

MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING

Thursday, February 9, 2023

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)
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
Smriti Dhakal
William Evans
Marie Steffensen

Others Present:

AAG Bryan Quesenberry
USBE Liaison Joseph Kerry
Sarah Vaugh, Wallace Stegner, Board Chair
Antonio Furano, Wallace Stegner, Board Finance Advisor
Jeremy Schow, Wallace Stegner, Board Secretary
Adam Gerlach, Wallace Stegner, Co-Director
Anthony Sudweeks, Wallace Stegner, Co-Director
Brad Taylor, Academica West
Kim Frank, Utah Charter Connection
Royce van Tassel, Utah Association of Public Charter Schools

MEETING BEGINS (10:06 AM)

Public Comment

None

Board Member Thought – Member Krystle Bassett (10:10 AM)

Member Bassett shared an excerpt from Braving the Wilderness by Renee Brown which addressed the topic of conflict through an interview with Michelle Buck. Member Bassett expressed interest in the idea of how navigating conflict could prove generative in a relationship. The poem “Woulda-coulda-shoulda” by Shel Silverstein ended the thought.

Board Chair Report (10:13 AM)

Chair Bowles noted that, as of Wednesday, February 8, 2023, more than 50 bills had been drafted for this Session than had been drafted for the entirety of last year’s Legislative Session. Chair Bowles allowed time for USBE Liaison Kerry to introduce himself to the SCSB Board. Liaison Kerry indicated how pleased he was to serve on this committee.

Executive Director Report (10:19 AM)

Director Lambert announced that the Annual Charter School Celebration at the Bees game would continue after the June Board Meeting. Director Lambert introduced the SCSB’s participation in the “Indicators of Distress Collaborative” and what the Collaborative aims to achieve. Director Lambert celebrated the grand Opening of Utah Arts Academy’s finished building and Freedom Preparatory Academy’s 20th Anniversary.

Consent Calendar (10:27 AM)

Member Cisneros asked for procedural assistance for the motion for the purpose of pulling the minutes off the Consent Calendar for further discussion. Chair Bowles explained the possible options.

Member Cisneros: “I will make the motion to approve all items on the Consent Calendar with the exception of the minutes.”

Member Smith: “I second that.”

Motion passes unanimously.

Discussion:

Member Cisneros asked that additional detail would be added to minutes because they were insufficient in providing readers with what had been specifically asked of each school. Member Cisneros asked that these details be added specifically so that Members and schools could use them in formulating questions and decisions when and if schools return months later. Member Cisneros acknowledged that full audio recordings of the Board Meetings were available, but she asked that these details be made more explicit in the Minutes. Vice Chair Phillips noted that she would be abstaining from voting on these minutes because she had yet to view or hear a recording of last month’s meeting.

Member Cisneros: "I'd like to make a motion that we approve the minutes with additional detail capturing the specific instructions Board Members have given to applicants."

Chair Bowles asked if Member Cisneros would like to see that additional detail before she approved those minutes. Chair Bowles suggested that the motion be altered to look at the minutes again in a subsequent meeting with the additional detail to make sure it includes sufficient detail.

Member Cisneros: "I will motion to ask staff to amend the minutes to add specific details of what we ask of our applicants and then bring these minutes back in next month's meeting."

Chair Bowles: "Member Cisneros has made a motion that the minutes be amended to add additional detail relative to the recommendations that we made to schools so they have easy access to that throughout minute process."

Member Smith: "I'll second that."

Chair Bowles acknowledged that the minutes were complete but not as complete as the Board would like them to be so that schools and Members could refer back to them with additional detail about what was requested.

Motion passes unanimously.

New Satellite Application Staff Report (10:32 AM)

School Performance Coordinator William Evans provided the Board with an overview of the satellite application process. The Board was first provided with a refresher of the Board Rule Requirements and the current process for application review and evaluation. The applicant summary would include the last 5 years of data and what this specific application includes. The presentation would be finished by having members from the applying school answer any questions the Board might have. Dr Evans addressed a paper handout given to each Member specifically addressing the Board Rule covering the Satellite application process, a set of possible questions the Members might like to ask the school, the school's financial history, and the metrics that financial report is describing along with the targets that are supposed to be met.

