

**MINUTES OF THE  
UTAH STATE CHARTER SCHOOL BOARD MEETING**

Thursday September 14, 2017

USBE – Board Rooms

**DRAFT**

**Members Present:**

Chair Kristin Elinkowski  
Vice Chair DeLaina Tonks  
Member Dean Brockbank  
Member Michelle Smith  
Member Cynthia Phillips  
Member Jim Moss

**Member Absent:**

Member Bruce Davis

**Staff Present:**

Jennifer Lambert  
Armando Venegas  
Rabecca Cisneros  
Michael Clark  
Reed Bramble  
Jessica Hardy  
James Madsen

**Others Present:**

Alisa Ellis, Teresa Theurer, Angie Stallings, Jerry Record, Royce Van Tassell (UAPCS), Kim Frank (UCN), Marie Evans (Vanguard Academy), Joy Palmer (Vanguard), Sara Wear (multiple charter schools).

**Call to Order**

Chair Elinkowski called the meeting to order at 10:10 a.m.

**Public Comment**

Ms. Sarah Wear, CT Director of Multiple charter schools, referenced R277-918; which talks about the superintendent distributing WPU to charter schools offering CTE pathway, and offered herself as a resource.

### **Swearing in of New Board Member**

Ms. Tami Pyfer, of the governor's staff, administered the Utah Oath of Office to Mr. James (Jim) R. Moss, effectively swearing him in as the newest member of the State Charter School Board.

### **Board Chair Report**

Chair Elinkowski had Member Moss introduce himself to the SCSB.

New travel process. Cancellation of October's meeting. Reintroduction of December's meeting, and the length of January's meeting was discussed.

### **Election for Chair and Vice Chair**

#### **Motion**

Member Brockbank moved, and Member Smith seconded, that Kristin Elinkowski serve as chair, with DeLaina Tonks serving as vice chair. The motion carried unanimously.

### **General Consent Calendar**

#### **Motion**

Member Phillips moved, and Member Smith seconded, to pull off the contract for Regional Seminars, so it could be discussed at a future meeting.

The contract's RFP process and results, issues of splitting up the RFP and awarding to multiple vendors, consequences for delaying, and procurement law were discussed.

#### **Motion**

Member Brockbank moved, and Member Smith seconded, to approve the consent calendar without item B (Regional Seminars, Best Practices Sharing Contract), but including the minutes from the August 11, 2017 meeting. The motion carried unanimously.

USBE Attorney Mike Bell said the RFP cannot be reversed unless there is a valid issue with the process and acting otherwise could open the agency up to protest. The award has been made contingent upon the board. Liability would be the cost the awardee incurred while preparing his proposal.

#### **Motion** (this came after lunch)

Member Brockbank moved, and Vice Chair Tonks seconded, to approve the contract award for Regional Seminars to Education Direction (item B. of the consent calendar), as determined by the evaluation committee. The motion carried unanimously.

### **Transfer Rate Report**

Mr. Reed Bramble, SCSB Research Consultant, discussed transfer rates, which increased in SY2017. The top five schools were Vanguard Academy, Canyon Rim Academy, Navigator

Pointe Academy, American Preparatory Academy School for the New Americans, and Wasatch Peak Academy. Level of detail in the data, and ascertaining motives were discussed.

### **School Spotlight—Vanguard Academy**

Vanguard Academy was recognized for having the lowest transfer rate in 2016-17.

Mr. Bramble discussed data points that illustrated how low transfer rates were achieved. Some unique aspect are Vanguard's incorporation of music, and the offering of college credit classes. Representatives of Vanguard Academy were given a certificate for their accomplishment, and their children's choir sang to the SCSB.

### **Policy on Schools in State Turnaround**

#### **Discussion**

Should schools in Turnaround also be on Warning, how to handle schools identified in the bottom 3% of school grading for the first time, and considering Turnaround as its own designation was discussed.

SCSB owning its own process, not overregulating a school who is trying to fix their situation, how a school mentor would be funded, process of Turnaround, choice schools in legislation, and having an open dialog with the USBE were also discussed.

Mr. Royce Van Tassell (UAPCS) gave a public comment about concerns over assessment being a single variable vs the uniqueness of a school's charter agreement. Member Brockbank retorted with issues of statute, and how this practice is aimed at stepping in early to prevent Turnaround. Member Ellis urged Mr. Van Tassell to lobby about this, and ehoced the importance of helping schools since these are the metrics that schools are held accountable for.

Kim Frank, of UCN, gave a public comment

Removing the word "warning" to reduce this proposed action to board action.

