

MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING

Thursday, March 3, 2022
USBE Board Rooms
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Members Present:

Chair DeLaina Tonks (*refrains from voting, unless otherwise noted)
Vice Chair Bryan Bowles
Member Cynthia Phillips
Member Krystle Bassett
Member Stephanie Speicher
Member Michelle Smith
Member Erik Olson

Staff Present:

Jennifer Lambert, Director SCSB
Liz Bunker
Joanne Castillo
Greg Connell
Smriti Dhakal
William Evans
Amber Hellstrom
Robert Kohutek
Jenna Magnetti
Brendan McGinn
Stewart Okobia
Marie Steffensen
Andrew Vardas-Doane

Others Present:

Matt Hymas (USBE)
Assistant Attorney General David Jones (online)
Traelle Gailey (Scholar Academy - online)
Suzanne Owen (Director, Vanguard Academy)
John Williams (CFO, Vanguard Academy)
Joy Palmer (Curriculum Director, Vanguard Academy)
Grace Mitchell (Treasurer & Founding Member, Vanguard Academy)
David Mortensen (outside counsel for Vanguard Academy)
Robert Breeze (outside counsel for Vanguard Academy)

Dennis Bullard (Board Member, Spectrum Academy)
Nick Wright (online Board Member, Spectrum Academy)
Chase Ames (online Board Member, Spectrum Academy)
Jenifer Lee (Board Member, Spectrum Academy)
Jaime Christensen (Executive Director of Academics, Spectrum Academy)
Jason Steenblik (Board Chair, Spectrum Academy)
Christina Guevara (Regional Director of Academics, Spectrum Academy)
Liz Banner (Regional Director of Academics, Spectrum Academy)
Brad Nelson (Executive Director of Finance, Spectrum Academy)
Bill Cox (Spectrum Academy)

Call to Order

Chair Tonks opened the meeting at 10:09 am

Public Comment

No public comment.

Board Member Thought

Member Bassett read the poem “The Art of Disappearing” by Naomi Shihab Nye

Board Chair Report

Chair Tonks shared her thoughts about the spring-like weather.

Executive Director Report

Director Lambert updated the Board on Training Numbers, Oversight Numbers, and the Number of Visits the staff made. Director Lambert attributed the increase in trainings to an increase in vendor output. Director Lambert contextualized the oversight numbers comparing them to last month. Director Lambert also described how school visits can involve or include different facets of support. Director Lambert shared Good News featuring a National History Day Webinar Series which recognized a teacher from Mountain Heights Academy. The Samsung State Salt for Tomorrow winner was the team from Mountain Heights Academy. Springville Museum of Art features a number of art pieces by students from a number of Utah’s Charter Schools.

Consent Calendar

- A) Minutes from February 10, 2022, Board Meeting, B) Monthly Financial Report, C) Amendment to Charter Agreement: Wasatch Waldorf Charter School, D) Startup and Implementation Grant: Career Academy of Utah*

Chair Tonks expounded on SCSB’s role in approving the Startup and Implementation Grant.

*Member Smith: *Member Smith’s mic was not on**

Chair Tonks: “Member Smith has moved.”

Member Bassett: “I’ll second that.”

Motion passes unanimously.

Spotlight

Financial Compliance Auditor Smriti Dhakal introduced Scholar Academy for their Fiscal Management. Scholar Academy's Traelle Gailey spoke about some of the keys they adopted to get to this level of financial competency. Director Lambert expounded on how their financial status enables Scholar Academy to focus on supporting their students.

Vanguard Academy

Financial Compliance Manager Stewart Okobia presented a report on the Warning Status and possible disciplinary action of Vanguard Academy. Manager Okobia explained why one of the remaining 3 deficiencies has been resolved since the posting of the presentation. Manager Okobia identified which two unresolved deficiencies were being addressed in this Board meeting. Director Lambert expounded on what was being addressed and what was not being addressed. Director Lambert emphasized that the nature of the relationships involved means that SCSB cannot verify that public funds are adequately overseen. Director Lambert noted that Vanguard seemed open to working with SCSB to resolve the remaining deficiencies. Director Lambert expressed concern over the request to increase the number of board members as it conflicts with the original charter of the LEA. Director Lambert questioned how the board would operate if the majority of the board members needed to recuse themselves because of potential conflicts of interest. Director Lambert spoke about the possibly excessive burden that would be placed on the new board members and if the addition of the presence of new members would solve the core problem. Director Lambert also noted the difficulty staff had in identifying the relationships between the current board members of Vanguard, and she voiced that staff might run into the same problems when attempting to vet new board members.