Dr. Evans noted that the current process is being reviewed by the Rules committee and explained why the Satellite Applications were being reviewed by the Board a month after the New School Applications were evaluated. Dr. Evans also explained that no readers were brought in to read the applications because of the rigorous two-step process currently in place. The first step involves fulfilling a list of requirements which include 1) needing to be in compliance with a number of different elements which, combined guarantee that schools are being served, 2) schools are in compliance with their charter, 3) all schools within the LEA are performing, 4) the school has maintained a Net Lease Burden of less than 25% and are able to report revenues in excess of expenses, 5) a market analysis, and any other information requested by the SCSB. Meeting this first threshold allows the LEA's application to be considered. To be approved, the LEA must show that they are meeting the terms of their charter agreement, have maintained 80%

enrollment for 3 years, have a waitlist of 40% or demonstrate demand for their school model, show academic and operational success, describe educational plans for the new school, prove adequate administrative capacity for the new school, show compliance with federal and state law, demonstrate good standing with their authorizer, and prove financial viability. This second step was included in the paper packet.

Dr. Evans introduced Wallace Stegner Academy with a brief history of the LEA, a quote from the LEA's purpose, and the Utah ties to Wallace Stegner himself. Dr. Evans continued by contextualizing enrollment statistics, academic performance statistics, the growth table, and financial metrics. Dr. Evans shared some specifics on the new school's location, grades served, and proposed enrollment. Chair Bowles clarified that an approval by this Body (The State Charter School Board) would then be recommended to another Body (The Utah State Board of Education) to approve the opening of the satellite. Chair Bowles indicated that changes to USBE Board Rule and in Legislation created a situation where SCSB does not have full control over opening satellites. Dr. Evans gave further information for the purpose of transparency: the SCSB received 4 satellite applications, 2 were administratively denied because they did not meet the minimum standards of the first step, and 1 school decided to withdraw the application during the review process. Director Lambert clarified staff's recommendation that Wallace Stegner's satellite application be approved. Director Lambert noted its status as a high performing school and further contextualized the other metrics as reasons for the recommendation.

New Satellite Application Review and Interview – Wallace Stegner Academy K-12 (10:45am)

Wallace Stegner Board Chair Sarah Vaughn introduced herself and indicated that fellow board members Reed Farnsworth and Frank Magana were unable to make the meeting due to previous work commitments. Other Wallace Stegner representatives are as follows:

Antonio Furano, Wallace Stegner, Board Finance Advisor
Jeremy Schow, Wallace Stegner, Board Secretary
Adam Gerlach, Wallace Stegner, Co-Director
Anthony Sudweeks, Wallace Stegner, Co-Director
Brad Taylor, Academica West, Contractor: Business Manager

Director Gerlach gave a brief history of the school and the nature of the surrounding area, and he contextualized the creation of their mission and vision. Member Olson asked Brad Taylor to address the financial issue. Brad asked Antonio Furano to address the deficit citing depreciation and a bond-issuance cost that would not be repeated in the upcoming years. The "days-cash-on-hand" metric was tied to the opening of a new school and a change in financial management which discovered that a lot of revenue was sitting in receivables at the time. Once those receivables were addressed by the new financial management, the "days cash on hand" metric issue was resolved. Brad clarified that as interest rates rose, a series of bonds were issued and closed in the last 10 days of June while the building was not available for purchase until August 1. This circumstance resulted in the school's bonding in FY22, but the purchase did not happen until FY23. Chair Bowles commented on how well the school had planned ahead of time for the opening of a satellite campus in terms of finances. Chair Bowles asked for the plan about

