

Utah State Charter School Board Meeting
Minutes
September 21, 2006
North & South Board Rooms
Utah State Office of Education

APPROVED

Members present: Julie Adamic, Brian Allen, John Pingree, Barbara Killpack, and Scott Smith
Members excused: Eric Smith and Sonia Zisumbo

Staff present: John Broberg, Marlies Burns, Gary Belliston
Staff excused: Jo Schmitt

Others present: Carol Lear, Jill Neff, Janene Bowen, Mary Jo McComb, CherryLee Morgan, Coreen Smiley, Carolyn Sharette, Howard Headlee, Kim Frank

Call to Order

Chair Scott Smith called the meeting to order at 10:05 a.m.

Public Comments

Kim Frank, from the Utah Association of Public Charter Schools expressed her desire to have the Utah Association have a voice in the discussion of school uniforms. Ms. Frank stated she felt there was a procedure in place that when a parent had a problem they went through their own board and then to the State Charter School Board before going straight to the State Office of Education. She felt the association had clarified that procedure with the state office and apparently that policy and procedure has not been followed and she is concerned as to why.

Janene Bowen, from Jordan School District, expressed the district's concern of satellite schools. The district's view is that satellite schools are really creating their own "charter districts" rather than charter schools, and that is not the intent of state or federal law.

Carolyn Sharette, from American Preparatory Academy apologized for not attending the State Charter School Board Meeting last month because of not being aware American Preparatory Academy's amendment was on the agenda. Ms. Sharette responded to Janene Bowen's comment about satellite schools. She stated that they are already operating as districts, as charter schools. American Preparatory Academy would be operating as a district with multiple campuses, just as they are operating with a single campus.

Approval of Minutes

Motion was made by Member Barbara Killpack and seconded by Member Brian Allen to approve the minutes from the August 17, 2006 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Chair's Report

Chair Scott Smith informed the State Charter School Board that he and the State Office Charter School Staff visited several new charter schools. He expressed his concern about schools opening properly and giving them the opportunity for success. Mr. Smith stated several schools are being creative during construction. Other issues Mr. Smith reported: visiting existing schools, compliance issues, speaking with Utah Foundation on funding (backpack theory), support from USOE, attending the Governor's Education Summit, Charter School bonding. Mr. Smith expressed his thanks to Carol Lear for the time, effort and research she puts into the requests of the State Charter School Board.

Member Barbara Killpack requested a charter school visit schedule.

Member Julie Adamic announced that a student from John Hancock Charter School had been chosen to participate in the Discovery Channel's Young Scientist Challenge held in Washington DC in October. Erin Edwards is one of 40 students chosen nationwide and the only representative from Utah. She is one of the two fifth graders chosen. Ms. Adamic informed the State Charter School Board that Ms. Edwards' project showed the effects chlorine has on hair.

R277-470 Charter Schools (Satellite Language)

Member Brian Allen stated his thoughts were that satellite campuses should be allowed. Mr. Allen feels the State Charter School Board would not want to discourage replicating quality, if they are having a successful program. He also suggested changing the timeframe for requesting an expansion to a charter school to August 31st. Mr. Allen added a definition of what a satellite campus would be, "A school campus affiliated with another charter school having a common governing board, a similar program of instruction, but located on a different site, or in a different geographical location." Mr. Allen stated this definition would be different than an expansion, which is located on the same site.

Member Julie Adamic stated her concerns with language regarding test scores. Ms. Adamic also questions location and notification to district timeline.

Member John Pingree expressed his concern of standardized assessment being accepted as standard of performance. Mr. Pingree stated his thoughts of a satellite school not being required to submit a new charter application. Also, he suggested a mileage limit component.

Member Barbara Killpack questions if satellites jeopardize new charters, is there any preference? Ms. Killpack feels satellites should not take preference over new charters. She also wants the liberty to decide on a case-by-case basis.

