

February 20, 2024

Board of Directors
Pullman Community Montessori
115 NW State Street
Pullman, WA 99163

Re: Notice of Perceived Problem – Please Confirm Receipt and Note Deadlines Below

Dear Board Members:

I am writing to follow up on conversations and correspondence we have had to provide you notice that the Washington State Charter School Commission (Commission) has reason to believe that Pullman Community Montessori (PCM) has not met legal and contractual obligations, including but not limited to, Contract provisions §§ 4.1, 4.2, 4.4, 4.5, 5.1, 5.2, 5.4, 5.21, 6.4, 14.2.1, 14.2.2 (including attachment 10), 16.2, and Applicable Law (including the increased emphasis on charter school board accountability for exercising effective educational, operational, and financial oversight of the charter school added to the Charter School Act in 2023). Additionally, changes in the Charter School Act in 2023 allow the Commission to conduct or require oversight activities for “a pattern of well-founded complaints about a charter school” “or other objective circumstances” that warrant Commission oversight.

Thus, pursuant to Washington Administrative Code (WAC) 108-40-030(4), the Commission is issuing a notice of these perceived problems. PCM has ten (10) working days from the receipt of this notice to provide a written response. The Commission will consider the response and other evidence and information in determining whether to take corrective action and/or impose sanctions. Should PCM fail to provide information by the deadline, the Commission will take action based on the information in its possession. Failure to comply with the deadline is a contractual violation and will be considered in the determination about appropriate corrective action and/or sanctions, which could include revocation.

To ensure that the Commission’s ultimate decision regarding these perceived problems is based on accurate information, PCM has an opportunity to supplement any information previously provided to the Commission. Below, the Commission provides PCM with a detailed discussion of the perceived problems. This is done in service of PCM and will help to ensure that any decision is based on an accurate understanding of the facts.

Background

Under the PCM Board Governance documents (Contract, Attachment 2), PCM is required to have a minimum of five board members. PCM has frequently been under that number since the spring of 2023, only recently adding a fifth earlier this month (however, another Board member will be departing later this month, dropping the number back down to four). The Commission has raised this concern multiple times, and the Head of School and Board chair have shared plans for adding new board members.

In October of 2023 Commission staff shared concerns with the school about a developing pattern of late compliance submissions including, but not limited to, the school's 2022-23 Annual Performance Report. The issue of late compliance submissions was discussed with the school leader during their Quality School Review on October 16, 2023. Suggestions were made to have an operations staff member help with some of the school submissions, and the Commission's Oversight Manager volunteered to help orient a new staff member to the compliance software if necessary.

On November 6, 2023, Commission staff reached out to the school and Board Chair to discuss that because they were going to be losing another board member in the near future, they would be dropping even further below their required number of board members. Commission staff requested information on the Board's plans for recruiting additional Board members. The Board Chair indicated that they were continuing to do outreach, but struggling to find people willing to volunteer their time. The Board Secretary resigned on November 14, 2023, while at the same time, a new Trustee was approved to join the Board. This kept the total number of Board members at four, whereas the bylaws require five board members.

On November 7, 2023, Commission staff received an email inquiring into the use of space heaters by the school from a community member. The Commission received three additional emails from community members expressing concern over the use of space heaters in the classrooms, and inquiries from the Office of the Superintendent of Public Instruction and a state legislator about complaints they had received regarding this concern. Upon inquiring with the school, the Commission learned that the boiler in the building had not been functional since October 17, 2023, and would not be functional until the end of November. The school indicated that it was made aware of this on approximately October 17, 2023, but did not inform the Commission although the boiler not functioning had the potential to disrupt the education of students and the potential for closure of the school. On November 8, 2023, the Commission directed the school to contact the Fire Department and/or the City permitting department to ensure safety protocols for K-12 schools were being followed. On November 13, 2023, the Head of School confirmed that they received approval from the Pullman Fire Department to allow the use of space heaters in the rooms until the boiler was fully functional. At a board meeting held on November 30, 2023, the Head of School announced that the school's boiler was fully functional at that time.

On November 15, 2023, Commission staff met with the school leader and Board Chair to discuss Board capacity, financial viability, and a pattern of complaints received about the school. The Commission requested that the school share information on parent survey data and financial modeling by the end of November. Commission staff contacted the school on November 20, 2023 to remind them that the school's enrollment was close to a decrease of 20% or more students from the approved budget. Commission staff emailed the Head of School on December 20, 2023 to request a meeting to discuss the status of the school's operational plans. The Commission emailed the Head of School again on January 3, 2024 to remind the Head of School that a meeting was requested, and the meeting took place on January 12, 2024. The school did not provide the information to the Commission as requested during this time frame.

On January 26, 2024, the Head of School informed the Commission that a staff member was separated for not complying with a contractual condition regarding certification. The Head of School also shared an

email that the teacher sent to many PCM families and community members that alleged concerns in areas including lack of support for students receiving special education services and for those that don't receive special education services, student safety, and a lack of transparency from school leadership with staff and parents. Commission staff immediately required the school to send safety procedures to the Commission and initiated an investigation. Commission staff met with the school leader and the board chair on January 30, 2024 to learn more about the impact of this termination on the School, students beginning to unenroll from the school, and plans for a parent meeting to address the allegations on January 31, 2024. Commission staff shared plans to attend the parent meeting and visit the school.

