



**Department of Education
Charter School Accountability Meeting**

**November 17, 2014
Renewal Application Process
Final Meeting - Minutes**

Odyssey Charter School

Mr. Blowman called the meeting to order. For the purpose of the record, introductions were made:

Voting Committee Members of the Charter School Accountability Committee

- David Blowman, Chairperson of the Charter School Accountability Committee and Deputy Secretary, DDOE
- Karen Field Rogers, Associate Secretary, Financial Reform and Resource Management, DDOE
- Barbara Mazza, Education Associate, Exceptional Children Resources, DDOE
- April McCrae, Education Associate, Science Assessment and STEM, DDOE
- Atnre Alleyne, Director of Talent Management, Teacher and Leader Effectiveness Unit (TLEU), DDOE
- Charles Taylor, Community Member and Former Charter School Leader

Staff to the Committee (Non-voting)

- Catherine Hickey, Deputy Attorney General, Counsel to the Committee
- Jennifer Nagourney, Executive Director, Charter School Office, DDOE
- John Carwell, Education Associate, Charter School Office, DDOE
- Jennifer Carlson, Education Associate, Charter School Office, DDOE
- Michelle Whalen, Education Associate, Charter School Office, DDOE
- Brook Hughes, Education Associate, Financial Reform and Resource Management, DDOE

Ex-Officio Members (Non-voting)

- Donna Johnson, Executive Director, Delaware State Board of Education
- Kendall Massett, Executive Director, Delaware Charter School Network

Representatives of Odyssey Charter School

- George Chambers, Board President
- Nick Manolakos, Headmaster
- Denise Parks, Assistant Headmaster
- Patrick Rossi, Business Manager

Meeting purpose: To review the relevant statutory criteria for renewal and issue a final recommendation relative to the school's renewal application.

Meeting between the CSAC and Odyssey Charter School:

Mr. Blowman noted for the record that, at the Initial CSAC Meeting on October 15, 2014, the CSAC determined that the Academic Framework, Financial Framework and Organizational Framework sections of the renewal application met standard.

Mr. Blowman noted that the CSAC had requested the following information in order to inform its decision-making:

- Final audit; and
- Revenue sheets.

Ms. Field-Rogers stated that the CSAC received the final audit, but the revenue sheets still had yet to be provided. Mr. Rossi stated that he would send that information after the meeting.

Mr. Blowman asked if there were any questions on information received. The CSAC did not have questions.

Ms. Hickey stated that she was concerned about confusion involving matters of the Board and the Citizens Budget Oversight Committee (CBOC) and wanted to clarify the issue. She stated that the Executive Committee is a public body and must comply with the open meeting law (29 *Del. C.* § 10004). She stated that meetings of the Executive Committee have to be noticed with an agenda and everyone who wants to attend must be allowed to come. Ms. Hickey also said that the entire Board needs to make the decisions. Therefore, the Executive Committee cannot have executive sessions and make decisions without the entire Board. She stated that decisions and votes have to be made in open session. She explained that the Board can craft a motion in a way so as to not reveal confidential information, but the votes must be made in open session.

Ms. Hickey then stated that the bylaws need to be revised to address the Executive Committee and make clear that it is a committee of the Board and a public body that must comply with the open meeting law. She also noted that the school's bylaws allow for telephonic meetings, but reported that a statutory revision no longer allows for this option. She stated that meetings must be in person or via video conference and that, if a video conference is held, it must be held in a place where the Board normally meets and the public has access.

Ms. Hickey recommended the following condition:

1. The school's bylaws must be amended to address the aforementioned issues by the end of the public comment period, which is December 10, 2014, because they violate law as currently written;
2. All Board members must participate in the Delaware Alliance for Nonprofit Advancement (DANA) board training and provide verification of such participation by the end of February 2015; and
3. All Board members must participate in training offered by the Public Integrity Commission in the area of conflicts of interest best practices and provide verification of such participation by the end of February 2015.

Mr. Chambers asked for more time given the holidays and bond funding. He proposed the end of January for completion of the trainings and bylaws revision.

Ms. Hickey stated that the timeline was only a recommendation to the CSAC, but the bylaws should be addressed as soon as possible. She also stated that there are only specific reasons for Executive Session and the reason must be posted on the agenda. She again stated that voting for issues discussed in Executive Session must be held in open session.

