

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

Thursday, August 10, 2023  
USBE Board Rooms and Basement West  
250 East 500 South, Salt Lake City, UT 84111  
[www.youtube.com/utahscsb](http://www.youtube.com/utahscsb)

**Members Present:**

Chair Bryan Bowles  
Vice Chair Cynthia Phillips  
Member Stephanie Speicher  
Member Erik Olson  
Member Rabecca Cisneros  
Member Michelle Smith

**Staff Present:**

Liz Bunker  
Lisa Cooper-Loock  
Brendan McGinn  
Marie Steffensen  
Andrew Vardas-Doane

**Others Present:**

AAG Kevin Olsen  
USBE Liaison Joseph Kerry  
Paula Plant, Director, USBE School Children's Trust  
Matt Howard, Board Member, American Principles Academy (online)  
Kami Merrill, Secretary, American Principles Academy (online)  
Kelly Hofeling, Board Vice Chair, American Principles Academy (online)  
Stephanie Hill, Board Member, American Principles Academy (online)  
Amber Robinson, Board Chair, Colearn Academy  
Rebekah Krueger, Board Member, Colearn Academy  
Teri Lisa Stagg, Board Member, Colearn Academy  
Michael Staton, Board Member, Colearn Academy (online)  
Janet Aikele, Board Chair, Virtual Preparatory Academy of Utah  
Crystal Jewkes, Board Member, Virtual Preparatory Academy of Utah  
Kirk Cullimore, Board Member, Virtual Preparatory Academy of Utah  
Dwight Israelson, Board Vice Chair, Virtual Preparatory Academy of Utah  
Susan Pulsipher, Board Member, Virtual Preparatory Academy of Utah

Scott Anderson, Consultant, Accel Schools, Virtual Preparatory Academy of Utah  
Shannon McIlwaine, SVP Operations, Accel Schools, Virtual Preparatory Academy of Utah (online)  
Nichole Husa, Sr. Director of Curriculum and Assessment, Accel Schools, Virtual Preparatory Academy of Utah (online)  
Ryan Kilpatrick, Accel Schools, Virtual Preparatory Academy of Utah (online)  
Taryn Jackson, Senior Director of CTE, Accel Schools, Virtual Preparatory Academy of Utah (online)  
Robert O'Brien, Board Member at Large, Virtual Horizons Charter School  
Kristin Child Elinkowski, Board Chair, Virtual Horizons Charter School  
Connor O'Brien, Treasurer, Virtual Horizons Charter School  
Angela Hansen, Vice Chair, Virtual Horizons Charter School  
Louis Alloro, Board Member, Virtual Horizons Charter School (online)  
Amy Schelssman, Advisor, ThrivePoint Academy  
Tim Smith, Co-founder, ThrivePoint Academy  
Shannon Smith, Board Chair/President, ThrivePoint Academy  
Stephanie Christensen, Board Member, ThrivePoint Academy  
Jodie Redford, Vice Chair, ThrivePoint Academy  
Aaron Ritter, Advisor, ThrivePoint Academy  
Jamie Plott, Board Member, ThrivePoint Academy (online)  
Alan Anderson, Board Member, ThrivePoint Academy (online)

### **MEETING BEGINS (9:08 AM)**

Chair Bowles excused the absence of Board Executive Assistant Joanne Castillo and SCSB Member Krystle Bassett, and he welcomed USBE Liaison Joseph Kerry and Assistant Attorney General Kevin Olsen.

Chair Bowles led the Pledge of Allegiance

### **Public Comment**

No Public Comment

### **Board Chair Report**

Chair Bowles introduced the new A/V system.

### **Consent Calendar**

*Member Smith: "I'd like to move that we adopt the Consent Agenda."*

*Member Cisneros: "I will second that motion."*

*Motion passed unanimously.*

### **Board Leadership Elections**

Vice Chair Phillips introduced board election opportunities before identifying her role in the annual election. Only Chair Bowles and Vice Chair Phillips have stepped forward to hold the positions of Chair and Vice Chair, respectively, for the coming year.

*Member Smith: "I'd like to move that we elect Bryan Bowles for Chair for the Utah State Charter School Board for a one-year term."*

*Member Olson: "I'll second."*

### **Discussion:**

Member Smith expressed her thanks.