absorbing the financial hit undertaken during the opening of a new campus. Director Gerlach indicated that the school had already accumulated the days cash on hand that mirrored the metric prior to the previous campus opening. Both current campuses are contributing to the increase of the days cash on hand in anticipation of the opening of the 3rd campus. Chair Bowles commended them for understanding where they're going and why. Vice Chair Phillips expressed great appreciation for what the Board has done with the schools that they already have and commended them for continuing the culture of the mission and the vision of the school through both campuses. Vice Chair Phillips asked how they planned to continue that culture through to the next campus with the expanded grades. Director Sudweeks cited institutional knowledge as a key for the consistency of culture between the campuses beginning with creating a shared knowledge and a shared language within the faculty, staff, and administration resulting in increased participation, professional growth, and leadership. These factors made perpetuating the culture at the second campus easy. Director Sudweeks indicated that the new principles and faculty members for the new campus are already being trained as they have already been working in the LEA for years. Regarding the new High School grades, the curriculum was modeled after Idea Public Schools. Additionally, the school began hiring high school teachers to be middle school teachers knowing that those teachers would help the school build the high school departments. As a result, they have several heads of department already steeped in the culture that made Wallace Stegner successful. Director Gerlach added that weekly Principal training had a lot to do with the success of the culture as that is where successful coaching is modeled. Director Gerlach acknowledged that the two campuses were beginning to diverge in culture a little, but he framed the difference as generative citing ongoing innovation as a byproduct of that divergence. The annual and weekly trainings for teachers is similar across both campuses. Member Speicher asked if the school has gathered any data about their first students graduating from four-year institutions, and she asked if that data could be shared. Director Gerlach shared that their data indicated that once their students graduated from 8th grade, they were going back to they systems that failed them, and they went back to where they were before they attended Wallace Stegner. As a result, the school asked to open another campus with a high school that their students would need. Member Cisneros asked Dr. Evans to bring up the slide with the LEA's enrollment metric and asked to clarify the max approval as 1290 or 2910. Dr. Evans clarified that the proposed max enrollment for the new school would be 1290; the 2910 would reflect the max enrollment for the entire LEA. Member Cisneros expressed appreciation for the market survey the school included in their application and asked for clarification on the specific numbers of students served by grade on the new campus. Director Gerlach indicated that they always assume initial middle school enrollment will be smaller because of the difficulties in getting middle schoolers to move away from established social groups. He demonstrated that those numbers would eventually fill in as the bubble created by the elementary school would eventually move into those middle school grades. In addressing the small initial 9th grade number, Director Gerlach indicated that only two schools within the LEA would initially feed the high school until the elementary and middle schools on that third campus would move up. He also emphasized that they wanted to build the school organically to maintain culture and to ease everyone into the reality of running a high school. Member Cisneros asked how the LEA's Jr. High currently work in terms of grades. Director Gerlach indicated 7th and 8th grade would be Jr.

High as traditional high schools, Jr. High Schools, and elementary schools break down. Member Cisneros was unaware of how Salt Lake County broke down grade levels. Both Directors Gerlach and Sudweeks indicated that the breakdowns were identical to that of Granite School District with the exception of the Middle School/Jr. High being 6th-8th grades. Director Sudweeks indicated that the longer kids could stay in a homeroom situation, the more successful they tended to be. The directors indicated that the 7th and 8th grade Jr. High in this LEA would be more like a high school setting. Member Cisneros requested clarity on the high school break-even numbers. The Directors indicated that these were not break-even numbers and that those numbers would be much smaller. Member Cisneros asked how small they could go in the high school and still be effective. The Directors Gerlach stated that he didn't know if they'd ever divvied out the individual grades in the system in favor of looking at "break-even" at the school-wide or LEA-wide level. Director Gerlach demonstrated that he knew how different grades were considered a loss – especially when opening a new school. Member Smith expressed appreciation for what the school was doing.

Member Smith: "I would like to make a motion that we approve Wallace Stegner Academy's satellite application."

Member Olson: "I'll second that."

Motion passes unanimously.

