

MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING

Thursday, January 10, 2022

USBE Board Rooms

250 East 500 South, Salt Lake City, UT 84111

www.youtube.com/utahscsb

Members Present:

Chair Bryan Bowles (*refrains from voting, unless otherwise noted)
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

Others Present:

USBE Member Matt Hymas
Assistant Attorney General David Jones
Assistant Attorney General Kevin Olsen
Sam Gibb
Ashley McCleary, Peak Academy, President
Gavin McCleary, spouse of Ashley, co-founder
Crystal Nielsen, Peak Academy, Co-Chair
Julie Dee, Peak Academy, Secretary
Marina Hallsten, Peak Academy, Member
Jay Welk, Peak Academy, Member
Nathan Durbano (online), Peak Academy, Financial Coordinator
Mark Hadley (online), Peak Academy, Member, Director of Programs, Davis Technical College
Vanessa Durbano, spouse of Nathan Durbano
Karen Thelin, American Principles Academy
Scott Herrick, American Principles Academy
Matt Howard, American Principles Academy
Kami Merrill, American Principles Academy
Kelly Hofeling, American Principles Academy
Casey Anderson, American Principles Academy
Amy Edwards, Elevated Charter School
Tyler Nelson, Elevated Charter School

Jessica Ellis, Elevated Charter School
Robert Marx, Elevated Charter School
Mary Kavanaugh, Elevated Charter School

Call to Order

Meeting began at 9:07am

Chair Bowles welcomed USBE Member Hymas, thanked AAG David Jones on his retirement, and introduced AAG Kevin Olsen. Chair Bowles identified some changes in the USBE resulting from the recent elections.

Public Comment

There was no public comment.

Board Member Thought

Chair Bowles spoke about ancient the teachers Socrates, Plato, and Aristotle; and he expounded on Aristotle's answer to the question, "How much is one?" The Mission of the Board was then emphasized.

Board Chair Report

Chair Bowles turned time over to Executive Director Lambert.

Executive Director Report

Director Lambert expounded on how the concept of value-based authorizing has been activated in staff. Director Lambert then introduced the new LMS system that will be launched later in the year to support Governing Board Members. The new pre-proposal training process was introduced.

Consent Calendar (9:28 am)

Member Smith: "I move to adopt the consent calendar."

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

Motion passes unanimously.

New School Introduction and Reader Report (9:28 am)

Chair Bowles invited application reader Sam Gibb to the table to address questions that might be asked regarding reader perspectives. School Performance Coordinator Evans introduced the new school application process, where these school-specific Board Capacity Interviews sit within that process, what information was considered when formulating the staff recommendation, and the staff recommendation for each school.

New School Application: PEAK Academy (9:46 am)

Dr. Evans introduced the Application Overview and Staff's recommendation. Member Smith asked a question regarding a personal line of credit, and Director Lambert explained the purpose of Dr Evans' introductory overview. Chair Bowles invited the school board to the table to begin the interview. Chair Bowles asked the school board to introduce themselves. Member Speicher introduced conversation regarding any financial interests the school board members might have regarding their application. Gavin McCleary identified a few individuals on PEAK's school board that would be co-owners of the property should the school's application be approved. Member Smith clarified that the SCSB would like to know of any other conflicts of interest that other PEAK board members might have. Member Bassett asked that