On January 29, 2024 the Head of School sent an email to the Commission stating that the school's enrollment would be falling below 80% of budgeted enrollment once two additional students' withdrawals were completed. The School was required to complete and submit a Decrease in Enrollment form to the Commission within 24 hours, but did not send notification until February 2, 2024, after being reminded by Commission staff.

On January 31, 2024 the School held a meeting with parents/families to discuss issues regarding student safety, special education, the School's financial viability, and communication with families. This included question and answer time for families with the school. Commission staff observed this meeting. Many families voiced concern about communication from the school and transparency communicating about issues the School faced, especially financial viability. Parents expressed frustration that there was not a venue to more actively engage with school improvement efforts, to which the School responded that the parent group did not have a leader. An individual volunteered to lead the parent group and scheduled a meeting for February 8, 2024.

On February 1, 2024, the Commission conducted a site visit to evaluate safety concerns raised by the terminated staff member, including the risk of hot pipes in a newly constructed classroom and safety procedures for that classroom. The Commission found that the pipes were wrapped appropriately and safety procedures for the older elementary classroom were appropriate if conducted as specified.

On February 9, 2024, the Board approved an additional member, bringing the total number of board members to five, which is the minimum required by their bylaws. The Board also announced that a member would be leaving the Board at the end of the month, so as of February 29, 2024, the Board would again be below the number required by their bylaws.

On February 12, 2024, the Head of School and Board Chair met with Commission staff and shared that the school had approximately 17 days cash on hand and was considering budget cuts and operational changes to continue operations for the current school year.

As of February 14, 2024, the School reported 94 enrolled students. This included 22 withdrawals since the beginning of January, three newly enrolled students, and one student in the process of enrollment. Fifteen of the 22 withdrawals were students who had been in the Older Elementary classroom with the teacher who had recently been separated from the School.

As of February 20, 2024, the Commission has received numerous complaints from parents and community members regarding the school since August 2023. The School proactively shared some of

these complaints with the Commission to keep Commission staff informed about the challenges faced by the school. The Commission found that some of the complaints were not violations of the contract or law (e.g., the use of space heaters, allegations that the school was not complying with the Open Public Meetings Act, safety of student restroom procedures, teacher certification concerns, and safety concerns regarding a hot pipe not being properly insulated). Some complaints are still under investigation (e.g., students receiving special education services, safety procedures on the bus and playground, and isolation and restraint practices). The majority of these complaints were within the School or School Board's area of responsibility, yet were not effectively resolved at the school level. The number of unresolved complaints from the school community indicate a pattern of a lack of effective communication with the school community, and community dissatisfaction, contributing to the decline in enrollment.

Summary of Perceived Problems

Based on information received from PCM and other information gathered in its investigation, the Commission has determined that due to the significant decrease in enrollment, the school's financial status appears unsatisfactory for the following reasons:

- **Lack of Effective Financial Oversight of the School**
 - **Student Enrollment**
 - The Commission has determined that due to the significant decrease in enrollment, and the number of days of cash on hand, the school's financial status appears unsatisfactory. The school is currently at 69% of budgeted enrollment. As of February 12, 2024, the school reported 94 enrolled students compared to 136 budgeted.
 - The school does not have sufficient cash flow to complete the school year without significant changes to their current operational and organizational structure.
- **Lack of Effective Operational and Educational Oversight of the School**
 - **Compliance**
 - The school is not meeting deadlines for submission of required compliance documents. The Commission has been communicating with the school as deadlines are missed to establish reasonable timelines for completion. However, deadlines continue to be missed. The due dates required by the Annual Compliance Calendar can be extended in extenuating circumstances, but this is meant to be an exception to standard operating procedure. The current lack of capacity to meet compliance deadlines puts the school out of compliance with the Charter Contract.
 - Of the 38 Epicenter compliance submissions required by the charter contract, 12 (or 32%) have been submitted late this school year (August 1, 2023-February 16, 2023). The most recent instance of this is the Student Transfers and Exits form due on February 1, 2024 and not submitted until February 5, 2024. While this specific submission was submitted without reminder (yet still late), it speaks to a continued pattern of late compliance submissions.
 - The School's Annual Performance Report for the 2022-23 school year is currently outstanding. The original due date was October 1, 2023, which was missed by the School. After this omission, an extension was

requested on October 5, 2023 until October 10, 2023, and granted. A follow-up email on October 6, 2023 requested an extension until October 13, 2023, which was granted. This deadline was missed and the submission is still outstanding. The School's Oversight Manager followed up with the Head of School in the Quality School Review on October 16, 2023 to discuss concerns about the school's late compliance submissions. On January 18, 2024 the Oversight Manager emailed the Head of School to inquire about the report and share the previous year's report as a resource. The Head of School replied on January 18 to say it would be done by the end of January and that she was receiving support for data analysis. She also shared this status with board members at the School's Board meeting that same day. On January 31 staff received an email from the Head of School saying due to issues at hand she'd now submit the annual report by February 16. Commission staff brought up that the Annual Performance Report for 2022-23 still needed to be completed with the school leader and Board chair in the School's Quality School Review on February 15, 2024. The Annual Performance Report is currently 122 days overdue as of February 16, 2024. As per charter contract section 14.2 "the school shall be subject to a review of its academic, organizational, and financial performance at least annually." Currently this report is long overdue, which makes it difficult for Commission staff to assess school performance for school year 2022-23.

