

MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING

Thursday, August 11, 2022

USB E Board Rooms

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Members Present:

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

Staff Present:

Jennifer Lambert, Director SCSB
Liz Bunker
Joanne Castillo
William Evans
Marie Steffensen
Smriti Dhakal (online)
Amber Hellstrom (online)
Robert Kohutek (online)
Jenna Magnetti (online)
Brendan McGinn (online)
Andrew Vardas-Doane (online)

Others Present:

Angie Stallings (USB E)
Matt Hymas (USB E)
AAG David Jones
Riley Wheeler
Ryan Marchant (Key Academy Utah)
Shellie Burrow (Key Academy Utah)
Lane Hilton (Key Academy Utah)
Michael Schwab (Key Academy Utah)
James Green (Key Academy Utah)
Brad Davies (Aurora Preparatory Academy)
Doug Pike (Aurora Preparatory Academy)
Dale Cox [Aurora Preparatory Academy (online)]

Scott Herrick (American Principles Academy)
Kelly Hofeling (American Principles Academy)
Matt Howard (American Principles Academy)
Karen Thelin (American Principles Academy)
Casey Anderson (American Principles Academy)
Kami Merrill (American Principles Academy)
Doug Durbano (ProsperUs)
Nathan Durbano (ProsperUs)
Julie Dee (ProsperUs)
Ashley McCleary (ProsperUs)
Crystal Nelson (ProsperUs)
Gavin McCleary (ProsperUs)
Venessa Durbano (ProsperUs)
Marina Hallsten [ProsperUs(online)]
Mark Hadley [ProsperUs(online)]
Robert Marx (Elevated)
Mary Kavanaugh (Elevated)
Jessica Ellis (Elevated)
Amy Edwards (Elevated)
Tyler Nelson [Elevated(online)]
Renee Edwards (Itineras, Principal)
Curtis Newman (Itineras, Board Chair)
Bryan Crump [Itineras, Board Member (online)]
Drew Williams (Utah Arts Academy)
Lowry Snow [Utah Arts Academy (online)]

Call to Order

Meeting began at 8:19 am

Public Comment

No Comments Made

Board Chair Report

Chair Bowles reported on Beehive Academy's Ribbon-Cutting Ceremony and UCN's annual symposium.

Executive Director Report

Director Lambert introduced the artwork of Remediation Coordinator Liz Bunker both in the North Board Room and at the Utah Museum of Fine Art. Director Lambert also spoke on the Qualtrics research concerning the sense of student belonging. Leadership Learning Academy was highlighted as a Purple Heart School by USBE. Director Lambert highlighted School Support Coordinator Marie Steffensen's redesign of the SCSB website.

Chair Bowles commended SCSB staff on the website Revamp. Member Speicher introduced conversation about national data on belonging.

Swearing-In of Board Member

Member Rabecca Cisneros was sworn into her position by Riley Wheeler from the Lieutenant Governor's Office.

Consent Calendar

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

Member Bassett: "I'll second that motion."

Discussion: none

Motion passes unanimously

Introduction To Proposals and Process

School Support Coordinator Steffensen presented on the application process and where in the process the schools presenting were and what was expected in these presentations.