Ms. Hickey also noted that the school's CBOC membership constitutes a complete overlap of Board members and stated that this is not appropriate. She stated that the CBOC is not a Finance Committee of the Board because it needs to be an oversight committee of the Board. She stated that members of the Board can be on the CBOC, but the CBOC must be a separate group and must post notice of its meetings in accordance with open meeting laws.

Ms. Johnson clarified that, by law, Board members are not permitted to participate in a Board meeting via telephone. She stated that Board members can, however, participate via video conference.

Ms. Nagourney asked for clarification regarding whether just the board meetings' votes or the discussions must be public. Ms. Hickey stated that the discussions must be held on the public record unless they are permitted to be discussed in executive session. If there is an issue that is allowed to be discussed in executive session per statute, the vote must be held in public. She stated that the meeting has to be publically noticed according to statute and that it is important to follow rules because, otherwise, the actions can be subject to challenge.

Mr. Chambers stated that the Board has been trying to walk a delicate line with confidential information regarding the land acquisition. He stated that the Board is aware that there are only a few areas of discussion that allow for executive session and hopes that the Board is complying. He stated that the Board will abide by the law and embrace transparency. Ms. Hickey noted that there is an exemption for preliminary discussions regarding land acquisition. She cautioned the school to be careful, however, because it is public business and money and, as such, needs to be done in an open and transparent manner in accordance with statute.

Dr. Manolakos asked for clarification regarding whether the CSAC was questioning the Executive Committee's existence or how it conducts meetings. Ms. Hickey stated that the existence of the Executive Committee is a decision for the Board, but noted that it is a public body and it has to comply with open meeting laws when it meets to discuss matters. She clarified that the Executive Committee is only a part of the Board and cannot take action on behalf of the entire Board. Ms. Nagourney noted that Article 3, Section 4 of the school's bylaws state that only the Executive Committee can attend meetings of this group, but stated that this practice is not allowed.

Mr. Chambers again stated that there was not an issue or concern about making the changes, but asked for additional time to complete the modification of the school's bylaws by the end of February. Mr. Taylor noted that changing the bylaws can be accomplished through a special session noticed within seven days and changes can be acted upon at that meeting. Mr. Chambers stated that the school wants to possibly restructure other areas of its bylaws and would want to do that at the same time, rather than in a two or three step process. Ms. Johnson stated that when a charter school is seeking renewal, it is critical to make

sure that its bylaws are in compliance with State Code. Mr. Blowman noted that the Secretary of Education or State Board of Education may hesitate to renew a school if the school's bylaws are not in compliance with State Code at the time of the renewal. Mr. Chambers asked if the CSAC could highlight the areas of the bylaws that are not in compliance and stated that the school will revise bylaws in two steps.

Conclusion of the meeting:

Mr. Blowman requested a motion to approve renewal with the following conditions:

1. The school's bylaws shall be brought into compliance with State Code as it relates to the public nature of the Executive Committee and attendance procedures at all public meetings by the close of business on December 10, 2014.
2. The CBOC shall be brought into compliance with State Code as it relates to membership by close of business on December 31, 2014. Ms. Nagourney reported that she would serve as the DDOE representative on the school's CBOC.
3. All Board members shall participate in training provided by DANA and the PIC by February 28, 2015.

The motion was made to approve the recommendation and the motion was carried by a majority vote, with Mr. Alleyne, who had not been present at the Initial CSAC Meeting, abstaining.

Renewal Application Process Timeline:

Mr. Blowman discussed the renewal application process timeline as follows:

- The CSAC will provide the school with a Final Report no later than November 24, 2014.
- A second public hearing will be held on December 10, 2014, in the 2nd floor Auditorium of the Carvel State Office Building, located at 820 North French Street, Wilmington DE.
- The public comment period also ends on December 10, 2014.
- The State Board of Education will hold a meeting on December 18, 2014, in the 2nd floor Cabinet Room of the Townsend Building, located at 401 Federal Street, Dover DE, at which time the Secretary will announce his decision on the renewal application and, if required, the State Board will act on that decision.

The meeting was adjourned.