- Notification of decreased enrollment was not submitted immediately as required by charter contract section 6.4. The school fell below 80% of budgeted enrollment officially on January 30, 2024 and did not submit the notice of decreased enrollment until reminded by Commission Staff on February 2, 2024.
- On January 30, 2024, the Commission was notified by OSPI that the school had not submitted the restraint and isolation data for the 2022-23 school year to OSPI as required by January 1, 2024. This is a violation of charter contract section 5.2, Public School Status, where it states that the school is subject to all local, state, and federal requirements for reporting. It also violates RCW 28A.600.485 (7)(a), which states "by January 1st annually, each school district shall summarize the written reports received under subsection (5) of this section and submit the summaries to the office of the superintendent of public instruction. For each school, the school district shall include the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used." Concerns about having a limited number of individuals trained in restraint were brought to the attention of the Commission on January 26, 2024, in an email shared by school leadership from a former employee. Use of restraint was also observed in a lower elementary classroom during the Commission's site visit on February 1, 2024. It is highly unlikely that there were zero instances of restraint in 2022-23, and this required state reporting.

- **Administrative Team Capacity**
 - The administrative team structure approved by the Commission is not being implemented with fidelity. While there is a Montessori Coach position hired, many of the duties outlined on page 387 of the charter application are duties currently being carried out by the Head of School. The Commission was made aware on January 30, 2024, that the board is considering shifting that role to that of an assistant principal for the upcoming school year. In its job description, the Montessori Coach role also serves to act on behalf of the Head of School in their absence, which this individual has not been able to do during the HOS' leave of absence this Winter. Compromising on the requirements for this role as compared to the approved charter application leaves the school without a more comprehensive system of support, and in danger of violating the educational program terms. This lack of administrative support has impacted the school's compliance with the charter contract.
 - Inadequate systems are in place to facilitate staff transitions. This has resulted in a series of allegations and complaints by former employees that have been widely disseminated to the school community, the Commission, at least one state legislator, and state agencies. A better system for facilitating staff transitions may have provided an opportunity to reduce the negative impact on the community, and opportunities to improve the school.

- **Board Capacity and Governance**
 - Since the spring of 2023, the PCM Board of Trustees has been operating below the required number of Trustees according to the Board's Bylaws as the Board experienced both departures from and additions to the Board. The Bylaws state that the minimum number of Trustees is five. While a fifth board member was voted in on February 9, 2024, another board member plans to exit at the end of February, which will bring the board back below the required number of Trustees.
 - The charter application approved by the Commission (p85) includes three advisory bodies "to help ensure that everyone has a voice." The Commission has recently learned that these key bodies, designed to provide and receive feedback when the school was envisioned, are inconsistently meeting, which has contributed to a breakdown in communication between the school, families, community, and students. These groups include:
 - Community Advisory Council to provide feedback about how the school and leadership are performing (composed of family and broader community members).
 - Specialized Support Council, to serve as a sounding board and support group, directing families to resources, service, and information or helping to identify gaps in support (composed of families of children currently in need of elevated services).
 - Student Advisory Council to help bridge the student-adult world, share ideas and acting as an information and primary support source (students + Montessori Coach + one parent volunteer). This Student Advisory Council is intended to periodically administer student surveys

to ensure the entire student body is actively involved in important issues (p.21).

The Board has not ensured that the structures it put in place as part of the charter application, to ensure that communication and collaboration were consistent, have been implemented. This has contributed to a breakdown in communication between the school, staff, and families. While the parent group has been recently reestablished, the lack of consistent support for this and other key bodies of communication has damaged the relationship between the School and the community it serves.

- The Board is obligated to oversee the School so that the School complies with its legal and contractual obligations. The Board also has responsibility for the School's performance, even when some of the obligations are delegated to the Head of School. The Board has been made aware of the Perceived Problems, above, but has not exercised adequate governance in order to ensure compliance and/or remedy identified performance, legal, and/or contractual concerns.
- There is not strong evidence to suggest that the Board is holding the Head of School accountable to resolving concerns brought up by members of the school community, which has contributed to students withdrawing from the school.

PCM is required to respond in writing to this perceived problem within 10 working days.

In determining whether the Commission will take corrective action and/or impose sanctions, the Commission will consider PCM's response submitted in compliance with WAC 108-40-030(4)(b), and other evidence and information available.

Please contact me directly if you have any questions or concerns.

Sincerely,



Jessica de Barros
Executive Director