Member Brian Allen questions the legislative cap being answered by the legislative study. Mr. Allen also expressed his thoughts to allow schools to present a plan, to have a fifteen day notification window (latest 1/15/07) or delayed opening for one year.

Chair Scott Smith requested some guidance concerning difference between satellites and expansions and had concerns with cost issues.

Director John Broberg questions if the State Charter School Board has the authority to change the definition of satellite and expansion.

After much discussion, it was decided that Member Brian Allen will work on additional language and have those additions available for the next State Charter School Board Meeting for a discussion and vote.

R277-471 Oversight of School Inspections

- Changed rule to treat leased and owned facilities under same rule.
- "Charter School" language should match HB36 (statute).
- Line 194-general plan concerns.
- Carol Lear suggested putting concerns in writing and submit those concerns to the State Board of Education for their consideration and be placed on consent calendar for 10/4-10/5 meeting.
- Certificate of Occupancy concerns.

Member Julie Adamic will write concerns to be given to Utah State Board of Education. Carol Lear will send additions/dialogue to John Broberg for dissemination.

School Uniforms

Marlies Burns presented 53A-15-1101, 1102, & 1103 – Uniforms in Schools.

Carol Lear stressed that the State Charter School Board must and should look at all applicable laws and concerns regarding Charter School policies.

Member Julie Adamic and Member John Pingree questioned the process and procedure for appeals and who has the final say with those appeals? Carol Lear informed the State Charter School Board that the final option is to go to court.

Member Barbara Killpack publicly thanked Carol Lear for giving the State Charter School Board advice and recommendations.

Also, Ms. Lear expressed her concerns of issues that have been put on individual Charter School websites. Ms. Lear informed the State Charter School Board that no public school can promote themselves as a religious or an anti-religious school. Doing so is in violation of state law and would not be allowed to be funded by public school funds.

Pre-Opening Visit Checklist Document

Marlies Burns presented the Pre-Opening Visit Checklist that addresses the following items: Board and Staff Training; Governance and Management; Staffing; Curriculum and Instruction; Students and Parents; Operations; Facilities, Furnishings and Equipment; and Accountability.

Motion was made by Member John Pingree and seconded by Member Julie Adamic to accept the Pre-Opening Visit Checklist Document. The motion was carried unanimously.

Charter School Closure Plan Document

Marlies Burns presented the Charter School Closure Plan that addressed the following items: Notifications; Governance and Operations; Finances; Audits, Assets, Liabilities; Taxes, Withholdings and Other Payments; Contracts and Creditors; and State and Federal Reporting.

Chair Scott Smith questions if the State Charter School Board has to rely on the non-compliance school to complete the document. Member John Pingree questioned who has to follow this closing plan document and who owns the assets that the school acquired. Gary Belliston informed the State Charter School Board that if the school is chartered by the State Office, and is stated in the charter assurances, all assets revert back to the state. Mr. Pingree inquired how the state would take possession of those assets and where would they be stored. Mr. Belliston informed the State Charter School Board that those issues need to be addressed, but this plan only outlines the steps necessary to wrap up their business, once the state has determined it is closing the school.

Motion was made by Member Barbara Killpack and seconded by Member John Pingree to accept the School Closure Plan Document. The motion was carried unanimously.

Summit Academy Amendment

Director John Broberg informed State Charter School Board that Summit Academy met the State Office's deadline for an amendment, but the mechanics of getting the policy of an expansion is flawed.

Jill Neff, Principal of Summit Academy, explained Summit Academy's amendment is to expand to K-9, 100 students per grade, with a total expansion of approximately 500 students.

Mary Jo McComb, Curriculum Development Leader at Summit Academy, addressed the concerns the State Charter School Board had of graduation requirements. Ms. McComb informed the State Charter School Board that Summit Academy would hire teachers with a secondary licensure certificate and those teachers would teach in the major they are required to teach. She also stated that the school does recognize those requirements, and will conform to them.

