

North Davis Preparatory Academy Annual Board Meeting Minutes Thursday, June 15, 2023

Location: Academica West, 290 N Flint Street, Kaysville, UT 84037

In Attendance: Monte Poll, Maggie Arave, Dale Pfister, Rita Brock, Clint Heiner

Others in Attendance: Dawn Kawaguchi, Trent Brown, Tyler O'Brien, Misty Smith, Jessica Bryant, Ammon Campbell, Heidi Bauerle, Matt Mouritsen, Brad Taylor (6:25 p.m.), Jed Stevenson (5:55 p.m.)



VISION:

North Davis Preparatory Academy students develop a love of learning, experience high academic achievement, and enjoy high bi-literate proficiency.

BOARD CONSTITUTION:

- ★ We will Govern, not Manage. We will set the direction and goals for the school, but we will not micromanage the day to day administration of the school.
- ★ We will speak with "One Voice". We will recognize that our authority is only valid as a group and not as individuals. We will not use our position on the Board to promote our own personal agendas.
- ★ We will make the Spanish language a key element of our school.
- ★ We will make decisions that will keep NDPA financially stable.
- ★ We will review our Charter before making any dramatic changes to school policy.

MINUTES

5:10 PM – INTRODUCTORY ITEMS

- Welcome and Roll Call – Monte Poll
- Pledge of Allegiance – Ammon
- School Vision – Dale
- Board Constitution – Clint

Monte gave a brief history of why the Board reads the School Vision and Board Constitution.

There was no PUBLIC COMMENT.

REPORTS

- **Student**
 - *Science in Utah Competition Experience* – Jessica Bryant introduced Aiden Hadley, who has participated in Science in Action for two years in a row. Aiden expressed his love for the Science in Action program and how it gives you a goal and prepares you for the 9th grade Spain trip. He reviewed the process of the

program. Aiden also explained his science project about plastic worms. Ammon gave an update on how this program has evolved and the changes for next year.

- Spain Trip Experience – Ammon introduced Alex Huven as the 9th grade student who travel to Spain this year. Alex gave a summary of his trip starting with Madrid, running around Spain every day, Granada, Seville was very memorable, connecting with my fellow students, Ronda, the Atlantic Ocean, and playing soccer on the beach. Alex informed the board he experienced so much growth connecting with all his classmates. He was able to interact with every one of his classmates. He came back close friends to everyone and some feel like family. The board asked some questions about Spain and on their experiences.

Alex Huven and Aiden Hadley were excused at 5:27 p.m.

CONSENT ITEMS

- March 29, 2023 Board Meeting Minutes – There was no further discussion. **Monte Poll made a motion to approve the consent items. The votes were as follows:**
 - Monte Poll – Aye**
 - Maggie Arave – Aye**
 - Clint Heiner – Aye**
 - Rita Brock – Aye**
 - Dale Pfister – Aye****Motion passed unanimously.**

Monte Poll made a few changes to the order of the voting items.

VOTING ITEMS

- 2022-2023 Final Amended Budget and 2023-2024 Annual School Budget – Tyler O’Brien briefly reviewed the FY23 final amended budget and the FY24 school budget. Tyler and Brad went over both budgets with Clint. The FY24 budget is based on 960 students. After talking with Clint, they will probably be doing more amendments next year so that the Board can see a better picture of the actual budget throughout the year. There was a discussion on the upcoming expiring ESSR funds.
- FY23 Audit Engagement Letter – Clint Heiner stated that Eide Bailly has been coming in to do the independent audit each year. We will need to enter into an agreement with them. Every 3-5 years AW goes out to bid and Eide Bailly typically has been coming in the lowest. There are basically only two companies that work with schools. The letter will be sent to Monte to sign. Brad Taylor added that this year they included a caveat in the letter that if the School requires a single audit (\$750k of federal funds received) then they will accept the signing of the letter as approval for it as well so they don’t have to come back to Monte in August to get another signature.
- 2023-2024 Teacher & Student Success Act Plan – Heidi Bauerle reviewed the process of the TSSA Plan and what the Board’s roll and administrations roll are for the plan. This plan is similar to last year’s plan and they typically align the goals with the SLT goals. Heidi reviewed the goals and how the money is going to be used to achieve the goals.