Member Phillips began discussions with Director Lambert on an earlier enrollment audit of Vanguard. Vice Chair Bowles began discussions with Manager Okobia regarding the Child Nutrition Program deficiencies.

Treasurer Mitchell opened and had copies of the handout given to the Board Members. Curriculum Director Palmer presented on Vanguard's performance and how their goals were being met. Attorney Mortensen addressed the CNP issues and the legal portion of the procurement issues from Vanguard's perspective. Treasurer Mitchell presented Vanguard's perspective on the audit deficiencies and what the school has done to address those deficiencies.

Chair Tonks emphasized that the deficiencies mentioned are not about feelings but about making sure that specific standards are met. Member Phillips applauded the improvements in processes and changes in personnel, but Member Phillips expressed concern that the changes in personnel were done without enough time to give staff an opportunity to confirm their non-conflicted status for the Members of the Board. Director Lambert voiced appreciation for Vanguard's willingness to be transparent. Director Lambert named the Davis County Cooperative Society and the awarding of services to members of that cooperative is inherently suspect because a cooperative,

by nature, represents a conflict of interest. Director Lambert described SCSB's role in reviewing leases. Director Lambert reiterated that, while there is no evidence of fraud, the SCSB cannot assure that funds are used appropriately because of the nature of the transactions within a cooperative. Director Lambert continued to identify which specific actions are needed to display the transparency required. Member Smith expressed a desire to see Vanguard amend their charter to accommodate the new board members. Member Smith also cautioned the Board about taking action against schools where there is no evidence of a violation. Director Lambert reiterated her concern regarding the requirement that board members must recuse themselves if they have a financial interest in the application of a vendor and how following that requirement would hamper the ability of the remaining board members to reach a quorum. Director Lambert also specified other elements that the SCSB found concerning. Vice Chair Bowles spoke about the impact of financial concerns on the way a school is perceived. Vice Chair Bowles expounded on why sole-source vendors could be problematic and why it is important to protect the opportunities of other vendors in the community to apply for access to public funds. Member Phillips expressed her encouragement by what Vanguard has already done – specifically incorporating non-conflicted members. Member Phillips requested that the charter be amended to reflect the change in board members. Chair Tonks observed that there did not need to be any action taken at that time. Chair Tonks began a conversation regarding the individuals to be added and who might be leaving the organization.

Spectrum Academy

Educational Specialist Marie Steffensen presented on the waiver process, where Spectrum Academy was in the Waiver Process, and what element in the process was being addressed in this Board Meeting. Executive Director Christensen stated the request in the waiver application. Chair Tonks remarked on the effort that board members took to be at the meeting. Director Christensen presented on the foundation for the reason they are requesting a waiver. Spectrum Board Member Wright commented on percentage of non-neurotypical students at Spectrum when compared to district schools and suggested that the high number of IEPs is a contributor to the reason for the waiver request. Director Christensen presented the details on the 180-day waiver application and the rationale for doing so for each campus.

Chair Tonks began discussions on how the new schedule would affect daily hours within the school week. Member Speicher commended the solution-orientated nature of the school's leadership and began discussions around how that leadership decided on the new school week structure. Member Phillips expressed a wish that all schools could go to the four-day week but acknowledged that Spectrum had a population that required unique specific needs. Vice Chair Bowles introduced discussion about the specific numbers in the surveys cited, the 180/990 requirement, and why the two campuses are requesting different schedules. Vice Chair Bowles expressed the concern that the approval of this waiver must be done for a very specific reason in the interest of fairness and equality. Chair Tonks requested information on the Extra Development days. Member Smith suggested a revision of the application towards more flexibility. Education Specialist Steffensen reiterated where Spectrum was in the waiver process at Chair Tonks' request. Director Lambert introduced discussion regarding USBE's ongoing

conversation regarding the 180/990 rule that could be applied to all schools. Director Lambert suggested what kinds of specificity might be more helpful in this waiver application. Member Smith suggested seeking the same waiver for both schools. Chair Tonks opened discussion about the case manager-to-student ratio. Vice Chair Bowles asked that the distinguishing characteristics of Spectrum Academy be expounded upon. Chair Tonks asked what a new waiver application or a new presentation of the waiver application might look like. Director Lambert expressed concerns that the current waiver application did not quite meet the mandatory minimum set in USBE Rule. Spectrum Board Member Wright introduced discussion on the Waiver Application timeline. Member Phillips asked for clarification regarding which school the waiver is for. Member Smith introduced population similarities into the conversation and made suggestions regarding the applications for both schools. Director Christensen agreed with the suggestion. Vice Chair Bowles asked for clarification regarding how long the waivers are applicable. Education Specialist Steffensen confirmed that a proposed sunset date to the waiver needed to be included in the application to USBE.

