

**MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING**
Thursday, November 12, 2015
USOE – Board Rooms

DRAFT

Members Present:

Chair Howard Headlee
Vice Chair Kristin Elinkowski
Member DeLaina Tonks
Member Tim Beagley
Member Bruce Davis
Member Dean Brockbank

Members Excused:

Member Robert Enger

Staff Present:

Marlies Burns
Jennifer Lambert
Stacy Carroll
David Thomas
Joe Heywood
Jo Schmitt

Others present:

Hiram Alba, Theresa Theurer, Craig Frank, Kim Dohrer, Kim Frank, Tina Smith, Debby Llewelyn, Brad Taylor, Heather Shepherd, Erin Preston

Call to Order

Chair Howard Headlee called the meeting to order at 9:03 a.m.

Pledge of Allegiance

Chair Howard Headlee led the board and those in attendance in the Pledge of Allegiance.

Public Comment

Hiram Alba, a member of CMAC, introduced himself and informed the SCSB that he would be replacing Roderic Land as the CMAC's representative at the State Charter School Board meetings.

Point of Order

Member DeLaina Tonks stated she had been contacted by several schools concerning the timing of the agenda posting for this meeting, with less than 24 hours' notice. Her questions and concerns were: 1) what are the legal implications, with the Open Meetings Act. David Thomas, legal counsel for the SCSB stated that the notice isn't effective, but subject to challenge. After checking the email notifying the charter school staff that the agenda had been published, on the public notice website, it was found the time of the posting was 9:57 a.m., December 9, 2015. The SCSB determined that if any action taken at the meeting was challenged, the actions would and could be considered and ratified at a later date. 2) With being given less than 24 hours' notice, Ms. Tonks expressed the difficulty of fulfilling her responsibility as a SCSB member to review materials being addressed at the SCSB meeting and the need for transparency. Ms. Tonks offered a solution of posting the amendment requests and other documents on the website, as they are received by the SCSB staff.

Board Chair Report

Chair Howard Headlee directed the SCSB's attention to two items of correspondence received from Superintendent Smith and Associate Superintendent that was included in their SCSB meeting email. One item addresses the approval process and the other addresses recommendations that are coming forward from the USBE. Mr. Headlee stated that this correspondence will be discussed later in the meeting in more detail, during the 2016 legislative session portion of the meeting.

Chair Headlee distributed a copy of a letter from the board of Ivy Preparatory Academy addressing the change of their board leadership and agent of the application. Executive Director Marlies Burns requested more policy direction on what changes can be made during the application process without the SCSB approval; and, which changes would the SCSB need to consider before a school could change their board members, change their location, change the name of the school, etc.

Chair Headlee informed the SCSB that the Charter Funding Task Force had its last meeting and adopted a piece of proposed legislation that will come forward as a task force bill which contained a number of items that the SCSB had discussed previously. Chair Headlee invited Royce VanTassell, representing UAPCS, to provide detail of the proposed legislation. Mr. VanTassell informed the SCSB that there are five main pieces that came out of the task force. 1) They are not recommending any change to the "sunset" of the October 1 head count; 2) addressing the LRF calculations; 3) changes to local replacement formula; 4) to include expenditures on community recreation in the local replacement formula; 5) the exclusion has been pulled out of the expenditures school districts have made on community recreation.

Consent Calendar

MOTION: Member DeLaina Tonks moved to separate the items on the Consent Calendar. Chair Headlee stated that the motion was in order and would address the items on the consent calendar separately.

MOTION: Member Bruce Davis moved and Member DeLaina Tonks seconded to approve the minutes from the November 12, 2015 meeting. The motion was approved by those in attendance. Members Robert Enger and Tim Beagley were not present for the vote.

MOTION: Member Bruce Davis moved and Member Dean Brockbank seconded to move forward with the RFP as it currently stands. After discussion, the motion was tabled and the SCSB staff was instructed to share the RFP with the legislative sponsor to ensure it encapsulates the intent, with an opportunity to respond.

MOTION: Vice Chair Kristin Elinkowski moved and Member Bruce Davis seconded to accept the Charter Fidelity Monitoring Review report. The motion was approved unanimously by those in attendance. Members Robert Enger and Tim Beagley were not present for the vote.

Charter Agreement

Chair Howard Headlee informed the SCSB that he and Board Member Dean Brockbank met with David Thomas, Charter School legal counsel, charter school staff members, and members of the associations to discuss the charter agreement and felt they had a productive meeting. David Thomas provided an update from that sub-committee meeting and proposed changes to the Charter Agreement template. Mr. Thomas stated he has a partial red line revision of the contract, pending items that need to be reviewed and addressed before going forward. Member Dean Brockbank recommended to circulate a draft document, and seek written input and comments and when the revised agreement is addressed in a SCSB meeting invite those who have participated to be part of the discussion, hearing concerns from them, and not being filtered through the sub-committee members. Mr. Thomas stated he would make a red-line version available to post and solicit comments and bring the document back to the SCSB for finalization.