Ms. Lambert said due to policy of the SCSB, these changes should be posted for thirty days on our website, and then agenda'd for public comment at the next SCSB meeting.

Changing the language to something other than wphrase containing "Warning" or "turnaround."

#### **Motion**

Vice Chair Tonks moved to post policy for public comment once the changes directed to staff have been made. Member Phillips seconded. The motion carried unanimously.

### **Action on Schools Placed on Warning Solely for Turnaround or Being in Bottom 3% of School Grading Last Year**

#### **Motion**

Member Brockbank moved, and Member Smith seconded, to remove CS Lewis Academy, Dual

Immersion Academy, Mana Academy, Entheos Academy—Magna, and Utah Connections Academy from Warning status because they were listed in Turnaround status; and to remove East Hollywood High School, Guadalupe School, Paradigm High School, and Utah Virtual Academy from Warning because they were placed on Warning status for being in the bottom 3% last year. The motion carried unanimously.

### **Discussion**

Concern over removing schools from Warning status was discussed, but it was clarified that such action only cleared the slate and did not prevent future action.

### **Bylaws Follow-Up**

The governor's authority to remove board members instead of SCSB members removing one another with a super majority, removing an elected officer to include a majority vote by members then serving, the number of board members necessitating an agenda item be heard (this suggestion was withdrawn), and changing the reference of "members" to "members serving" were discussed.

The board directed staff to ensure the Bylaws are clear when referencing "members serving" vs "members present," and asked that changes to the Bylaws be posted online and included on December's consent calendar.

### **Oversight Timeline and Process**

Mr. Michael Clark presented the Triangle, which is a model representing the intervention timeline and actions SCSB staff and board should take to address problems with its authorized schools.

The issue of going to Probation too quickly and serially, when to discuss and move to close a school, the repercussions and benefits involved with each closure date (December, January and March), due process, shortening Probation terms and requiring monthly reporting when schools are on Probation, effective use of Warning, and how legislation does not currently allow the SCSB to turn over the Charter Agreement of a failing school to another authorizer or operator was discussed.

### **Planning for 2018 Legislative Session**

Executive Director Jennifer Lambert proposed the following objectives for the 2018 legislative session:

1. Amending 53A-1a-501.5. so a) says the SCSB is an "independent charter authorizing board," since that is the way national authorizing organization classify the SCSB.
2. Amending 53A-1a-501.6.so d) section ii) clarifies "by the State Charter School Board," since the SCSB is not the only authorizer in the state. Amending d) section ii) so it omits the word "private" from the types of funding and resources the SCSB will direct schools

to. Amending d) section iv) by inserting “upon request” to clarify when these services will be performed.

3. Amending 53A-1a-501.7 part 1) a) to omit the clause “with the consent of the superintendent of public instruction,” omit the clause “with the consent of the superintendent of public instruction” from b), and create a d) to say “the State Charter School Board may employ other staff as necessary.”
4. Changing the language in 53A-1a-518 part 2) section iv) so it will read “be absent from the portion of the meeting where the employment is being considered and determined.”
5. Amending 53A-1a-521 part 2) to omit mention of the State Charter School Board in a), b) and c).
6. Amending 53A-1a-509.5(1)(c) to omit “has students performing at or above the academic performance standard in the school's charter agreement.”
7. Add options if a school fails to remedy a deficiency.
8. Provide more guidance on the informal hearing and the appeal. For example the informal hearing changed to a formal hearing, and the appeal would be on the record.
9. Provide clarity on what is required by schools upon closure.
10. Define who is the authorizer if closure is overturned on appeal. A possibility is that USBE become the authorizer.
11. Clarify what a school needs to do upon closure.
12. Clarify the role between the USBE and authorizers, especially when it comes to approvals and authorizer oversight.
13. Add NACSA suggested language.

Get Jennifer’s part from recording.

### **Closed Session**

#### **Motion**

Member Tonks moved, Member Phillips seconded, to move into a closed session.

#### **Roll call:**

Member Smith—yes.	Member Phillips—yes.
Member Brockbank—yes.	Vice Chair Tonks—yes.
Chair Elinkowski yes.	Member Moss— yes.

### **Return to Open Session**

#### **Motion**

Member Smith moved, and Member Moss seconded, to come out of Executive Session.

#### **Roll call:**

Member Smith—yes.	Member Phillips—yes.
Member Brockbank—yes.	Vice Chair Tonks—yes.
Chair Elinkowski yes.	Member Moss— yes.

## **Adjourn**

Member Smith moved to adjourn. The motion carried unanimously.