each board member describe their experiences with PEAK. Member Smith asked for clarification on how the school board came together and what board recruitment looked like. Member Smith required how PEAK might improve any weaknesses in their board. Member Cisneros began discussions on how the board chose the model and curriculum for their school and to describe the process of streamlining. Member Speicher asked the school board members what a typical day for a typical student would look like. Member Olson asked that the school board reveal what risks and challenges they have identified and how they plan to address them – specifically in their market analysis, market research, and the quantifiable efforts taken to meet with locals to gauge local support for the school. Member Smith began discussion on the personal line of credit in the school budget. Member Speicher began conversations on staffing and compensation as currently itemized in the budget. Member Smith provided additional comments on staffing. Member Cisneros invited conversation on Member Lockwood’s position as reflected in the budget, what the anticipated break in grade bands would be, and what the “break even” enrollment would need to be to make the anticipated budget work. Member Speicher requested clarification in the discrepancy between the written mission of the school and what was presented to the SCSB Board by the PEAK board members. Member Speicher suggested that the board might want to rework the mission statement to reflect the change in focus that was presented by the board members at this meeting. Chair Bowles introduced conversation on items he perceived as missing from the presentation such as how the proposed elements combine cohesively into an academic program with academic markers. He wanted to see evidence of markers acknowledging when students have achieved specific academic goals within the projects they are doing. Chair Bowles expressed appreciation for the passion of the members. Chair Bowles began conversation centered around his expressed concern that the school might not have the push factor of parents and students pressing for and this model in this school despite the pull factor generated by government and industry. He requested more evidence that the parents of students are pushing for this model at this school. Special Education and IEPs were also mentioned as something Chair Bowles would like to see addressed further in the school plan. Member Smith mentioned a survey where community members indicated that they would place their children in this school. Chair Bowles replied that the survey seemed to indicate that the parents wanted specific grade levels for the proposed charter school and not that the parents wanted a specific model in that school. Member Speicher also asked about the connection between the ski team and the school as a pull factor to increase enrollment. Member Smith introduced conversation regarding staffing for Flex Fridays.

Break

Meeting resumes 11:46 am

New Application: American Principles Academy (11:53 am)

School Performance Coordinator Evans introduced the application overview and staff recommendations. Chair Bowles invited the school board to the table. Member Speicher introduced discussion on any possible financial interest in the acceptance of the application. Member Bassett asked each board member to describe their experience with this charter school. Member Smith expressed concern about the lack of experiential diversity on the board and asked how the current board came together, what weaknesses they see in their board, and how they plan to address those weaknesses. USBE Board Member Hymas expressed his appreciation for the school board’s appearance and relationship with the local district school board. USBE Member Hymas asked the American Principles board to identify any perceived weaknesses on their current board and how they intend to address them. Member Cisneros asked the board to expound on how they landed on the classical model for their school and what other models were considered. Member Speicher asked the board members to describe the day in the life of a student. Member Olson

asked the board to identify the risks and challenges they foresee with their school and how they anticipate addressing them. Member Olson specifically addressed his concern with their market analysis, projections, and research done specifically on parents wanting that specific model at this specific school. Member Olsen expressed concern regarding the blending of the Classical education model with “civic and character education” and began conversations about the homeschool freedoms and how this model would adopt these concepts into a public school setting. Member Cisneros requested clarification on what a typical day in the life of a student would look like. Member Cisneros introduced conversation on the terms “Business Manager,” “Contractor,” and how the school board envisions those roles. Member Cisneros continued conversation regarding projected role of an ESP in managing the positions of the school’s administration. Member Smith expressed concern about the board members acquiring the expertise needed to oversee their contractor, and she introduced conversation of the board’s plan on how to hold their contractor accountable. Additionally, Member Smith began conversations on what research has been done on the part of the board to see which ESPs might exist to fulfill their plan for a school. Member Smith introduced conversation on the number of board meetings suggested in the application. Chair Bowles introduced conversation on the relationship between outsourcing and control, Special Education supports, what classical education means, and he asked the board to expound on why a parent would choose this school. Chair Bowles introduced conversation about the relationship between this school and American Preparatory Academy. Member Cisneros introduced conversation around the board’s approach to management companies.

Lunch

Meeting Resumes at 1:41pm

New School Application: Elevated Charter School (1:47pm)

Performance Coordinator Evans reiterated the role of this meeting in the application process before presenting on the strengths, weaknesses, and staff recommendations regarding the application. Chair Bowles began the capacity interview by asking that each individual give their names and position within the board. Member Speicher introduced conversation regarding financial interests in the application. Member Bassett invited conversation on how each board member experienced this charter school. USBE Member Hymas introduced conversation on what gaps the board might have and how they anticipated addressing them. Member Cisneros invited conversation on how the board landed on this educational model and to identify what other models might have been considered. Member Speicher invited the board to describe the typical day of a student. Member Speicher expressed concern over the teacher load involved in being prepared so far ahead. Member Olson expressed appreciation for the Board and asked them to talk about market trends, risks, challenges that they perceived, and how they would address them. Member Smith expressed appreciation for how the Board addressed the concern for the need to have a parent present during the online classes. Chair Bowles requested conversation about the curriculum itself. Chair Bowles expressed concern over the startup costs and asked the Board how they planned to address the monetary and non-monetary up-front costs. Chair Bowles followed up with a question on what their break-even enrollment looks like. Chair Bowles asked the board what would make parents choose their school given the current decline of online schools.

