



PENDING APPROVAL. SUBJECT TO CHANGE

Board of Directors Special Meeting

Time: April 27, 2023 @ 4:30 PM Eastern Time (US and Canada)

Location: Join on Zoom: Meeting ID: 886 5360 5133 Passcode: 010007

Roll Call by Secretary: Jason Brisini (not present,), Ashley Goverman (present,) Rosemary Herold (present, joined 4:40pm) George Hynd (present,) Bob McFerran (present,) Chris Ott (present,) Stephanie Sams (present), Sedric Webber (present,) Jane Walsh (present)

MISSION STATEMENT:

To provide an exceptional, evidence-based, multi-sensory education for students with dyslexia to open the gates to their academic potential in an environment that empowers students to develop a positive and socially conscious self-image.

1. Call to Order at 4:34pm by Stephanie Sams.
2. Mission Statement & Roll Call by Ashley Goverman
3. Adoption of Agenda for 4.27.23 motioned by Stephanie Sams. 2nd Jane Walsh. All in favor.
4. Adoption of Minutes for 3.29.23 motioned by Bob McFerran; 2nd by Chris Ott ; All in favor.
5. Principal's Report / SPED Update
 - a. Spring MAP testing is complete with the exception of a few students.
 - b. Hard copy of MAP report should have come home in backpacks
 - c. A letter regarding upcoming State testing will take place 5/8 - 5/11. Testing will begin promptly at 8:30. If a child arrives late, they won't be able to enter their classroom until the test is done.

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- d. Students are not allowed to have personal electronic devices including smart watches on testing days.
- e. Compiled a teacher directory with contact information for our teachers. List will be sent via email tomorrow.

6. Board Chair's Report

- a. At the Charter Institute at Erskine's March meeting, the board voted to postpone the revocation vote once again until a special called meeting in April. Both the Institute and Gates were informed that any additional information they would like the Institute Board to consider needed to be submitted by April 7th. Each side would have 15 minutes to address the board at the special meeting (note: last year's appeal hearing took 8 hours).
- b. Gates submitted correspondence of multiple pages of information to the Institute Board by the deadline of April 7. This packet included multiple legal objections as to why Gates believes a revocation vote is unlawful. It also contained pages and pages of submissions of evidence of compliance by Gates, including all SPED service logs indicating that Gates students were being served their minutes appropriately. The majority of the submissions have never been commented on by Institute staff. Gates again expressed its willingness to enter into an agreement with the Institute to keep Gates School not only open but with the ability to thrive with proper support and funding.
- c. Gates board and administration received correspondence from the Charter Institute at Erskine on April 18th stating that a special called meeting was scheduled for six days later, on April 24, at which time the final vote on the revocation of Gates' charter would take place.
- d. The Institute presented to the Board first and spoke only of the events that took place during the 2021-22 school year, not the current year. No information or data was presented to show that Gates fulfilled the two conditions set forth by the Institute Board on May 18, 2022 consisting of weekly updates on compliance and completing a special education audit conducted by the Institute appointed consultant, Dr. Nicole Adams.
- e. Gates believes that it has also successfully concluded both corrective action plans that served as the basis for the March 16, 2022, vote for recommendation for revocation by the CIE Board: the amended corrective action plan imposed by the Institute and the corrective action plan implemented by the South Carolina Department of Education all from the 2021-22 school year.
- f. To reiterate, the Institute presented no new information from the current school year and only presented information from the appeal hearing last May. It must be said that at the Institute's October 2022 board meeting, Institute staff and board members praised Gates for all of the work they had done to become compliant. This hard work was not even recognized at Monday's hearing.
- g. The first to speak on behalf of Gates for our presentation was Margaret Dullanty, Gates' counsel. Ms. Dullanty objected to the vote of revocation for multiple reasons, the most significant being:

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- i. Gates had not been provided the basis for the grounds for the proposed action or reasonable detail supporting the proposed vote, which is a violation of South Carolina Code Section 59-40-110.
 - ii. It was made clear that there are additional violations of statutory, due process, and other requirements that preclude the lawful continuation of the proposed vote and that Gates waives no legal arguments or rights.
- h. Following Ms. Dullanty, was one of the two SPED consultants hired by Gates, Ms. Hope Batton of Arbor Education. Ms. Batton and her business partner, Ms. Corrigan Rutherford, have been working closely with Gates since December 2022. They are also in the building weekly directly serving some of our students. Ms. Batton's message to the Institute Board was clear, Quote "Due to the numerous requirements of the law, it is not unusual for schools to become "non-compliant". Of course, the goal and expectation is always full compliance. However, when non-compliance occurs, there is typically a collaborative effort between the school, district, and state department to correct the area(s) of non-compliance. Closing a school is rarely if ever a response to non-compliance. " End quote. Ms. Batton also stated, Quote "It should be noted that multiple students have made considerable gains even without special education services" End quote.
- i. The final speaker on behalf of Gates was Ms. Rachel Traynham, a current public school SPED director and advocate of a current Gates student. Her previous employment at the SCDE entailed auditing school districts on Office of Civil Rights regulations as well as state regulations. Ms. Traynham made the following points during her presentation:
- i. 1. The South Carolina Department of Education sees the disability of dyslexia as an area of such need that they have created a South Carolina Dyslexia Handbook which serves as a guide to early literacy development and reading. There is no other disability category in which the state has developed a handbook to aid in instruction.
 - ii. 2. Because dyslexia is a complex learning disability, instruction that is specifically designed to meet the individualized needs of the learner, within a smaller classroom environment, is often where a student can flourish.
 - iii. 3. According to Applitrak, which is the school district application system, there are 40 Special Education positions still open in Charleston County School District, 47 in Berkley County School District, and over 30 in Dorchester County School District.
 - iv. 4. Quote: "As a current Special Education Director, I feel confident in telling you that many of the students currently attending Gates School will be not be able to get the same level of instruction or support in any public school in Charleston County School District or the surrounding area."
 - v. 5. Quote: "My research and conversations revealed that the support offered by staff at the Charter Institute at Erskine, have been minimal at best and further have not allowed for sufficient time to