### **Vote:**

*Member Olson: yes*

*Member Speicher: yes*

*Member Smith: yes*

*Member Cisneros: yes*

*Vice Chair Phillips: yes*

*Motions passes unanimously.*

*Member Smith: "I'd like to move that we elect Cynthia Phillips for a one-year term on the Utah State Charter School Board position of Vice Chair."*

*Member Olson: "Yes, I'll second that."*

### **Discussion: none**

### **Vote:**

Member Olson: (no audio)

Chair Bowles: yes

Member Cisneros: yes

**Announcement of thanks for confidence in the Officers. No audio of remaining votes or result of vote.** Appreciation was expressed for the strength of the Members and the diligence of the Staff.

### **Small Expansion Process & New Satellite School and Large Expansion Process**

School Support Coordinator Marie Steffensen presented on the updates made to the new expansion process, the origin of the change to the process, and the possibilities of change to the large expansion process. Member Smith expressed her appreciation of the change. Vice Chair Phillips voiced her gratefulness for the USBE's Law & Licensing Committee's openness to the changes in process which would give the SCSB more flexibility in meeting the needs of the schools they authorize. Vice Chair Phillips shared the praise the Committee Members expressed for the competency of the SCSB Members and its staff. Ms Steffensen shared on the changes to

the current large expansion and new satellite school process could include along with possible timelines for the acceptance of those changes. Ms Steffensen articulated how corrective action plans, systems of support, and warnings would potentially factor into this process. Vice Chair Phillips confirmed that the changes are in alignment with Board Rule and that the flexible streamline was appreciated before recommending that the Board approve the changes. Member Olson introduced discussion regarding what remained to be decided regarding timeline.

*Member Olson: "I move that we approve and adopt the new satellite and large expansion application policy and procedure drafts that have been prepared by staff and are attached on the Agenda and appear to be dated July 27, 2023."*

*Member Speicher: "I'll second that motion."*

Discussion: none

*The motion passed unanimously.*

### **School Land Trust**

Paula Plant, Director, USBE School Children's Trust, presented on the program, the individuals in the working group formed to identify how to support charter schools better, and the focus of the working group – specifically processes, procedures, and the distribution formula of the funds going to the schools. Director Plant introduced detailed discussion on the distribution formula for Charter Schools and possible changes. Director Plant provided insights into discussions on procedures, processes, and communication with the schools. Director Plant illustrated the current challenges her group faces with the current "Approval by Authorizer" process as illustrated in code. Director Plant proposed a change in language to the code by requesting that, instead of Authorizer approval, Business Administrator Approval would be all that would be required to receive the School Children's Land Trust Funds, and she explained the reasoning behind the proposal and how the process would change. Director Plant then articulated the Code and Rule changes that would be brought before the Legislature before identifying what support her group is hoping for and what the group's next step would be. Vice Chair Phillips explained why she, as part of this working group, was in favor of this change. Chair Bowles emphasized the importance of parents and families of each LEA being given the opportunity to approve how the money would be spent, and that how that money is spent is not something a school administrator decides unilaterally. Simultaneously, Chair Bowles acknowledged that the monies needed to be spent appropriately for academic purposes which the Business Administrator could help define. Member Smith introduced conversation around how different states have similar concepts. Member Speicher expressed her thanks to Director Plant and her team, and she described how the program encouraged Directors to dream big and be creative. Member Cisneros identified how the fund impacts the operations at her school because of how it encourages parental input.

*Member Olson: "Subject to the rather obvious caveat that we lack authority to approve either of these proposed changes, because we are not USBE and we are not the Utah Legislature, I move that we, as the Utah State Charter School Board, express by vote our support of these proposed*

*changes to Board Rule and to Code Section 53G-7-12.06 as have been proposed by Director Plant today.”*

*Member Smith: “I’d be happy to second that.”*

Discussion: none

*The motion passes unanimously.*

Vice Chair Phillips thanked School Financial Support Specialist Lisa Cooper-Loock in her work with the working group as liaison from staff and asked Members to direct more specific questions to her.