Break (3:10 pm)

Discussion and Vote on New Charter School Applications (3:23 pm)

School Performance Coordinator Evans and School Support Coordinator Marie Steffensen presented updates to the new school application process going forward.

(3:30 pm) Discussion on PEAK Academy

Member Smith expressed that all her comments in this section of the meeting come from the perspective of what she perceives as the capacity of the individual school boards. Member Cisneros shared a thought Member Smith once told her regarding teams and ideas. Member Cisneros commented on PEAK's team quality and idea, expounding on factors such as drive time and board member commitment being analogous to community support. Member Cisneros shared some of her misgivings given history with other schools and the 3-year rule. Member Smith expressed her wish to see PEAK move forward. Director Lambert clarified what the Board is approving at this time, expressed staff's concerns, and reiterated options that the Board might take if they weren't ready for outright approval. Member Smith asked about the possibility of approving PEAK conditional upon meeting certain enrollment goals or community demand metrics within a month. Director Lambert reminded the Board of the Board Rule indicating the "readiness-to-open" stage which happens in April or May right before the school opens which is a difficult time to revoke approval of the school if the goal is to not have an empty building. However, the Readiness-To-Open remains a viable relief valve. Director Lambert indicated that this date could be moved up.

Member Smith: "I would like to move that we approve PEAK Academy's application with a moved-up enrollment metric deadline from the Readiness to Open timeline."

Director Lambert expressed a wish for more specificity in the motion in terms of intent. Member Smith requested assistance in identifying a sufficient timeline for enrollment commitments. Director Lambert suggested that the initial idea of approval conditional upon the receipt of a more robust market analysis that staff has verified in a month or something along those lines might be a better direction given the specifics needed.

Member Smith: "I retract my previous attempt at a motion."

Member Smith: "I create a new motion that is to approve PEAK Academy's application review conditional upon them meeting a community demand assessment within one month that they worked with staff to create."

Member Cisneros: "I will second it so we can work it out."

Discussion:

USBE Member Hymans began conversation regarding established processes to secure the community/school/board from going into failure. Director Lambert explained the SCSB process to USBE Member Hymas and the impacts made on the school boards. Director Lambert indicated the possibility that the current discussion was an attempt by the SCSB to see the problems that caused other schools to close right before opening at an earlier stage. USBE Member Hymas suggested that SCSB Member Smith was trying to ask how close one could get to the "sweet spot" between verifying market interest and the Readiness To Open review. Member Smith suggested an adjustment to be made to the Readiness To Open Process that would include a documentation of community need earlier rather than later. Chair Bowles suggested that that suggestion be addressed after the current motion is discussed. Member Cisneros suggested that the school return in three months and that the school undergo a review process at 3-month intervals. Member Cisneros described what she would accept as strong community buy-in with staff verification. Member Smith agreed.

As an amendment to the motion,

Member Cisneros: "I'm asking for the first review to be done in 3 months with periodic reviews coordinated between school and [SCSB] staff. I would like to ask staff if they would be willing to be physically present at least at the first verification."

Chair Bowles requested clarification on what the motion was. Member Smith indicated that the motion she made was that staff would verify, and she suggested another option for the school to demonstrate community interest. Director Lambert indicated that staff could be physically present at meetings. Chair Bowles identified the Board Meeting to be the first month of the report to be added to the motion. Member Cisneros clarified. Director Lambert expounded on the current process with dates (the SCSB needs to report to the Superintendent that a school is ready to open by June 30) according to Board Rule associated with the creation of a building (ground must be broken by January 1).

Chair Bowles restated the motion:

"The motion is to approve conditionally, now this would be with the amendment, approve conditionally, that's what we're considering as this amendment, conditionally after a report is we receive a report in our April Board Meeting ready to relative to their capacity the ability, the market analysis, and capacity to open."