implement improvements therefore working with outside consultants has been a crucial part of Gates being able to ensure IDEA compliance. One important note is that although Gates has paid for the Erskine appointed consultant and she has come to Gates School, Gates has never had access to her reports.”

- vi. 6. Quote: “One of the most disturbing things that have been done is the enrollment freeze implemented within the first 45 days of the Gates School’s inception. This is clear discrimination of the Gates School and more directly the population of students with disabilities of which Gates serves. An enrollment freeze is unheard of to do within the first 45 days of a school’s opening and frankly a clear violation under the Office of Civil Rights. The Office of Civil Rights is clear regarding acts of retaliation of students with disabilities and the act of freezing enrollment at an Alternative Educational Campus is not only punitive but very clearly retaliation... since the Charter Institute at Erskine is the entity receiving the Federal Financial Assistance, they are the responsible party ensuring that civil rights are protected and that retaliation doesn’t take place.”
- vii. 7. Quote: “Gates has requested to be released by Erskine to Limestone College to maintain authorization for their charter. These requests continue to be denied although, Limestone has approved Gates School if the Charter Institute at Erskine will grant the request. As you all have heard in previous meetings, the majority of the parents with students at Gates have indicated they are pleased with the education their child receives and further adamantly request that the school be allowed to stay in operation. Allowing a transfer to Limestone would be a viable solution to keep the Charter Institute at Erskine from being responsible for the extensive OCR and IDEA violations that would occur if the school were to be closed.”
- viii. 8. Institute senior staffers were continuously handing the Institute Board the astronomical number of 207,000 minutes to 121,000 minutes of compensatory hours owed to Gates students. Board members were being deliberately misled to believe that this was unattainable when in fact, Gates has a viable plan to deliver these owed minutes to students.
- ix. 9. Quote: “Being short staffed in Special Education Teachers and owing compensatory services is NOT a valid reason to close a school. The Office of Civil Rights would not look kindly on an institute that receives federal dollars who chooses to close a school for being unable to maintain Special Education Staff when the entire state is in a teacher shortage and the nation as a whole is struggling to retain teachers.”
- x. 10. Quote: “By not allowing the school to remain in operation and revoking the charter, it seems clear that the Charter Institute at Erskine is discriminating against the students with disabilities served in the Gates School and is further retaliating against the Gates School Board of Directors due to its advocacy for students with disabilities.”
- xi. It was during Ms. Traynham’s speech that the 15 minute timer ran out. While the Board Chair granted Ms. Traynham extra time, she was eventually cut off without being able to deliver additional points.



- j. At this time, the Institute Board was asked if they had any questions and they had NONE.
- k. The Institute Board went into executive session, came out and voted unanimously to revoke the charter of Gates School. Within only a few hours of this decision, a press release from the Institute had already gone out to all Institute schools, local, and state news outlets.
- l. Gates has received no further instruction from the Institute at this time.

7. Public Comments: No public comments registered

8. Executive Session motion to go into exec session by Bob McFerran; 2nd Jane 2nd. All in favor. Out of executive session at 6:17pm. No votes taken.

- Receipt of legal advice dealing with matters covered by attorney-client privilege, including pending or potential legal claims and actions related to revocation pursuant to S.C. Code §30-4-70(a)(2) and contractual negotiations and matters pursuant to S.C. Code §30-4-70(a)(2)

9. Possible Action Items Related to Executive Session

- a. No action items

10. Information Action

- a. Due to the revocation vote made by the Charter Institute at Erskine on April 24, 2023, Gates School and Gates Board of Directors will legally cease to exist on June 30, 2023. The Gates Board is continuing to collect and analyze information as it comes in to share with families. As guided by state law, Erskine must provide closing procedures, to which we are still waiting. The only information our school leadership has been afforded to date is that CIE is committed to working with the School's families to ensure an orderly and efficient closure and transition of Gates' students to a new school of their choice. Please feel free to reach out to CI. Although the revocation shuts down the Gates School, it does not shut down our tight knit community and passion for our dyslexic learners. The Gates School has always operated with the best interest of our dyslexic learners in mind. We are heartbroken by this vote. We will commit to sharing more information when we have it.

11. Adjourn (Action): Motion to adjourn Jane, Chris Ott 2nd. All in favor.



Minutes submitted by Ashley Goverman.

DRAFT

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