Amendment request – Ascent Academies

Representatives from Ascent Academies of Utah informed the SCSB of their amendment requesting a satellite school to be located in the Granite School District in West Valley City serving grades K-9 and 1,040 students; which would be the school's fourth campus.

MOTION: Member Dean Brockbank moved and Member Kristin Elinkowski seconded to recommend for approval to the USBE the satellite campus of Ascent Academies of Utah to be located in West Valley City serving grades K-9 and 1,040 students total enrollment, in accordance with the growth model schedule provided; to begin operation in the 2017-2018 school year. The motion was approved unanimously by those in attendance. Member Robert Enger was not present for the vote.

Presentation by Beehive Science and Technology

Hanifi Oguz, Principal of Beehive Science and Technology, the school's administration team, students, and members of the school's student council presented a token of their thanks and appreciation for the work the SCSB is doing for the charter schools in Utah.

Proposed Communications Policy

David Thomas, Charter School legal counsel, presented a proposed communications policy for discussion.

Proposed Application Policy

Jennifer Lambert, Charter Schools Education Specialist, presented a proposed application policy addressing the timeline for submission, necessary materials staff needs in addition to the application, and describing changes that cannot be made after the initial proposal is submitted without the SCSB approval for discussion and distribution for comment.

Proposed Amendment Policy

Executive Director Marlies Burns presented a proposed charter amendment policy for automatic amendments for operational schools, conditional amendments for operational schools and school-by-school amendments for discussion.

School Turnaround and Leadership Development Act

Executive Director Marlies Burns reminded the SCSB that in the 2015 legislative session a new law had been written which is the School Turnaround and Leadership Development Act. In this act, there are certain responsibilities of the SCSB, a charter school authorizer. Ms. Burns presented details of the statute, and the pieces of the statute that are very specific to the SCSB and the board's responsibilities. Also, Ms. Burns presented the board rule that the USBE adopted, which is the process by which they will do this turnaround act. Code 53A-1-1202, 1203 and 1205 discusses the process specific to charter schools and includes a requirement the SCSB perform an investigation to determine if identified low performing charter schools are in compliance with their Charter Agreement. Superintendent Smith stated he reads that statute just slightly differently than the SCSB, and that the "initial remedial year", he interprets to be the 2016-2017 school year; because this present 2015-2016 school year is the school's planning and implementation year. Member Tim Beagley suggested to move forward now, to make determination and identify any school closures that are recommended and to not close schools at the beginning of a school year.

2016 Legislative Session

Chair Howard Headlee reminded the SCSB that the Charter Funding Task Force and the bill that will probably be coming forward in the next legislative session regarding the property tax notices has already been discussed. Also, another issue that had been raised with the Charter Funding Task Force was transportation concerns.

Mr. Headlee brought to the attention of the SCSB a letter from Associate Superintendent Angela Stallings regarding potential statutory changes to Utah Code regarding charter schools. Craig Frank, representing UCN

and Royce VanTassell, representing UAPCS discussed issues that were raised regarding the USOE Policy Brief that had been distributed by Associate Superintendent Angela Stallings.

Heather Shepherd, Director and Head of School at Channing Hall, expressed her concern regarding the new charter school application policy. In particular, 53A-1a-505 (1)(g): A charter school application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school, including another charter school: (i) an enrollment decline; (ii) a decrease in funding; or (iii) a modification of programs or services.

Kim Frank, representing UCN, expressed her concerns regarding the under-enrolled schools and the small schools that cannot accommodate anymore students in their buildings. Ms. Frank also expressed her concerns over “redundant reports” and suggested the SCSB invite the Utah Foundation to their meetings when there is investigations and discussion that would need reporting.

Chair Headlee referenced an item that was on the agenda earlier in the meeting, regarding the RFP. Mr. Headlee stated that speaking with staff, Senator Gibson has been contacted twice, and feels it would be beneficial to go forward with the proposal.

MOTION: Member Bruce Davis moved and Member Kristin Elinkowski seconded the motion to proceed with the RFP, send to purchasing and move forward with the process. The motion was approved unanimously by those in attendance. Members Robert Enger and Dean Brockbank were not present for the vote.

Royce VanTassell expressed his concerns in one provision in the body of the RFP, referring to the “Personnel Substitutions” on page 21 and that it seemed to preclude people from submitting, who were providing services to charter schools. He stated he wasn’t sure what that language meant. Executive Director Burns informed Mr. VanTassell that if you are approved for the RFP, you cannot make changes without permission, it is for the people in the RFP and the qualifications they have. Ms. Burns stated, “Substitutions in personnel who have ongoing responsibility for this RFP may not be made without permission of the SCSB”; people with responsibilities to charter schools, can certainly apply, but cannot pick and choose who does the work, it will be approved based on the plan they actually submit.

Adjourn: Motion was made at 2:30 p.m. by Member Bruce Davis to adjourn.