10:30 – break

10:42 – meeting reconvenes

### **Introduction to Proposal Process**

School Support Coordinator Marie Steffensen gave a quick review of the overall process and what to expect in this meeting including a staff introduction for each proposal presentation. In light of the majority of the proposals being online schools and one other being a hybrid school, staff concerns regarding online school saturation and related downward enrollment trends were identified. Additionally, School Support Coordinator Steffensen relayed concepts on which staff felt could help guide Members in their examinations of the proposals: 1) equitable student support, 2) outside companies and curriculum oversight, 3) ethical governance and transparency 4) the commitment of the Utah State Charter School Board to their mission, vision, and values. Conversation on what these concepts might look like in question form was initiated.

### **Introduction and Interview: American Principles Academy**

School Support Coordinator Marie Steffensen introduced the school, the history of the application, the changes made in the board since the initial application, and the related request for a waiver that would allow the school to open in the '24-'25 school year instead of the '25-'26 school year. Coordinator Steffensen presented the strengths and identifiable challenges inherent in the proposal. The Members were reminded of the suggestion from the January 2023 Board Meeting that the SCSB staff meet with and reach out to the community to measure interest, but that option was not something that the American Principles Academy Board was open to. Based on the disclosure made in the proposal to engage American Preparatory Schools as a management company, Member Olsen recused himself from the discussion or consideration of this proposal based on a potential professional conflict. The board members of this school participated online. After the video presentation, Member Cisneros introduced discussion on the resistance to SCSB staff encountered when expressing the desire to interact with the community. Vice Chair Phillips began discussions on the impetus of need that prompted the requested waiver, the building that had been identified, the related land, and whether the structure would be ready for the number of students requested in the proposal. Vice Chair Phillips followed up with discussions surrounding the proposal details surrounding enrollment and the lack of an

expanding enrollment option. Vice Chair Phillips suggested, that should the school be given an expedited timeline and if the school were to present a full proposal in September, that the school consider including a reduced first year number and an expanding number each consecutive year to help give the Board confidence that this school's board is realistically dealing with a present situation in order to justify full authorization. Chair Bowles suggested a more specific budget to go along with the expanding enrollment would help give the Board confidence that the school will survive in addition to an explicit market analysis detailing how the school board knows that they will have the necessary enrollment to justify the requested number of students. Member Cisneros expressed nostalgia for the grassroots classical-model movement before identifying her misgiving regarding whether or not the type of school model the parents in Cedar City are looking for has been articulated by the parents themselves. Member Smith expressed concern that the school board rejected a request made directly from the State Charter School Board of the board of this school. Vice Chair Phillips specified that many of the questions the SCSB Members were asking were not typically asked at this stage because of the requested waiver which would alter a timeline, and these questions would need to be fully addressed in a full proposal.

### **Introduction and Interview: Colearn Academy Utah**

Ms Steffensen introduced the model of the school and presented on location, enrollment, and their board member changes before identifying the strength of the proposal and areas where the school would need significant assistance and address specific concerns. Member Speicher began conversations around facilitating social gatherings as a state-wide institution. Vice Chair Phillips introduced conversation around the questionable timeline in the proposal given the lack of a waiver request. Vice Chair Phillips initiated conversation around who is teaching the children before introducing discussion around the conflict of interest articulated by staff in the introduction of the school before. Member Smith continued conversation around procurement considering the school pre-selected a provider. Member Cisneros requested differentiation on the employment of the Executive Director of the charter school in Arizona and the individual's relationship to the corporation of the same name. Member Cisneros introduced discussion on school board composition focusing on where the board member would be based and whether it would happen before the presentation of a full application. Chair Bowles requested information on Special Education and areas where the Arizona school received State Agency pushback. Chair Bowles requested specifics of what the school would provide the student, how to address attendance, how to manage the large numbers of curricula the model demands, and how the budget for all of the curricula works. Vice Chair Phillips requested clarification on the roles of the parents, the distanced teacher, who is the primary educator, and what the default position is with public monies.

Point of order at the request of Vice Chair Phillips to break for 5 minutes.