Ms. Neff informed the State Charter School Board that they have been in contact with Jordan School District concerning the school's athletic program. There is currently a draft document addressing a co-op possibility to work with Jordan School District. Jordan School District is still reviewing that document.

Member Julie Adamic inquired of the school's plan for a site for the expansion of 8th and 9th grade. Ms. Neff informed the State Charter School Board that Summit Academy currently does not have enough property to expand to the 8th and 9th grade. Chair Scott Smith inquired of their plan, and was informed that they have looked at other property in the area, but have not pursued them until they are granted the amendment of expansion. The sites range from being immediately adjacent to Summit Academy to within five or 10 miles. The plan is to have grades K-5 at one site, and grades 6-9 at another site.

Director John Broberg stated because there is no policy in place for satellites, the amendment request would have to be approved contingent on obtaining property adjacent to the original site. The amendment is an expansion of grades; therefore it is not a satellite school, but an expansion with the same governing board. The school is currently approved for 600 students; the expansion would be for an additional 400 students, expanding to 1,000 students.

Member John Pingree made the motion to approve Summit Academy's amendment request for expansion contingent on the State Board of Education coming to a decision concerning satellite schools. With no second, the motion dies.

Member John Pingree made the motion to approve Summit Academy's amendment request for expanding to grades 8 and 9 with student enrollment of 1,000. With no second, the motion dies.

Member Barbara Killpack expressed her thoughts of going against rules that are already in place, by approving this amendment.

Janene Bowen, from Jordan School District expressed the district's concern on expansion/satellite language. Ms. Bowen stated the Jordan School District feels unless it is in the same building, on the same site or contiguous property, it is a new school. Ms. Bowen stressed the need for rules to be in place so they can be consistently applied.

After much discussion, the motion was made by Member Barbara Killpack to not approve Summit Academy's amendment at this time, with the understanding that once the expansion/satellite rules are in place, look at the application again, (with Summit Academy not having to resubmit the amendment information) but very likely they would be approved for the 2008-2009 school year. With no second to the motion, the motion dies.

Ms. Killpack restated her motion to table Summit Academy's amendment request until the rule has been defined and is in place. The motion was seconded by Member John Pingree and was carried unanimously.

American Preparatory Academy Amendment

Howard Headlee, CAO for American Preparatory Academy, stated the amendment for American Preparatory Academy is for a satellite school, and since there is no rule established at this time, he is unsure of the detail to go into, given the previous discussion. Mr. Headlee thanked the State Charter School Board for their action on their request in August, and unfortunately it was not approved by the State Board of Education. Mr. Headlee informed the State Charter School Board that Alpine and Jordan School Districts have contacted the developer that American Preparatory Academy had intended to work with, and are in negotiations to build a school that the tax payers will pay for. The development has three places planned for elementary schools; and there is still an opportunity they would want to have a school like American Preparatory Academy in their development.

Director John Broberg stated there would be a request made to the State Board of Education for an adjustment to the timeline for the approval for the 2007 school year.

Motion was made by Member Barbara Killpack and seconded by John Pingree to table American Preparatory Academy's amendment request until the issue of expansion/satellite has been resolved and a rule is in place. The motion was carried unanimously.

Chair Scott Smith stated he strongly disagreed with the comments regarding the State Charter School Board could have passed the waiver. He feels it is not acceptable to force the State Board of Education to do something without the guidance from the State Charter School Board.

Member John Pingree suggested to formalize the intend of the State Charter School Board that once the rule is in place, the State Charter School Board move as quickly as possible to approve Summit Academy and American Preparatory Academy amendments. Mr. Pingree further suggested removing the limitation that says they had to have the decision by September 30th.

Member Barbara Killpack stated she did not feel comfortable and could not agree with a satellite or expansion preference over another school's application; to look at each school individually.

Adjourn

Motion was made by Member John Pingree to adjourn at 1:50 p.m.