



Idaho Public Charter School Commission

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March 31, 2021

Monticello Montessori Charter School
4707 Sweetwater
Ammon, ID 83406

Dear Board of Directors,

The purpose of this letter is to inform you that the Idaho Public Charter School Commission (IPCSC) received a complaint regarding multiple aspects of operations at Monticello Montessori Charter School (MMCS). I discussed the complaint with Erica Kemery and Ken Glodo on March 29, 2021, and am writing to follow-up on that conversation.

The IPCSC is obligated to investigate the validity of the complaint and must determine whether a term of the school's Performance Certificate has been violated or whether there is reason to believe a provision of law has been violated.

At this time, several aspects of the school's operations require further investigation. This includes issues directly related to the complaint as well as issues that have been discovered since that time, such as invalid Articles of Incorporation and a non-compliant expenditure transparency webpage.

While a governing board may delegate the execution of day-to-day operations to its administrator, the board itself bears the ultimate responsibility of ensuring that the school operates effectively. For this reason, this letter is being issued to all currently serving board directors.

Should the IPCSC determine there is reason to believe the school may have violated any provision of the law, both the school and the entity responsible for administration of that law will be notified.

The subsequent pages provide detail regarding our initial concerns. I appreciate your attention to providing the requested documentation by April 12th.

Please feel free to contact our office with any questions.

Sincerely,

Jenn Thompson
Director, Idaho Public Charter School Commission

1. Regarding the complaint made to the PCSC

A complaint was received on March 25, 2021. The school was notified on the same day. The complaint alleges the following: (a) a personnel matter was handled unprofessionally by the school's administrator, causing young children unnecessary emotional stress; (b) the board of directors may be receiving monetary benefits through contracts held by the school; and (c) the board's grievance procedures do not allow grievances to be escalated to the board's attention.

With regard to allegation (a), IPCSC staff referred the complainant to the Idaho Professional Standards Commission, as that is the appropriate body to determine whether further investigation is necessary in that matter. It is my understanding that such a complaint has been filed.

With regard to allegation (b), Idaho Code 33-5204(6)(a) expressly prohibits a charter school board director from having a pecuniary interest in any contract relating to the school.

With regard to allegation (c), charter school boards bear full responsibility for all aspects of the school. For this reason, it is important for boards to have a mechanism through which stakeholders can communicate. Model grievance procedures do allow for escalation to the board, after resolution has been attempted at more local levels.

Please provide the following documentation directly to the IPCSC:

- Monthly expenditure reports from July 1 2020-Current.
- All supporting contracts related to expenditures, if already existing.
- All meeting minutes from July 1 2020-Current.
- Any additional meeting minutes dated after July 1 2018, which reflect a disclosure of any and all actual or potential conflicts of interest made by a governing board director.
- A copy of the board's current grievance policy and any related documented procedures

2. Regarding MMCS's Articles of Incorporation

In October of 2020, the IPCSC notified MMCS that its Articles of Incorporation had been dissolved by the Idaho Secretary of State due to failure to file the annual report. A school charter may only be held by a board of directors that is lawfully organized under the Idaho Nonprofit Corporation Act. While we appreciate that this report was quickly filed and the school board's status was reactivated, it appears that the new filing solely names Emily Thomas as the only board director. As this is the case, it is unclear whether any decisions made by the school's board since January are valid.

As a reminder, IDAPA 08.03.01.301.05 requires that the school provide to the IPCSC the full names, addresses (including email addresses), phone numbers, and resumes of each board director within five (5) business days of any changes, including the board director's term start date. It has come to our attention that the person most recently reported to the IPCSC as Vice Chair has since left the service of the board. This board director's seat remains unfilled.

Please provide the following documentation directly to the IPCSC:

- Please provide a statement from the school's legal counsel explaining the impact of operating since December 30, 2020 with inaccurate Articles of Incorporation and, if necessary, what cure might be recommended.
- A copy of the filed correction to the Articles of Incorporation listing board directors appropriately.

- The full names, addresses, email addresses, phone numbers, resumes, and term dates for each current board director.
- Meeting minutes for the board meeting at which Anthony Kinikin's resignation was accepted.
- The board's policy for filling vacant board positions.

3. Regarding the Preschool Structure at MMCS

In the course of the discussion with the complainant, IPCSC staff became aware that the operational structure of the preschool at MMCS may be in violation of the school's operational contract. This concern was later confirmed in conversation with Ms. Kemery and Mr. Glodo. The school's Performance Certificate (operational contract) only allows the school to serve grades K-8. This means that the school's liability insurance may not cover a claim involving students the school is not authorized to serve. Many charter schools do provide preschool; however, this is accomplished through a services agreement with a third party vendor that carries its own insurance. While it appears that the school has been careful to keep funding separate in this tuition-based program, the school may need to pursue a vended operational structure to ensure appropriate insurance coverage and compliance with the terms of its Performance Certificate.

Please provide the following documentation directly to the IPCSC:

- A copy of the services agreement for preschool services with a vendor, if such exists.
- A copy of the school's facilities use policy, if such exists.

4. General Operational Concerns

Additionally, I want to bring to your attention some general concerns around reporting accuracy and timeliness, compliance with transparency requirements, and cooperation with necessary investigations. Several instances of the school struggling with these basic aspects of operation have come to light in the past few days. As a breakdown in operating function is considered a primary "indicator of distress" in charter schools, my hope is that by addressing these issues now, the MMCS board can take action to assist its administrator in getting the school back on track quickly.

Late payments impact the school's "default" rating on the financial section of the annual report. Late or inaccurate reports impact the school's ratings on multiple measures in the operational section of the annual report. In turn, annual reports are the primary documents used to inform the IPCSC's renewal decisions, and not meeting standard on one or more measure is reason for the IPCSC to consider non-renewal of the school's operations.

The general concerns include the following incidents:

- MMCS was notified of late reports to the IPCSC in August of 2020. Issue resolved.
- MMCS was notified of failure to file the annual report with the Idaho Secretary of State in October of 2020. It appears that the school's resolution to this issue created new concerns (noted in #2 above).
- MMCS was notified of delinquent payment due to the IPCSC in March of 2021. Issue unresolved.
- Though a formal complaint has not yet been filed, it appears that concerns about timeliness and accuracy of reports are also held by the State Department of Education's data collection (ISEE) and Certification teams.

- The SDE's special education team had difficulty scheduling the necessary interviews in a formal investigation related to the school's implementation of federal special education law. Ms. Kemery indicated that this has since been resolved, though the State Department of Education has not yet confirmed the resolution.
- Idaho Code section 33-357(2) requires that a charter school maintain a webpage for the purpose of expenditure transparency. The webpage must include amounts, dates, descriptions of expenditures and their purpose, supporting contracts and reports related to expenditures, and the school's annual budget. It appears that the school's webpage is not up to date. This must be corrected.

Please provide the following documentation directly to the IPCSC:

- A link to the fully-updated expenditure webpage