

Community Choice Schools Commission Meeting Minutes

October 2, 2023
Montana State Capitol Building, Room 152
1301 E 6th Avenue, Helena, MT

Call to Order

Chair Schreiber called the meeting to order at 1:00 PM. The Chair led the Commission in the Pledge of Allegiance and Ms. Kris Stockton took Roll Call. The Chair read the Statement of Public Participation and welcomed guests.

Commission members present: Ms. Trish Schreiber, Chair; Ms. Cathy Kincheloe; Ms. Dee Brown; Ms. Katy Wright; Mr. Mark Hufstetler. Board of Public Education (BPE) Staff present: Ms. McCall Flynn, Executive Director; Ms. Kris Stockton, Administrative Specialist. Guests: Mr. Dylan Klapmeier, Governor's Office; Ms. Jane Hamman, BPE member; Ms. Jenny Murnane Butcher, Montanans Organized for Education (MOFE); Ms. Nancy Hall, Office of Budget and Program Planning (OBPP); Lieutenant Governor Kristen Juras, Governor's Office; Mr. Chip Lindenlaub.

*****Items are listed in the order in which they are presented*****

Item 1 Approval of Agenda

Member Brown moved to approve the agenda. Motion seconded by Member Wright.

No discussion. Motion passed unanimously.

Item 2 Chairperson Welcome Statement; Commission Members Individual Introductory Statements

Chair Schreiber welcomed Members and guests to the meeting. Members introduced themselves and discussed their professional backgrounds and experience in education, business and philanthropic work.

Item 5 Bylaws

Chair Schreiber reviewed the draft bylaws for the Commission members and took comments from Members on the proposed bylaws. Members discussed possible revisions and Chair Schreiber answered Members questions.

Item 3 Discussion: Partial Injunction and Activities the Commission May Engage in Pending Final Resolution of Lawsuit

Chair Schreiber introduced Mr. Thane Johnson and Ms. Alwyn Lansing, attorneys with the Department of Justice Attorney General's Office, to review the partial injunction pertaining to The Community Choice Schools Act. Ms. Lansing discussed the section of the injunction which allows the Commission to move forward and activities the Commission is allowed to perform.

Mr. Johnson discussed the Judge's concerns and how the Commission may be able to resolve some of the concerns in their bylaws. Mr. Johnson stated that the Commission should consider retaining corporate counsel to assist with developing resolutions to the concerns held by the Judge. Mr. Johnson and Ms. Lansing answered the Members' questions.

Item 5 Bylaws

The Commission returned to Item 5 and continued reviewing the bylaws.

Member Kincheloe moved to approve the bylaws as proposed. Motion seconded by Member Schreiber.

Member Brown expressed concerns that each member's individual voices and individual rights will not be impeded by the bylaws of the Choice Commission in regards to Article IX of the bylaws.

Member Brown moved to add a sentence to Article IX – Communications that would state, “No Commission member shall be limited in personal First Amendment rights in discussing their work on the Commission”. Motion seconded by Member Wright.

Discussion ensued regarding whether the statement should read “discussing their work on the Commission” or “discussing their role in Commission work”.

The motion was amended to read: “No Commission member shall be limited in personal First Amendment rights in discussing their role in Commission work.”

Amended motion passed unanimously.

Discussion ensued regarding seeking legal advice with the bylaws.

Chair Schreiber reverted back to the main motion: “Shall we pass the bylaws as presented with the amendment in the communications section, Article IX?”

Member Brown questioned whether the Commission should consult corporate counsel as suggested by DOJ prior to passing the bylaws?

Chair Schreiber explained the need to establish and approve the bylaws, which will formally create the Commission, and further explained that until bylaws are created, officers cannot be elected, and committees cannot be formed to discuss these issues.

No further discussion. Four members voted “aye”; one member voted “nay”.

Member Wright clarified her “nay” vote by stating that she had concerns regarding insurance for Commission members and other questions that were not addressed in the bylaws. Members discussed Member Wright's concerns and Chair Schreiber re-stated her previous point that

bylaws must be adopted for the Commission to exist. Once the Commission is established and officers elected, an Executive Committee will be formed to address issues such as insurance, fundraising, and hiring legal counsel if necessary.

Chair Schreiber restated the main motion: “To pass the bylaws as presented with the amendment in Article IX, Communications: No Commission member shall be limited in personal First Amendment rights in discussing their role in Commission work.”

Member Brown stated that a vote had already taken place on the main motion.

Chair Schreiber asked if any member wished to change their vote.

Member Wright changed her vote to “aye”.

Motion passed unanimously.

Item 3 Montana Public Meeting Laws and Code of Ethics

Lieutenant Governor Kristen Juras reviewed the Montana Public Meeting Laws and the Montana Code of Ethics. Lt. Governor Juras discussed various sections of the law including allowing public participation in public meetings, allowing time on the agenda for public comment, appropriate times to close a meeting due to privacy concerns, minimum time frame to announce a public meeting, and what constitutes a quorum. Lt. Governor Juras answered the Members’ questions.

Item 4 Discussion: Fundraising and establishing special revenue account

Ms. Nancy Hall reviewed the work of BPE staff to establish a State Special Revenue Fund (SSRF) for the Commission, based on requirements in The Community Choice Schools Act. The work is ongoing with State Accounting at the Department of Administration to finalize the fund which will allow individuals to donate money to the Commission for operation expenses. Once the fund is established, Members will be reimbursed for travel, lodging, and per diem. Ms. Hall reviewed appropriate reimbursements for travel, lodging, and per diem, and how the Commission may be able to hire staff in the future. Ms. Hall answered the Members’ questions. A discussion ensued regarding fundraising and the timeframe for when the accounts and funds will be set up, who will administer the funds, and how the funds can be used.

Future Agenda Items

Ms. Flynn discussed proposed meeting dates that she and Chair Schreiber have discussed and asked Members their availability on those dates. Future agenda items discussed included: election of officers, budgeting and the SSRF, detailed review of The Community Choice Schools Act, presentation on school funding (traditional school funding and what is proposed in The Community Choice Schools Act), how other states fund charter schools, and resources for authorizers.

Public Comment

Mr. Chip Lindenlaub gave public comment regarding the lawsuit and the Attorney General's Office recommendation to try to resolve the judge's concerns.

The Commission discussed potential future meeting dates of November 8 and December 5. Members confirmed November 1, 2023 from 1:00-5:00 PM as the date for the next meeting. December 5th will remain as the third date pending the outcome of the November 1st meeting and if a December meeting will be necessary.

Chair Schreiber noted that Superintendent Arntzen has appointed Mr. John Rutt as her appointee to serve on the Commission. The Senate Minority Leader will be making his appointment soon.

Adjourn

The meeting adjourned at 3:09 PM.