### **Introduction and Interview: Virtual Preparatory Academy of Utah**

Ms Steffensen introduced the model, location, grades, proposed enrollment, and the number of board members before presenting the strengths and areas that the school might need to address further. Vice Chair Phillips began discussion on how the school plans to address CTE pathways possibly hindered by the virtual delivery of the information, how those challenges might be

addressed, and by whom. Chair Bowles introduced conversations centered on enrollment despite the presence of other statewide online schools and the return of online enrollment back to pre-COVID levels. Vice Chair Phillips initiated conversation around how the school would address the fixed cost of being associated with a network of schools outside of Utah and the shrinking school-age population in Utah. Chair Bowles asked the school board to expound on the curriculum the school intends to use. Member Olson initiated conversation over the concern that this proposed school board has a sitting Utah Representative and a sitting Utah Senator from the Utah Legislature, one of whom has significant involvement in education appropriations.

*Member Speicher: "I'd like to make a motion to move into closed session to discuss the competency of individuals."*

*Member Smith: "I'll second that."*

*Roll Call:*

*Member Olson: yes*

*Member Speicher: yes*

*Vice Chair Phillips: yes*

*Member Smith: yes*

*Member Cisneros: yes*

*Motion Passes unanimously.*

*Meeting Breaks (time unknown)*

*Meeting Reconvenes (2:00 PM)*

*Member Smith: "I will move to come out of closed session."*

*Member Olson: "I'll second that."*

*Roll Call:*

*Member Olson: yes*

*Member Speicher: yes*

*Vice Chair Phillips: yes*

*Member Smith: yes*

*Member Cisneros: yes*

*Motion passes unanimously.*

### **Introduction and Interview: Virtual Horizons Charter School**

Ms Steffensen introduced the model, scope, grades, enrollment, and waiver status of the proposed school and identified the strengths of the proposal and the areas that might need focus attention. Member Cisneros expressed a desire to see this idea presented as a full application because of the many questions the proposal generated before initiating conversation on the

coordination between the housing and the education components. Member Speicher began discussions on how VR teaching would reach Special Education needs before expressing enthusiasm for the social component that the housing addition would address. Vice Chair Phillips initiated conversation on the expected percentage of students who would qualify for housing and how they planned to create community for those enrolled students who did not qualify for housing. Vice Chair Phillips introduced conversation about the discomfort Members felt about the interplay of public funds between the property developers and the school. Member Smith identified neighborhood and income as allowable lottery preferences. Chair Bowles began discussions around sufficient VR-compatible educational products. Member Olson identified the following questions and concerns to be addressed in a possible full proposal in January: 1) Data on whether 100% VR-based education is happening, what is healthy, and what is optimal, 2) that the roles and involvement of the housing developers on the proposed school board be fleshed out, 3) how the school would ensure that the families of the students who are enrolled through the lottery would have access to affordable housing, and 4) what kind of lease the school intends to have with the housing property and how that lease would be affected by the student's attendance or lack thereof after the initial enrollment. Vice Chair Phillips identified conflicts of interest and data that actual learning – not just brain activity – is occurring in a VR-learning environment.

### **Introduction and Interview: ThrivePoint Academy**

Vice Chair Phillips announced that she was conflicted and would recuse herself from the presentation and discussion of this proposal. Ms. Steffensen presented on their model, location, grades, enrollment, waiver status, and focus before identifying the strengths and possible areas where additional attention might be needed. Member Speicher introduced conversation on why the board members chose to open a school in Utah. Member Cisneros began discussion on how the school markets the alternative learning model and how they plan to do so given the fact that Utah does not have the federal alternative learning designation to give to schools. The school volunteered that they have 2 members of the management company the proposed school intends to employ on the school board and 2 non-members of the management company so there would be a majority of non-conflicted members on the board.

**MEETING BREAK: 5 MINUTES**

**MEETING RESUMES: 3:40 PM**

### **Discussion and Vote on Proposals Invited to Complete Full Application**

#### ***American Principles Academy Discussion:***

*Member Cisneros: "I would like to motion that we do invite American Principles Academy to submit a full application including the approval for their waiver request for September ensuring that the concerns that were expressed in the last year and the concerns that were expressed again today are thoroughly addressed – particularly market analysis, community engagement, etc."*



*Chair Bowles (clarification): "Your motion is to approve them for the next step including an approval of their waiver request."*

*Member Smith: "I will second the motion."*

Discussion:

Member Smith suggested a change in language to the motion to "we recommend approval to the waiver" as the SCSB does not have the authority to approve a waiver.