Member Phillips: "I would like to move that the State Charter School Board recommend to the State Board of Education that Spectrum Academy – at both its Pleasant Grove and North Salt Lake campuses – be granted a waiver of the 180 day requirement."

Member Smith – "I have a second and then a question"

Discussion:

Member Smith opened discussion regarding including the reason for the motion in the motion itself. Director Lambert expressed concern for the unwieldiness of such an inclusion. Member Phillips suggested a crafting a Letter of Explanation or Support to go with the motion.

Motion Passes Unanimously: The waiver is recommended.

Review of Board Goals and Possible Action

Chair Tonks introduced possible changes to the current Board Goals.

Goal 1: Chair Tonks articulated the changes suggested by Member Phillips.

Member Smith: "I move that we adopt the goal just discussed as amended or edited."

Member Phillips: "I'll second."

The communication goal motion passes unanimously.

Goal 2: Chair Tonks articulated the Support Goal recommendation.

Director Lambert asked clarifying questions and Member Phillips explained her intentions behind her recommendation. Member Smith began discussion on the feasibility on the recommendation and offered another suggestion. Chair Tonks offered a possible distinction between two member groups. Director Lambert articulated the challenges with this goal. Member Phillips explained why this goal is so important with respect to struggling schools and

reiterated a need for a strong governance goal. Director Lambert suggested optional certification or micro-credentials for Board Members and Directors. Member Smith recognized the need to be creative in recognizing schools whose boards have all completed the training or micro-certification. Chair Tonks introduced game theory and badges into the conversation. Member Speicher suggested building Celebration into the giving and receiving of these training badges. Chair Tonks acknowledged the one-way nature of training and affirmed that doing something to identify the completion of the goal of a full board being trained is something to be encouraged. Chair Tonks suggested sending the Goal suggestion back to the Executive Committee to re-word and to bring back the next meeting. Member Phillips mentioned USBE's self-directed master classes and elements she found useful. Chair Tonks suggested that the Board re-draft the suggestion and bring it back for the next meeting

Goal 3: Chair Tonks indicated that suggestions to the Monitoring Goal is still in process and will be brought back to the next meeting.

Goal 4: Chair Tonks articulated the recommendation for the Innovation Goal. Director Lambert described some of the struggles staff has been having with this Goal because of the nature of Innovation and made some suggestions regarding the direction of this goal. Director Lambert expressed concerns about the suggested top-down approach and suggested focusing on the innovation that was being generated by the schools. Member Smith echoed Director Lambert's suggestion and described some of the observations from the Authorizing Committee before suggesting that the goal be built around the concept of identifying the innovations and supporting what is working there. Chair Tonks voiced support for this direction. Director Lambert described the kind of information that had been gathered in the past. Director Lambert suggested that investing time in getting to know who the schools are in some of the meetings would help in identifying some of the innovation being generated. Director Lambert suggested a qualitative report on this kind of innovation. Member Smith would like to see what staff considers a good goal in this area in the next meeting. Chair Tonks reminded the Board that these are Board goals and not Staff goals, and Chair Tonks suggested that the goal return to the Executive Committee for further crafting. Member Phillips recognized that the difficulty of this goal stems from the poor metrics used to measure it. Member Phillips suggested to the Board Members that this goal needs to have very specific metrics so the Staff knows what they need to do. Member Speicher opened conversation regarding the Board supporting white papers or briefs. Member Phillips began a discussion on whether or not schools have been explicitly asked what they would like SCSB to provide that isn't currently being provided. Chair Tonks suggested that the goal be sent back to the Executive Committee to be reviewed in the next month.

Member Phillips: "I'd like to move that we direct the Executive Committee to rework the goal on innovation including solid and clear metrics and that it be brought back to the full Board for consideration."

Member Bassett: "I'll second that."

The Motion passes unanimously

Member Phillips: "I'd like to move that we direct the Executive Committee to rework the Support Goal based on the discussion we had in the meeting today and bring that back for the full Board's consideration."

Chair Tonks: "Second by Member Smith"

Motion Passes unanimously.

Legislative Update and Possible Action

Member Phillips updated the Board on the statuses of SB114 (sub 2) and other bills regarding classroom transparency, SB191 (Sub 1), HB294, HB193(Sub 5), HB 211, and SB134. Member Phillips identified 2 big tasks that the Board must undertake during the interim. This identification included discussions on base funding formulas. The other issue included discussion regarding the additional autonomy given to the SCSB. Director Lambert gave an update on the Budget Bill and how it will affect the SCSB.

Board Training – *The Five Whys*

Performance Coordinator William Evans presented on the history and practice of "The Five Whys," how it works, and how the staff uses it with schools.