statement on District Processes and Procedures from the Chicago Public Schools Office of New Schools**

Good afternoon. My name is Elisa Botello and I am the Director of New School Development in the Office of Innovation and Incubation or "I&I" at Chicago Public Schools.

In December 2014, the Chicago Board of Education released the Education Options Request for Proposals or "RFP" to solicit proposals for schools seeking to serve an alternative student population. Connected Futures Academy (also referred to as "CFA") submitted a charter school proposal to serve students who had dropped out of school or were at-risk of dropping out. The proposal was submitted in two tiers: Tier 1 was due on April 8, 2015 and the Tier 2 submission completed the proposal on August 10, 2015.

The proposal was evaluated by a Comprehensive Evaluation Team of internal and external experts pursuant to the standards set forth in the Illinois Charter School Law, the RFP, and national authorizing best practices. The evaluation team reviewed the proposal, participated in a panel interview with the proposal's Design Team, and completed evaluation forms rating the proposal against transparent evaluation criteria included in the RFP. The evaluation team developed a Recommendation Report outlining the rationale for its recommendation to deny the CFA proposal.

A Public Hearing was held on September 30, 2015 to receive public comment on CFA's proposal. On October 28, 2015, the Board voted to deny CFA's proposal because it did not meet the standards set forth in the Law and RFP.

**II. Rationale for Denial of Connected Futures Academies Proposal**

The proposal submitted by CFA to Chicago Public Schools had several deficiencies and was not in compliance with the Charter Law. I will provide a brief overview of the proposal's key deficiencies:

- 1) CFA fails to present a consistent and robust description of a high-quality educational program and does not demonstrate sufficient capacity to effectively implement its proposed model. The proposal lacked clarity and cohesiveness when describing basic components of the educational plan, such as what percentage of time students will spend engaging in online course content, receiving direct instruction, or attending dual enrollment courses at the City Colleges of Chicago.

- 2) The financial plan presented is not sustainable and provides limited information to support the assumptions behind the costs included in the budget.
- 3) The facilities plan presented to the district did not include all of the required documentation necessary for the district to assess the viability of the proposed sites or the impact that required renovations would have on the five-year budget.

### **III. Commission should uphold the Board's decision**

In light of these concerns, the District maintains that the education and financial plans in CFA's proposal have substantial flaws that are not easily remedied. We believe that CFA has failed to meet the standards to implement a viable and successful charter school proposal. We do not believe it is in the best interest of students to approve the charter at this time.