- *HVAC Unit Replacement [Phase II]* – Misty Smith stated that we broke this purchase down into two fiscal years. This is second phase of the HVAC unit replacements which will come out of the FY24 budget.
- *2023-2024 Sex Ed Instruction Committee* – Jessica Bryant reviewed the Sex Ed Instruction committee. This year we included a health professional (school nurse).
- *Mental Health Screening Determination* – Heidi Bauerle reviewed the mental health screening determination. This is something new and was passed in legislation this year. The spirit of the bill is good. It requires schools to do some mental health screening. However, putting this on a School and educators is a daunting task. LEA's are not required to administer the screening this year so they can opt out. This is an "opt in" by parents but there isn't enough information on how much the School is responsible for once a child is determined to have a mental health issue. There was a discussion on what screener are you going to be using, who is going to be doing the screening, what do you do with the information once you turn it over to the parents and are you still responsible. We are hoping that the state will come out with more information on how to handle this in the months to come. The recommendation would be to not administer the screening. Monte asked if there is someone that is actively looking at this and do you have a plan if this does become required to do. Ammon stated that AW has always helped the School with anything new that is required. Heidi added that AW is always trying to collect information on how to support our schools with this sort of thing. There was more discussion on that Schools are in the business of educating not medical.
- *Amended Administration of Medication Policy* – Heidi Bauerle reviewed the amended Administration of Medication Policy which included code updates and more guidance on administering medication.
- *Re-Approve Wellness Policy* – Ammon Campbell reviewed the Wellness Policy and explained what the School has been doing to implement the components of this policy including physical activity, food nutrition, and the triennial progress assessment. There was a discussion on DoorDashing food to the school for students.
- *Language Access Policy* – Heidi Bauerle reviewed the Language Access Policy. It ensures that all parents will be able to receive any information that comes from the School in their native language. The School has resources to make sure they can support any languages. Dawn added that ASL is the only language that requires a certified ASL translator. All other languages don't require certification as long as they can speak the "education" language.
- *Student Transportation Policy* – Jessica Bryant reviewed the Student Transportation Policy from the last board meeting along with the new form attached. Platte checked with the School's insurance company to make sure that it is acceptable. Jessica stated that they have already been doing most of this already.
- *Signees on MBH Bank Account* – Brad Taylor explained that when the Board refinanced in 2020 with MBH Bank on a section of that loan agreement it stated that the School would need to keep a depository relationship with them. At the time, they did not have a bank in Utah that qualified under the Money Management Act. They have since acquired a bank that will set the School up at Hillcrest Bank. The closest branch is in Bountiful. The School will still keep the Zions account for deposits. Brad reviewed the requirements and who would need to be authorized on the account. There was a discussion on maintaining the

balance of controls with the account. Brad would like to have two primary administrators on the account but have not heard back from Hillcrest if that is allowed.

- Acceptance of School Donation and Settlement Agreement – Monte Poll stated that he received an agreement from their attorney which was sent out the rest of the Board. Jed Stevenson presented a donation check for \$1,504,000 to the board which does not have any donor restrictions. He shared his sentiment of gratitude for working with us over the past year. Jed apologized for the incident that happened on he and Sheldon’s watch and thanked the board for their patience working through this. Attorney’s fees have been paid by AW. He also stated that there is a settlement agreement that is attached to this that allows this donation to pay back all that was lost and any recouped funds from our insurance will be given back to AW. If the board has any questions on what procedures have been put in place so that this doesn’t happen again, Brad and Matt can speak to that. There was a discussion on the settlement agreement, if there are strings attached and what are the tax liabilities associated with this for the School. Kind words were shared from both the Board and Jed. There was clarification that the insurance company that AW is working with is AW’s insurance company. *Jed Stevenson was excused at 6:22 p.m.*
- Ratify Board Members & Terms – Monte Poll reviewed the board members’ terms and stated that Clint’s term is up for renewal and he would like to stay on for another four years.
- Ratify Board Officers – Monte Poll asked the board if they wanted to make any changes to the current board officers.