Chair Bowles suggested the amendment to the motion might indicate that, based on the dates needed to break ground for a new building, another decision would be made at "that point." Member Cisneros clarified Member Smith's motion indicating that she seconded and approved Member Smith's motion as an approval so that PEAK could then begin taking additional steps. Member Cisneros further stated that if the community support was not apparent in April, then the SCSB would rescind the approval at that time – not that PEAK would not be approved until proving in April. Member Smith clarified the intent for her motion which was to give PEAK an approval with the requirement that the staff determine evidence of community support and demand and to report back to the SCSB in the April meeting. Member Smith further requested increased flexibility in how the staff determines what community support looks like.

Chair Bowles restated Member Cisneros' Motion to amend the original Motion:

"The motion to Amend would be to report back to this Body in April, and then we'll finalize that final motion."

Member Bassett: "I will second the motion to amend."

USBE Board Member Hymas requested clarification on the motion. Both USBE Member Hymas and expressed concern that the amendment and possibly the motion itself were setting the school up for failure. SCSB Member Olson echoed that concern with the idea that this amendment would be placing the school in limbo for three months based on the possible reactions a developer might have to the public record of this meeting indicating that the approval could be rescinded.

Aye: 2

Nay: 4

The motion fails.

Member Smith: "I would like to move that we approve PEAK Academy and, at the same time, receive a report of community support from staff within three months."

Director Lambert indicated that what was read was not the original motion and suggested that the Body vote on the original motion, let it fail, and then redo it.

The motion fails unanimously.

Member Smith: "I would like to move that we approve PEAK Academy's application, and, furthermore, we would like to receive a report on community support from staff within a 3-month timeframe."

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

Discussion:

Member Olson introduced conversation regarding whether or not the Board was providing Staff with the discretion to determine whether or not sufficient progress has been made in terms of community support. Member Speicher clarified that the intent of the motion is that staff would report to the Board their perception of community involvement, with the Board making the final evaluation. Member Smith further clarified that the motion was for a full approval not a conditional one wherein more support would be offered. Chair Bowles indicated that the result of that April Meeting would not necessarily end in the rescinding of the approval. Chair Bowles asked Member Smith to restate the Motion.

Member Smith: "I would like to move that we approve PEAK Academy's application, and that Staff provide us a report on their community support and demand at our April meeting."

Member Speicher asked for clarification on the motion regarding its support-driven nature and not consequence-driven nature thereby not making the rescinding of the approval a possibility. Chair Bowles expressed concern about the uncertainty from the Members and opened conversation around the idea that this school board return for another cycle. Member Bassett expressed the concern that giving a provisional approval seems like a compromise, and it doesn't feel like a favor to this school. Member Olson agreed with Member Bassett and added that we would give Staff recommendation great weight. Member Cisneros vocalized that she did not want to punish this school because of the Board's experience with a previous school. Member Smith suggested changing the process.

Aye: 3

Nay: 3

The motion fails.

Member Smith indicated the need to leave and suggested that she would call in for the remainder of the meeting for votes and to ask questions. But first she would give her feedback on the other two schools. For American Principles Academy, Member Smith introduced conversation around the idea that this school board said that they did not have the capacity to operate a school and indicated that she was not in favor of approving their application at this time, but they should come back after they've developed some of this capacity. For Elevated, Member Smith expressed enthusiasm for this board, their capacity to govern this school, and indicated that she would be in favor of approving this application. Member Smith indicated that she would call Director Lambert's phone to continue participating in the Board Meeting.

Member Speicher: "I would like to make a motion to invite PEAK Academy to return a year from now with some distinct community outreach data."

Chair Bowles asked if that meant August 2023 or January 2024. Member Speicher confirmed that she meant January 2024.

Member Olson: "I'll second that."