*Chair Bowles (clarification on the motion): "We move them...the motion to move forward to the next step with potentially the recommendation to...we'll examine the potential recommendation for the waiver request."*

Vice Chair Phillips indicated that the SCSB has given a positive forward to the USBE Committees in order for the USBE to consider the waiver. Member Smith spoke on timing, and Chair Bowles spoke simultaneously on not eliminating a waiver. Member Cisneros explained that the waiver piece was mentioned only because the motion she made was focused on the full application being presented in September.

*Chair Bowles (clarification on the motion): "To move to invite American Principles Academy to prepare a full application including information for us to consider relative to their waiver request."*

Ms. Steffensen identified the October 1 requirement as the impetus for the school's full application to be heard in the September Board Meeting. Ms Steffensen articulated the weight and fullness of the decision that would be made at that time in that meeting before identifying the questions that would need to be answered should the USBE not grant the school the waiver.

*Chair Bowles (clarification of motion): "We invite them to move forward with a full application knowing that they've requested a waiver. So they'll need to present to us in September for our consideration."*

*Motion fails unanimously.*

*Member Cisneros: "I would like to make a motion that we invite American Principles Academy to do their full application in September for their waiver request."*

*Member Smith: "I will second that motion."*

Discussion: none

*Member Olson abstains.*

*Motion passes unanimously.*

***Colearn Academy Utah Discussion:***

*Member Speicher: "I'd like to make a motion to not invite Colearn Academy to return to us for their full application."*

*Member Smith: "I will happily second that."*

Discussion:

Member Cisneros identified how she would vote and expressed the appeal of redefining how k-12 education could work and compliment the SCSB's existing portfolio. Member Smith expressed her concerns regarding autonomy, independence, and enrollment as reasons for her seconding of the motion this year, but she suggested that she would be open to another presentation addressing these concerns in an upcoming cycle. Vice Chair Phillips expressed her intrigue of the model before expressing her concerns regarding teacher instruction, coaches, and conflicts of interest. Vice Chair Phillips also suggested that the school present another proposal addressing these concerns in another cycle. Member Olson expressed a willingness to hear the full application in January provided that it would thoroughly address the concerns already raised – especially the conflict of interest. Member Smith a different perspective on how her vote was asking for further commitment from the board to the students of Utah. Member Speicher expressed her thanks for the discussion.

*Aye – 3*

- Member Speicher
- Member Phillips
- Member Smith

*Nay – 2*

- Member Olson
- Member Cisneros

*The motion passes.*

### ***Virtual Preparatory Academy of Utah Discussion***

*Member Cisneros: "I would like to not invite Virtual Preparatory Academy of Utah to advance."*

*Member Speicher: "I'll second that."*

Discussion:

Member Cisneros identified proof of market saturation, the refusal of the SCSB to authorize a school with an identical model in a previous cycle, that school under a different authorizer is suffering the predicted enrollment challenges, and a successful school in the SCSB's portfolio that is fully online with several fully-vetted CTE pathways already exists bringing into question the judicial use of public funds for an identical school under a different name. Member Cisneros articulated that the lack of curiosity by SCSB Board Members regarding the conflicts of interest that were addressed with every other proposing school board as concerning enough to question the Board and their process. Member Smith expressed her discomfort with the corporatism in education and the resulting lack of a degree of humanity and how that relates to the conflict of interest illustrated by the pre-selection of vendors. Member Smith suggested that, as a Board, the

Members discuss how they feel when CMOs approach the Board under the guise of applicants. Member Olson vocalized his agreement with the previous statements regarding Member curiosity before reminding the Members that this decision before them was a question of viability.