Monte Poll made a motion to approve the following:

- **Approve the 2022-2023 Final Amended Budget;**
- **Approve the Proposed Annual Operating Budget for the 2023-2024 School Year;**
- **Approve the engagement of services provided by Eide Bailly for the year ending June 30, 2023 and allow the Board President to sign on behalf of the school;**
- **Approve the 2023-2024 Teacher Student Success Act Plan;**
- **Award the contract for new HVAC rooftop units (Phase II) to Point Load Construction, with the construction contract with Point Load Construction not to exceed \$85,000 and authorize Ryan Robinson to sign, on behalf of NDPA, the construction contract with Point Load Construction;**
- **Approve the 2023-2024 Sex Ed Instruction Committee as follows: Principal, Ryan Robinson; Health Teacher, Noal Loertscher; School Nurse, Elizabeth Davies; Parent Board Member, Clint Heiner; the 2023-2024 POET President; and the 2023-2024 POET Vice President;**
- **Approve that North Davis Preparatory Academy does not administer a mental health screening program during the 2023-2024 school year;**
- **Approve the amended Administration of Medication Policy;**
- **Re-approve the Wellness Policy;**
- **Approve the Language Access Policy;**
- **Approve the Student Transportation Policy;**
- **Approve to appoint the Principal, Board President, and Board Financial Coordinator as signers on the bank account and appoint two individuals at Academica West as the primary administrator(s) on the online side of the**

account with discussion surrounding additional safeguards that can be put in place to provide oversight;

- Approve the receipt of the donation;
- Approve the settlement agreement with AW;
- Approve Clint Heiner for a new 4-year term to expire June 2027 and ratify Maggie Arave with a term to expire June 2026, Dale Pfister and Monte Poll both with a term to expire June 2025, and Rita Brock with a term to expire June 2024; and
- Approve to keep the board officers as currently constituted.

The votes were as follows:

Monte Poll – Aye
Maggie Arave – Aye
Clint Heiner – Aye
Rita Brock – Aye
Dale Pfister – Aye

Motion passed unanimously.

6:30 PM – Monte Poll made a motion to take a BREAK. The votes were as follows:

Monte Poll – Aye
Maggie Arave – Aye
Clint Heiner – Aye
Rita Brock – Aye
Dale Pfister – Aye

Motion passed unanimously.

Matt Mouritsen, Brad Taylor, Misty Smith and Jessica Bryant were excused at the Break.

7:20 PM – Monte Poll made a motion to RECONVENE. The votes were as follows:

Monte Poll – Aye
Maggie Arave – Aye
Clint Heiner – Aye
Rita Brock – Aye
Dale Pfister – Aye

Motion passed unanimously.

BOARD TRAINING

- Annual Fraud Risk Assessment – Tyler O'Brien reviewed the fraud risk assessment. Number 8 is not required by the school since they don't have 10,000 students. The board scored 275/295. Dawn will send this out via AdobeSign. There was a discussion about the P-cards. Tyler reviewed the Basic Separation of Duties. Tyler also stated that the Board should review the Ethics Policy and then sign the Annual Commitment to Ethical Behavior which was sent around.
- Annual Policies, Plans & Procedures Training & Review* – There was a discussion about the how often the Board members must do a background check. Trent Brown reviewed the annual policies, plans and procedures. This year, he reviewed the Attendance Policy and this year's attendance data, Bullying & Hazing Policy, Donation & Fundraising Policy,

Student Conduct & Discipline Policy and Administrative Plan along with the out of school suspension and expulsions, and the Arrest Reporting Policy. The School has a 91% attendance rate which is phenomenal. Ammon gave some insight on attendance, out of school suspension and expulsions. The administration was diligent this year to document the behaviors this year. There was a discussion on the long list of out-of-school suspensions. There was a discussion on the Arrest Reporting Policy/Procedures regarding required reporting specifically matters involving arrests for alleged offenses against the person under Title 76, Chapter 5. Why is this one item defined but none of the other areas are not? The Board would like Platte at AW to explore this and bring back to the board what he found or recommend changes if necessary.

- Annual Open & Public Meetings Act Training* – Trent Brown reviewed the Open and Public Meetings Act annual training including public policy, definition of a meeting, convening and quorum, notice of requirements, electronic meetings including anchor location, required meeting records, and closed session requirements including reasons going into closed session. There was a discussion on clarification on discussing board business through emails. There was a reminder that all emails can be GRAMA requested. Trent passed out an affirmation of training for all Board members to sign stating that they have completed their Annual Open and Public Meetings Act Training.