Chair Bowles thanked the school board members and administrators for taking good care of kids. Chair Bowles particularly mentioned the growth of the students as remarkable and commended them for meeting their goal of helping kids become academically successful. Chair Bowles articulated that building their fund balance, that their depreciation doesn't get away from them, and looking for ESL-endorsed teachers should continue to be something for the school to work towards. Chair Bowles commended them for thinking of the accreditation fund for the 9th-12th grade range, and he offered the support of the Board and the Staff if the school needed it as they navigated working through those high school grade levels. Chair Bowles also commended school leadership for the way they coach their teachers and expressed his hope that others would visit the schools to see what they do because the model is so successful. The leadership confirmed that they use "Teach Like a Champion." Chair Bowles highlighted how the leadership trains principals to coach teachers as a particularly valuable practice that many overlook. Director Sudweeks expressed thanks to the Board on behalf of the families of their students for making their dreams come true.

OPMA Training (11:19 AM)

School Support Coordinator Marie Steffensen presented a video highlighting the main points of the Open and Public Meeting Act in fulfillment of the annual requirement for SCSB OPMA training.

LUNCH – 11:36 AM

MEETING RESUMES – 12:32 AM

Legislative Discussion and Possible Action (12:34 pm)

Vice Chair Phillips began by thanking the USBE for prioritizing things like base funding and full-day kindergarten and for not forgetting about charter school students. Vice Chair Phillips acknowledged the roles that UCN and UAPCS plays in supporting charter schools. She then spoke of an un-numbered bill being run by Rep. Susan Pulsipher regarding amendments to reports and requirements she hopes will pass. Vice Chair Phillips gave the Board the origin story of the bill aimed at reducing the cost associated with the reports schools need to produce while sunseting or streamlining some reports. The USBE Reports and Requirements Taskforce which made these recommendations continues under new leadership. Vice Chair Phillips expressed hope that the WestEd study will contain information beneficial to charters that would allow the base funding to be eventually tied to the WPU. Funding has been allotted to education in more flexible bundles this year making the environment more hospitable for innovation. All day Kindergarten has been fully funded. Vice Chair Phillips indicated that the sunset clause attached to the “35% of monies from other programs that could be used flexibly” has been removed. Sixty charter schools have taken advantage of these monies. The innovation sandbox legislation that became law has now been codified in Board rule, and Vice Chair Phillips noted that particular piece had been worked on between the SCSB and now-USBE Chair Jim Moss. Vice Chair Phillips anticipated that both charters and district schools would benefit from that legislation going forward stemming from what had been a four-year process. Vice Chair Phillips presented HB 134 to the Board for monitoring and possible motion. The bill delineates who should be paid when a charter school closes. Vice Chair Phillips presented HB 224 about teacher post-partum and recovery leave to the Board and identified community reaction. She presented SB 55 which would mandate the adoption of learning materials using a traditional public process from Senator Fillmore. The bill also has the option for local boards to use the promotion and approval of a policy to make sure they have all approved the curriculum that is already being used. Vice Chair Phillips noted how this bill is a little different from last Session’s bill. Vice Chair Phillips identified SB 65 as another bill that could directly affect the SCSB. Also run by Senator Fillmore, states that charter school authorizers would be required to “use procedures akin to those under admin rules procedures when adopting standards, guidelines, or policies.” Vice Chair Phillips indicated that the passage of the bills would require the SCSB committee meetings to become open meetings and the implications of that designation. Vice Chair Phillips noted that the SCSB is not a rule-making Body, and the argument was made that, maybe, such a stipulation should not apply to the SCSB. However, Vice Chair Phillips acknowledged that such a move would allow the SCSB to embrace transparency even more fully. Senator Fillmore’s proposed language would allow the SCSB to maintain a physical presence within the USBE building. Vice Chair Phillips acknowledged this concession in the light of the continuing work out of the MOU with the USBE. Vice Chair Phillips moved on the HB 61 school safety amendment which would create a Task Force to establish minimum safety services that Utah Public Schools must provide and was sponsored by Rep Wilcox. Vice Chair Phillips identified a non-refundable individual income tax credit of up to \$500 for eligible school employees for out-of-pocket classroom expenses sponsored by Rep Birkeland. Vice Chair Phillips noted a number of bills “that seek to require a lot more sensitivity to digital resources that might be used in a classroom” addressing sensitive content, posting, and going through a process similar to the one that curriculum must go