*Motion passes unanimously.*

***Virtual Horizons Charter School Discussion:***

*Member Olson: "I'm ready to move that we do not allow this school to move forward."*

*Member Smith: "I'll second it for the purpose of discussion."*

Discussion;

Member Olson expressed a concern regarding the way the two elements could be viably packaged together, the legality of the project as proposed, and how the legislature could receive it as a prudent use of taxpayer monies. Member Smith agreed with Member Olson's comment and added that the elements not accounted for were highly problematic. While the concept of addressing learning in a more holistic way was innovative and intriguing, Member Smith was concerned that the model had not been thought through to a viable point at this moment. Member Cisneros identified the presence of so many questions as evidence that the school should go through. Member Cisneros articulated that, as the current proposal indicates that the school is a stand-alone entity, then the schooling should not be impacted if the housing is not part of the model. Member Smith expressed that her discomfort stemmed from the fact that housing is not the expertise of anyone on the Board, so there could be critical questions that the Board Members might not even know to ask to keep the students, their families, the school, and the Board out of trouble. Chair Bowles suggested that the Board might consider the school only if they separated it from the housing component. Vice Chair Phillips expressed her interest in seeing the school present a full application separate from the housing component before asking whether or not innovation in education in Charter World be limited by the expertise of the Board Members and suggested ad hoc advisors for possible scenarios as presented by this proposal. Chair Bowles expressed concern about throwing roadblocks against innovation.

*Aye:*

- Member Smith
- Member Olson

*Nay:*

- Member Speicher
- Member Phillips
- Member Cisneros

*The motion fails.*

*Member Cisneros: "I'd like to make the motion to invite them to advance to submit a full proposal."*

*Member Speicher: "I'll second."*

Discussion:

Vice Chair Phillips expressed her support for increased affordable housing but voiced her doubt that the combination of housing and VR learning were conceptually well-addressed. Chair Bowles articulated how the housing piece of the proposal was not in the purview of the SCSB Board, but the school could be housed in a different building altogether without the affordable housing component and still potentially be successful. Member Cisneros commented that housing could be central to their model, and that is why she was suggesting the presentation of a full proposal of the model as-is while differentiating between August 2023 questions and January 2024 questions. Member Olson agreed with Member Cisneros' comments in that it might not be for the Board to bifurcate their school, but the Board could decide whether or not the model as presented moves forward. Member Smith supported the idea of letting the school decide what to bring before the Board after signaling ambivalence towards the direction of her support of the motion. Member Cisneros suggested the legislative rewrite that removed the evergreen part of initial charters could alleviate some of the reluctance to support the movement of this proposal towards the application stage. Ms. Steffensen stated that such a provisional charter would be viable for up to 3 years before the decision to move the school to evergreen status would need to be made. Vice Chair Phillips signaled her willingness to move the proposal forward before indicating what reservations she had. Member Speicher vocalized her support for innovation and how the model addressed community need before speaking her agreement with all of the concerns brought up by the Members. Member Speicher answered Member Smith's question of perspective by addressing the difficulty of creating and running a school and how the focus needs to be on the kids.

*Aye:*

- Member Speicher
- Member Phillips
- Member Cisneros

*Nay*

- Member Olson
- Member Smith

*The motion passes.*

***ThrivePoint Academy Discussion:***

Vice Chair Phillips recused herself from the next vote.

*Member Smith: "I would like to move that we not invite ThrivePoint Academy to move forward."*

*Member Olson: "I'll second so we can move forward to discussion."*

Discussion:

Member Smith reiterated her concern about the corporatism of education in Utah as illustrated by a prevailing belief that something that works in another state can be dropped in Utah to work in this place. Member Cisneros expressed support for replication as it is something that is done within the SCSB portfolio. Member Cisneros repeated her desire for the Board members themselves to better articulate their concerns before the applicants present. Member Olson supported Member Cisneros' comments before identifying whether or not the market analysis provided holds up and identifying with the Jordan school district whether or not there is a ready pipeline of students that could feed the school before the final application is received and evaluated. Member Smith vocalized her admiration for the school's commitment to redefining the term "Alternative Education" in a positive useful way in Utah.

*The motion fails unanimously.  
Vice Chair Phillips abstains.*

*Member Olson: "I would move that we allow ThrivePoint, based on their proposal, to move forward to a full application."*

*Member Smith: "I'm gonna second that to atone for my earlier motion."*

Discussion:  
None

*Vice Chair Phillips abstains.  
Motion passes unanimously.*

Chair Bowles updated the Members and the public on where they were in their process of hiring a new Executive Director.

*Member Olson: "I motion that we adjourn."*

**MEETING ENDS (5:06 PM)**