Proposal Presentation and Interview: Key Academy Utah

Before their presentation, Member Cisneros disclosed a possible conflict of interest due to interactions with the school prior to being named to the Board. Chair Bowles indicated that Member Cisneros could still participate in the discussion and vote. After their presentation, Member Cisneros introduced discussion on the proposed admissions processes. Lane Hilton addressed those concerns. Member Olson began discussions on the legality of the admissions process and addressed the waiver request by Key Academy. Michael Schwab addressed those concerns. Member Olson explained the differences between USBE Rule, Legislative Law, Utah Code, and the extent to which the SCSB may or may not be able to act on such a waiver request. Chair Bowles reiterated that the waiver request was a concern for the Board and reiterated the distinction between Statute and Board Rule. Member Smith clarified that Rule can be waived and Code could not be waived, who does the waiving, and the differences between the rules set up for charter schools and district schools in terms of authority to establish specific kinds of waivers. Member Smith expressed concern that the school had not really looked at how different Utah law is from other states. Director Lambert did state that the SCSB does allow schools to give a slightly better lottery chance to educationally disadvantaged students. Spectrum was highlighted as an example for Key Academy to look at. Member Cisneros introduced discussion on whether or not the school could still function or would continue to pursue opening without the waiver. Member Cisneros requested discussion on whether or not the design of the specific instruction was universal enough to support all students. Shellie Burrow addressed Member Cisneros' concerns and indicated that the school would benefit a large variety of children. James Green expressed the desire to be "that school" for students with this specific need. Vice Chair Phillips began discussions on how the school plans to attract, retain, and continually train licensed and specialized teachers in the current teacher-shortage environment and would like to see it delineated in the budget or financial plan. Ryan Marchant addressed those concerns. Member Smith introduced discussion regarding timelines if Key Academy were to proceed without the exclusivity of enrollment in the immediate time frame. Director Lambert presented options. Chair Bowles began discussion on current and future associations with Key Academy in other states.

Proposal Presentation and Interview: Aurora Preparatory Academy

After the video presentation, Member Smith expressed appreciation for DLI programs and began discussion on the market analysis of the location in which the school intends to open. Doug Pike answered Member Smith's inquiries. Chair Bowles asked Mr. Pike to define his relationship with the school. Member Cisneros introduced discussions on what changes were made in this year's application in response to the feedback given in previous years. The question was fielded by Mr. Pike. Chair Bowles introduced discussion regarding target-language student admissions and teaching design and how they intend to attain and maintain the necessary number of qualified target-language teachers. Doug Pike addressed the first question, and both Brad Davies and Doug Pike handled the second question. Vice Chair Phillips began discussion on where Aurora anticipates its students would continue to study in their target language in order to maximize outcomes that make a DLI program attractive. Chair Bowles expressed concern about the noticeable absence of other board members.

Proposal Presentation and Interview: American Principles Academy

Member Smith expressed interest in where American Principles got the footage of the children in classrooms. Scott Herrick indicated that the footage was from American Preparatory Academy. Vice Chair Phillips expressed concern that any agreements made with any entity without following proper procurement procedure might be an attempt to skirt Utah laws. Member Bassett expressed interest in the school's connection to the homeschool population. Chair Bowles continued the discussion revolving around the accommodations that would be made for homeschooled students. Member Bassett introduced discussions on what American Principles Academy considered to be innovative about their school model. Member Speicher continued discussion on innovation by beginning conversation revolving around defining the word "Virtuous." Vice Chair Phillips asked for clarification on if a market analysis was conducted with parents currently homeschooling their kids. Member Cisneros expressed concern that the word "innovative" was used to mean "not available in Cedar City" instead of meaning "a new model of education" and began discussions on where American Principles Academy would differentiate from American Preparatory Academy. USBE Board Member Hymas made a statement. Vice Chair Phillips introduced discussion on inclusion in light of what the school defines as its core sentiments. Chair Bowles began discussions on the reasons why American Principles Academy has requested a waiver for the timeline of the opening of the school. Member Smith expressed concern regarding the school already having contracted with a building company and with American Preparatory Academy without going through the proper procurement processes. Karen Thelin indicated that they were not aware of the proper procurement process. Casey Anderson clarified that American Principles Academy has not signed any contracts. Vice Chair Phillips voiced concern that the building in question would not have the capacity to accommodate the numbers of students indicated in the enrollment request.

Proposal Presentation and Interview: ProsperUs Academy

Vice Chair Phillips began discussions on how the distance program would work with the on-site program and how online students throughout the state would be served. Member Cisneros introduced discussion on the school board's decision to start as a K-12 institution and inquired

about the conversations surrounding the decisions indicated in the current growth plan. Chair Bowles stated why interest in the growth plan was so high and began discussions on the number of respondents in the survey mentioned, the nature of the current enrollment request, and how many DTC options the school will offer their students given the costs associated with them. Member Speicher introduced discussions on the requested 4-day school week waiver. Chair Bowles followed with who makes the decision on such a waiver and what role the SCSB plays in that request. Vice Chair Phillips requested discussion on how ProsperUs differentiated itself from other schools in Morgan County.