through. One bill is run by Rep Ballard. HB 175 is being run by Rep Strong addresses school fee amendments and will disallow any curricular fees including textbooks beginning in the next school year. Vice Chair Phillips noted that Sen Millner's SB 44 would allow for "some reading software that does not meet the statistical affect size specified in last year's SB 127." Sen Fillmore's Joint Resolution 3 proposes to amend the Utah Constitution Property Tax Exemption to exempt privately-owned real property used to support public education or individuals with a disability from property taxes. Vice Chair Phillips noted that the passage of this resolution may affect the properties used by some of the schools authorized by the SCSB. Vice Chair Phillips continued to Rep Pulsipher's HB 185 which would allow LEAs to provide home-centered school-supported enrollment options, and she described what those options might look like. Vice Chair Phillips noted that it has been illegal in Utah to use the word "consent," but Rep Spackman-Moss and Rep Cullimore's bill would require the USBE to establish curriculum requirements that include instruction in sexual assault, resource strategies, sexual violence behavior prevention, legal implications of electronically sexually explicit images, and amends provisions related to when a student receives health ed instruction. Their bill would require such instruction to be at certain grades. Vice Chair Phillips cited foundational ideas for this bill. Vice Chair Phillips noted that Education has the largest number of bills come before the Legislature in the entire Session. Chair Bowles thanked Vice Chair Phillips for the report and asked if the Vice Chair was looking for support in the form of a motion giving her the authority to act and speak on behalf of the SCSB in Legislative meetings. Vice Chair Phillips indicated that she was not necessarily seeking such a motion at this time as the Board has already established that there were things the Board would promote. Vice Chair Phillips noted that she and Executive Director Lambert presented the Charter School Status update to Legislators and commended Director Lambert for her presentation. Vice Chair Phillips noted that the Legislature found the ongoing stagnant state of starter funds irritating, and she described the restrictions made on the usage of those funds. After praising the more stringent requirements now in place for opening a school, Vice Chair Phillips relayed how she requested of the Legislators the ability to differentiate between operational/training costs and the costs associated with opening new schools when presenting finances to the Legislative Body. Chair Bowles reminded the Members that the session ends March 3, and the Governor has an extra 20 days to purposely sign or veto bills that have passed through the Legislative Session or enactment clauses. Chair Bowles asked the Members to continue to watch for things that might assist charter schools. Chair Bowles shared his experience at the Education Appropriations Committee featuring the Four Regional Service Centers servicing rural and non-rural districts allowing the Centers to pool resources allowing districts to share the costs for those resources. Chair Bowles suggested that a Service Center might be needed along the Wasatch Front to serve Charter Schools who are, though public, are not part of larger school districts but would benefit from pooled resources. Vice Chair Phillips stated that she liked the idea – especially as it would benefit the small and medium sized charter schools. Vice Chair Phillips then introduced Kim Frank from UCN and Royce Van Tassel from UAPCS to provide more context and texture to the Legislative Update. Chair Bowles encouraged the Members to discuss at these SCSB meetings possible solutions inspired by current legislation so they might be worked on for the 2024 session.