EVALUATION

- Review Principal and Academics West Evaluation – Monte Poll stated that he wanted to discuss some of the items on the evaluation with the Board to get a feel for what direction they want, and that information can be disseminated to Ryan and AW. Ammon added that Ryan's portion of the evaluation has been sent to Dawn to get to the board so that they can look over the information in advance and give feedback on what they want more or less of. It does have imbedded links in it. There was discussion on the different data that is available that the Board could see. *Ammon Campbell was excused at 8:11 p.m.*
- Review Board Member Agreement – Monte Poll had the board sign the board member agreement and turn them into Dawn.
 - Board Self Evaluation – Monte went through the board self-evaluation and went through the questions with the entire board. He asked the board to think about if this is the direction that we want to go with our self-evaluation, and the Principal and AW evaluation moving forward. He stated that the board who created these documents are no longer on the board. Maggie stated that their roles as board members are changed since they don't have children at the school except for Clint. There was a discussion on governing and not managing, overall communication between the board, and understanding the issue but not solving the problem.
 - ✓ *We will Govern, not Manage. We will set the direction and goals for the school, but we will not micromanage the day-to-day administration of the school.*
 - ★ There was discussion on being able to properly evaluate Ryan with little data or communication. There was a discussion on possibly surveying the teachers, students, and families. The board would like discuss the relationship with the principal in a closed session.

- ✓ *We will speak with "one voice". We will recognize that our authority is only valid as a group and not as individuals. We will not use our position on the Board to promote our own personal agendas.*
 - ★ The board feels that they don't use their position on the board for personal gain other than putting it on their resume.
 - ★ The board feels that they are unified and rarely disagree.
 - ★ Information in a closed session is hard when it comes to our spouses.
 - ★ Items discussed as what could we do better is defining what speaking with one voice, better communication and no surprises. We would like to create communication guidelines. The board would like to do a Communication Committee with Clint, Maggie, Heidi and Dawn. The committee will bring back the recommended guidelines to the August Board Meeting.
- ✓ *We will make the Spanish language a key element of our school.*
 - ★ The board feels that the school does a great job with the Spanish language.
 - ★ There was a discussion on delineating what are the Spanish related things are that the school/board are doing to accomplish that.
 - ★ There was a discussion on what does the board value when it comes to the Spanish language.
- ✓ *We will make decisions that will keep NDPA financially stable.*
 - ★ The board feels that they are doing awesome at keeping the school financially stable.
 - ★ Days cash on hand is about 145 days. The school is well above their bond covenants.
- ✓ *We will review our Charter before making any dramatic changes to school policy.*
 - ★ They are doing the 3 key elements that the school is being held accountable for with Exhibit A

DISCUSSION ITEMS

- Set 2023-2024 Board Meeting Schedule – Dawn Kawaguchi reviewed the proposed board meeting schedule for the next year. It's following the current meeting schedule. Dawn will check with Ryan to make sure that he doesn't have any conflicts with the dates.
- Calendaring Items – Monte Poll
 - Electronic Board Meeting – June 28th @ 9 a.m. [IF NEEDED]
 - Next PreBoard Meeting – Tentatively July 18th @ 1 p.m.
 - Next Board Meeting – Tentatively August 2nd (we will probably do the evaluation on this date)

9:19 PM – Monte Poll made a motion to enter a CLOSED SESSION to discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(1)(a) located at Academics West. The roll call votes were as follows:

Monte Poll – Aye
Maggie Arave – Aye
Rita Brock – Aye

Dale Pfister – Aye
Clint Heiner – Aye
Motion passed unanimously.

10:01 PM – Monte Poll made a motion to exit the CLOSED SESSION and ADJOURN. The votes were as follows:

Monte Poll – Aye
Maggie Arave – Aye
Clint Heiner – Aye
Rita Brock – Aye
Dale Pfister – Aye
Motion passed unanimously.

**North Davis Preparatory Academy
Board of Directors
Closed Session Statement
Thursday, June 15, 2023**

Location: Academica West, 290 N Flint Street, Kaysville, UT 84037



CLOSED SESSION SWORN STATEMENT:

*At a duly noticed public meeting held on the date listed above, the board of directors for **NORTH DAVIS PREPARATORY ACADEMY** entered into a closed session for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual in accordance with Utah Code Ann. 52-4-2(1)(a).*

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 28th day of June, 2023.

Monte Poll
Monte Poll
Board Chair