Proposal Presentation and Interview: *Elevated Charter School*

Member Smith expressed her appreciation that the school specifically addressed all the issues she had with the application the last time they presented their application to the Board. Chair Bowles asked that the school expound on which curriculum would be used. Vice Chair Phillips requested clarification on the licensure of education coordinators and teachers for synchronous classes, how they school would address the attaining and retention of the teachers, and how the school plans to address the challenge of teaching mixed grade classes given the grade-level standards required of Utah schools. Vice Chair Phillips requested clarifications on which kinds of subjects would be taught in grade-level-specific classes. Member Cisneros introduced discussion on what the school thought to be the biggest change made from the initial application and how this school would or would not be different from Pacific Coast Academy. Chair Bowles began discussion on access to a full Utah curriculum that McGraw-Hill does not address and how the school plans to guarantee internet and computer access to all the students who would need it. Vice Chair Phillips voiced appreciation for the equality of having identical computers and the ability to support all of them.

Discussion and Vote on Proposals Invited to Complete Full Application

Key Academy

Vice Chair Phillips: "I would like to move that Key Academy Utah be allowed to pursue a full application process."

Member Smith: "I'll second that."

Discussion:

Member Olson indicated that he was not opposed to the motion but he expressed the desire to clarify the role and function of the SCSB and the legality of some of the language used in the waiver request included in the proposal. Chair Bowles further emphasized the specificity of the included request. Director Lambert reiterated what the law stated. Member Smith indicated that the application as currently written would not be something she would support. Member Smith suggested that the school look to another charter school as a possible model instead of looking at a non-charter school. Vice Chair Phillips concurred that her support would not be given unless the problematic language was worked out in the full application. Spectrum Academy was highlighted as an example.

Motion Passes Unanimously.

Aurora Preparatory Academy

Member Speicher began discussion on the market saturation of DLI schools in the area where the school is anticipating to be situated and how innovative that kind of school would be in that area. Member Speicher also introduced discussion on why we would open the school and who was going to be best served in doing so. Member Smith expressed appreciation for the substantial corrections that were made from the previous iterations of the application, but Member Smith also indicated discomfort with the dominance of one voice in addressing the Board's concerns. Chair Bowles expressed concern over the lack of presence of Board Members at the meeting, inconsistencies in the proposal, and areas where previous feedback had not been addressed which called into question the passion of the members for the school. Member Olson expressed confusion over Doug Pike's relationship to the school.

Member Speicher: "I make the motion for Aurora Preparatory Academy to not move forward for a full proposal"

Director Lambert clarified the purpose of hearing these pre-proposals in this meeting.

Member Speicher: "I retract the first motion"

Member Speicher: "I make the motion to not invite Aurora Preparatory Academy to move forward in the 2022-2023 Charter School Application Process."

Member Smith: "I would love to second that motion."

Motion passes unanimously

American Principles Academy

Member Smith expressed appreciation for schools enthusiasm.

Member Smith: "I'd like to make a motion that we invite American Principles Academy to move forward with a full application."