Discussion:

Member Speicher acknowledged the need in the county and asked that the school return with a more refined, data-driven application. Member Olson agreed that the school had a great idea with great people, and he expressed concerns with the financial side and population evaluation. Support Coordinator Steffensen reminded the board of Former Chair DeLaina Tonks' observation that allowing schools to bypass the proposal was not effective. Chair Bowles acknowledged that he tacked that timeline on after the motion was made and was not part of the original motion. Chair Bowles confirmed that the motion indicated that the school go through the two-step process again and return the next year. At Member Smith's request, Chair Bowles repeated the motion:

Chair Bowles: "We ask, much like we did with Elevated Charter School this past year, that PEAK return again next year with a clear market analysis. Also there were some financial concerns that folks had. Those two items primarily, and prove strengthening those pieces of their application and go through the process again. We encourage them to go through that process again for next year."

Aye: 4

Nay: 1

The motion passes.

Discussion on American Principle Academy

Member Cisneros: "I would like to make a motion that we table American Principle Academy's application into February to give them change to demonstrate market interest, also to release an RFP for a CMO/ESP."

Member Smith: "I'll second that."

Discussion:

Member Smith expressed concerns that this board has deeply-seeded problems, and that postponing a vote for a month would not serve them well. Member Smith indicated that she would support their return the next cycle with specific direction that the Board develop the capacity to govern itself. She expressed the desire to see them not rely so heavily on a CMO/ESP. Member Cisneros identified areas of growth she has seen: identifying American Preparatory Academy as their touchpoint for the classical model, noting that the board explored how other schools do things, and acknowledging that they are a grassroots board. Member Cisneros indicated that she did want to see a need for a charter school in the area, that that community wanted that classical model in that charter school, and who would finish that RFP. Member Cisneros indicated why she chose to table and not to return in a year in her motion USBE Member Hymas expressed his personal experience with this board and management companies. Member Smith agreed with Member Cisneros' assertion that having schools constantly being advised to return was not a good practice. But Member Smith indicated that they differed in the confidence they had in the Board's capacity to rectify the problem in a month – especially in comparison to PEAK's Board. Member Smith expressed a wish that a similar action could have been done for PEAK. Member Olson suggested that PEAK Academy's application deserved to be tabled more than American Principles Academy's application, and

he itemized reasons for his opinion. Member Olson expressed skepticism regarding American Principles Academy's capacity to meet the need in Iron County and indicated that he would not be in favor of inviting them back. Director Lambert clarified the rules regarding who can revisit a motion that has already been made in reference to the motion already made on PEAK Academy's application.

Aye: 2

Nay: 3

The motion fails.

Member Speicher: "I'd like to make a motion to deny for application for approval for American Principles Academy."

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

Discussion:

Member Smith acknowledged the enormous community demand and the willingness to develop in the ways the Board would like to see. Member Smith suggested that they return in a year. Member Cisneros expressed frustration with the process but agreed with Member Olson's concern on whether or not this is the right school for this market. Member Speicher expressed concern that there was no data in the American Principles Academy application indicating community support that was present in the PEAK Academy application.

Aye: 3

The motion fails

Member Olson recognized that decisions must be made, expressed a distaste for kicking the can down the road while acknowledging that denying every application was unfeasible.

Member Olson: "My motion would be to deny this application but to invite this board to return in the next round – American Principles Academy."

Member Smith: "I'll second that motion"

Discussion:

Member Speicher introduced conversation around postponing difficult decisions.

Aye: 4

The motion passes.

Member Smith requested discussion on tabling PEAK Academy's application. Member Olson expressed his lingering concerns and why postponing an absolute approval by three months is not something he would advocate but giving them a month is something he could support.

Member Olson: I would move that we reconsider that Peak Academy motion. I would move that we invite them back in one month's time, and we give them one month to provide more satisfactory market data to be able to...

Chair Bowls restates the motion:

“The motion on the table is to reconsider our earlier motion.”
Member Smith: “I’ll second that motion.”

Discussion:
None

Aye: 3

The motion fails.

Discussion on Elevated Charter School

Member Smith: “I would like to move to approve Elevated’s application.”
Member Speicher: “I’ll second that.”

Discussion:
None

Aye: 4

The motion passes.

Member Smith requests staff revises the process that would allow the Board to consider enrollment concerns at an earlier stage in the process.

Member Smith: “I’d like to move to adjourn.”

Meeting adjourned at 4:32

Amended on February 21, 2023