Mr. Van Tassel suggested that individuals involved with public education should be happy with the recommendations that have been released by the Education Subcommittee this Session. He cited the increased WPU, proposed salary increase for teachers, the establishment for full-day kindergarten, and additional resources for “difficult-to-educate” students as reasons for this sentiment. Mr. Van Tassel indicated that the two messages to come out of that Subcommittee was that the Subcommittee loved public education and that they wanted the education system to impress the Legislators what can be done with the monies allocated to them – that it wasn’t the job of the Legislature to tell the education system what could be done. Mr. Van Tassel indicated that the number of line items that Public Education Apropos prioritized with ongoing and one-time monies have been reduced to a single sheet of paper, and the reduction of the number of line items was tied directly to the work that was done in reducing paperwork for schools to justify spending. Mr. Van Tassel suggested that the reduction in micromanaging by the Legislature will go a long way in reducing additional paperwork. Mr. Van Tassel then indicated that the decisions coming out of Public Ed Apropos will be ratified, though he suggested that there would inevitably be changes by the Executive Appropriations who would be hearing recommendations from the various subcommittees, he did not anticipate any significant changes made to the decisions. He did relay a question from a few legislators asking why no one seemed to be taking advantage of the “Educational Sandbox,” and he suggested that the Public Education Community needs to do a better job of letting schools know about the additional tools available to them. Chair Bowles suggested that it would be a good thing in Legislative Follow-Up to be asking, “Did you know about these things.” Chair Bowles asked Mr. Van Tassel if he got the sheet of line items from the website in case others wanted a copy of it. Mr. Van Tassel stated that he shared the link with Vice Chair Phillips earlier in the day. Member Cisneros asked about any progress on HB 270 which addressed the usage of cell phones in classes. Mr. Van Tassel responded that it died in committee a week and a half prior. Chair Bowles indicated that another curriculum-related bill died in committee earlier that morning. Mr. Van Tassel posited that most in the Public Education community were comfortable with Senator Fillmore’s bill and suggested that Rep Teuscher’s bill “labored under the backwash from last year.” He believes Senator Fillmore’s bill balances the transparency parents desire without placing undue burden on teachers and LEAs. Vice Chair Phillips asked Mr. Van Tassel to comment on a possible expansion of authorizers in the state. He stated that he heard that a number of public institutions of higher education would like to become authorizers. He mentioned that the Salt Lake School of the Performing Arts would like for the private Westminster College to become an authorizer and authorize them. Mr. Van Tassel stated that one of Senator Fillmore’s bills (SB 45, 55, or 65) would open up the possibility that the private institutions of higher education Westminster College, Brigham Young University, and Ensign College to be authorizers thereby allowing public funds to flow through them. Mr. Van Tassel opined that only Westminster would take advantage of that opening in the near future.

Ms. Frank indicated that intent language asking schools to give raises to classified employees will be in the bill raising the teacher salary. On Administrative Cost Funding, Ms. Franks expressed her excitement over the increase and the support of USBE Chair Moss and Member Cindy Davis. On the Reporting Requirements discussion, Ms. Franks suggested that Rep Pulsipher was interested in moving it forward. Ms. Franks mentioned an un-numbered bill by the Representative which did not have a whole lot in it at the time. Ms. Franks expressed excitement

for USBE Chair Moss's intention to "move some big rocks" or pain points off the desks of school administrators, and she noted her own elation over next year's bills compared to the ones presented this year. On School Safety, Ms. Franks relayed the community's appreciation for the monies directed towards school safety, and she questioned whether or not such funding should be given to charter schools who lease their buildings. She presented her own argument that students in leased buildings deserved safe schools just as much as those in schools that owned their buildings, and there were a number of things that could be done to make schools in areas like strip malls safer.

Chair Bowles asked what Create Utah was. Mr. Van Tassel answered that it was an Adobe product with a state-wide license available to all LEAs on a one-time basis. The associated bill that Senator Fillmore was running would allow it to be available to all LEAs on an ongoing basis.

Chair Bowles declared a need to go into closed session for investigative proceedings regarding allegations of criminal misconduct.

Member Smith: "I would like to move that we go into closed session for the purpose of discussion possible criminal misconduct"

Vice Chair Phillips: "I'll second that."

Roll call:

Member Cisneros: yes

Member Olson: yes

Vice Chair Phillips: yes

Member Bassett: yes

Member Speicher: yes

Member Smith: yes

Motion passes unanimously.

Closed Session (1:25 pm)

Member Cisneros recused herself from the closed session.

Member Smith: "I will move that we go out of closed session and back into open and public meeting."

Vice Chair Phillips: "I will second that."

Roll Call:

Member Olson: yes

Vice Chair Phillips: yes

Member Bassett: yes

Member Speicher: yes

Member Smith: yes

Member Smith: "I motion to adjourn"

Amended March 1, 2023

PENDING