Vice Chair Phillips: "I will second that motion"

Discussion:

Member Cisneros introduced discussion regarding the appearance that American Principles Academy was an attempt to replicate another school and to use the proposal process to skirt Board Rule. Member Smith cited factors that indicated that this school would be a separate entity. Vice Chair Phillips continued discussion regarding the procurement process and previously-negotiated agreements. Vice Chair Phillips voiced a disinclination to support the school's proposal if the procurement of critical elements had not been independent and in alignment with procurement code, however much the Vice Chair might have wanted to see a full proposal. Vice Chair Phillips expressed concern regarding the appearance that this proposal might be a workaround an existing situation instead of something more grassroots proposing an innovative model. Member Smith voiced full agreement with Vice Chair Phillips' statements. Member Cisneros expressed a concern that there was no differentiation between American Principles Academy and American Preparatory Academy when the Board posed the question to the school. Member Cisneros introduced discussion over what the school board was passionate

for, whether or not the school was a workaround, what was innovative about the proposed model, and what the goal of the Board was when it came to opening schools. Member Cisneros suggested requesting a proposal fully articulating how American Principles Academy would differentiate from American Preparatory Academy. Member Bassett agreed that the answer given to the innovation question that was posed was not compelling, and the presentation felt like a replication workaround. Chair Bowles began discussion on the school's request for waiver to timeline. Director Lambert clarified that timelines and processes to any waivers are delineated in Board Rule. Director Lambert indicated that American Principles Academy has been in contact with American Preparatory Services whose employees have been attending the board meetings of American Principles Academy as staff according to the school's Board Meeting Agendas. It was noted that the main individuals who have been working on American Principles Academy's application were staff from American Preparatory Academy and were involved with helping the individuals in Cedar City. Vice Chair Phillips began discussions on what kind of collaboration this relationship between the two schools appears to be. School Support Coordinator Steffensen drew attention to the school's proposal in response to the discussion. Member Smith introduced discussion regarding the facility which caused the urgency to request a timeline waiver. Member Speicher started discussion on the whether the waiver recommendation was something that could be voted on separately from the invitation to present a full application. Director Lambert stated options the Board could take. Chair Bowles reminded the Board that the current motion does not include the motion to recommend the waiver. Member Smith suggested that an invitation be extended to provide a full application on the regular schedule. Chair Bowles clarified concerns about this application as stated by Members and suggested that they be given as notes to the school. USBE Member Hymas expressed appreciation for the conversation and asked that processes be followed. Vice Chair Phillips responded that the SCSB concerns included confirmation that USBE processes and decisions were not usurped in any way and whether or not contracts or agreements had been properly procured prior to submitting a proposal to the SCSB. Chair Bowles reaffirmed the elements of this proposal around which the Board's concerns were centered. Member Speicher encouraged the Board to think about what innovation means in terms of education. Member Cisneros identified why she was inclined to support the current motion. Member Olson abstained from discussion or vote on American Principles Academy.

Chair Bowles: "The motion is that we invite American Principles Academy to move forward with full application in January with some cautions relative to procurement, relative to their relationship with American Preparatory Schools as a management group, which is different from [American Preparatory Academy]."

Roll Call

Member Smith: yes

Member Bassett: no

Vice Chair Phillips: yes

Member Cisneros: yes

Member Speicher: yes

The motion passes.

Member Cisneros: "I would like to motion that American Principles Academy's full application does not include a waiver to Board Rule relative to changing the timelines for opening."

Member Smith: "I would like to second that motion."

Discussion: none

Roll Call

Member Speicher: yes

Member Cisneros: yes

Vice Chair Phillips: yes

Member Bassett: yes

Member Smith: yes

The motion passes unanimously.

ProsperUs Academy

Member Speicher identified what she appreciated in the presentation. Vice Chair Phillips introduced discussion on the unique identity and purpose of the school. Vice Chair Phillips identified the specific areas which were concerning. Member Olson expressed a desire to see more thought placed into the growth plan and agreed with Vice Chair Phillips that a lack of innovation needs to be addressed. Vice Chair Phillips indicated that more information on why the 4-day week is needed.

Member Smith: "I'd like to move that we invite ProsperUs Academy to submit a full application with notes as to the concerns that have been expressed."

Member Smith stated what the SCSB's role is in the process of requesting a waiver and cited previous outcomes of similar requests when presented to USBE.

Vice Chair Phillips: "I will second that motion."

Discussion:

Director Lambert indicated some success in which the 4-day school week has been successful and the time increments for which most waivers are granted. Chair Bowles indicated that there did not seem to be a primary need for such a waiver at ProsperUs.

Motion passes unanimously.

Elevated Charter School

Member Smith: "I move that we invite Elevated Charter School to move forward with the full application with any cautions that we would like to add as established in discussion.

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

Discussion:

Member Cisneros asked the Members to identify why they were so quick to make the motions. Member Smith indicated that Board engagement, willingness to address concerns, and the innovative model made seeing a full proposal interesting. Member Speicher agreed identifying Board Support, growth in the proposal process, the ability to take feedback, and community commitment as contributors to her curiosity in seeing a full application. Member Bassett cited responsiveness of the school board, careful listeners, resolved, and intentional in the way previous concerns were addressed as reasons for supporting an invitation for full proposal.

Motion Passes unanimously.

Introduction to Expansions and Process

School Performance Coordinator Evans presented on the expansion process, how it differs from the request for satellite process, and where Itineris is in that process.

Expansion Presentation and Interview: Itineris Early College High School

Member Cisneros declared a conflict of interest. Vice Chair Phillips indicated that Member Cisneros would not be able to join in the discussion or vote on the motion. Director Lambert indicated how similar circumstances were handled in the past with recusal. Itineris Principal Renee Edwards presented on the success of the school. Chair Bowles asked the school to identify why they were requesting and expansion and what advantages the expansion would give the school. Vice Chair Phillips began discussion on whether or not Itineris would accept students at every grade level. Member Speicher expressed concern about and initiated conversation on the facilities.

Discussion and Vote On Expansion

Member Olson observed the timeliness of the expansion.

Member Olson: "I would move that we approve Itineris' expansion request"

Member Smith: "I'd love to second that."

Discussion:

Chair Bowles commented on Itineris' great success and the great reputation of the school.

Motion passes unanimously.

Waiver Request of R277-552(6) AND Expansion Presentation and Vote: Utah Arts Academy

School Support Coordinator Steffensen presented on the Expansion and Waiver Request and why the school was considered ineligible to submit an Expansion Request Application. Ms. Steffensen described the waiver process, SCSB's role in the process, and who could grant the waiver. Director Williams presented on the reason for the request for waiver and expansion. Vice Chair Phillips introduced conversation on the ACT scores. Member Olson expressed disappointment and concern regarding the waiver request and introduced discussion on the nature of the request. Member Cisneros identified the non-ACT academic goal, current school attendance, troubling finances, and current state of the school building as causes for great concern. Member Cisneros continued discussion about the timing of the request. Vice Chair Phillips introduced discussion about 2022 ACT scores. Representative Lowry Snow voiced his support for the school. Vice Chair Phillips initiated discussion on what the school was asking for as far as the waiver. Chair Bowles indicated understanding in why the request was being made and introduced discussion on why the urgency for the waiver at this time. Member Cisneros stated whether or not she would support the expansion request if the waiver were not attached.

Member Cisneros: "I move that this Expansion and Waiver Request not go to USBE."

Member Olson: "I'll second that."

Discussion:

Member Cisneros expressed concern regarding the timing, the mentality behind the request, and the many hurdles yet to be cleared. Member Phillips asked for clarification on the school's alignment with Vista. Member Olson discussed the reason waivers were available and why they must be granted only in emergencies. Vice Chair Phillips spoke on the consequences of supporting the proposed waiver.

Motion Passes Unanimously

Closed Session in Accordance with The Utah Open and Public Meetings Act for Purposes Outlined in Law

Vice Chair Phillips: "I'd like to move that this Board go into Executive Session or Closed Session according to the purpose outlined in law (52-4-205(1)(g))."

Member Speicher: "I can second that motion."

Roll Call

Member Speicher: yes

Member Cisneros: yes

Vice Chair Phillips: yes

Member Bassett: yes

Member Olson: yes

Member Smith: yes

Member Olson: "I move that we go back into open session."

Member Speicher: "I second that motion."

Adjourn

Member Olson: "I move that we adjourn"