

Utah State Charter School Board Meeting
Minutes
January 18, 2007
North & South Board Rooms
Utah State Office of Education
10:00 a.m.

APPROVED

Members present: Julie Adamic, Brian Allen, Barbara Killpack, John Pingree, Eric Smith, Scott Smith

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

Others present: Anne Peterson, David Moss, Larry Jensen, Monty Hardy, Dianna White, Janene Bowen, Susan Soliel, Glenna Gallo, Carol Lear, Kent Mohlman, Paula Dugan, Wayne Kidd, Brian Dean, Deborah Gomberg, Mornie Sims, Kim Dohrer, Eldon Budge

Call to Order

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

Public Comment

Larry Jensen – Mr. Jensen informed the State Charter School Board he owns a pre-school in Draper, Utah. Mr. Jensen read a letter stating his concern of a conflict of interest regarding the pre-school that is housed at Summit Academy.

Monty Hardy – Mr. Hardy expressed his interest in the procedure new applications for Charter Schools would be reviewed and approved for recommendation. Mr. Hardy asked the State Charter School Board to consider making a resolution to give priority to those applicants that have come to the board previously.

Dianna White – Ms. White represented parents from Summit Academy. She expressed their concerns regarding ethical issues surrounding Summit Academy's Governing Board and members of the board and stressed the need for more official oversight.

Approval of Minutes

Motion was made by Member John Pingree and seconded by Member Brian Allen to approve the minutes from the November 16, 2006 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Chair Scott Smith informed the State Charter School Board of a new board member appointed by Governor Huntsman, Joel Wright. Mr. Smith explained that Mr. Wright could not be in attendance at today's meeting, but will be sworn in as a member of the State Charter School Board in the February State Charter School Board meeting.

Chair Scott Smith stated there are several positive things happening with the Legislation that he feels is moving in the correct direction.

State Travel Guidelines

Chair Scott Smith informed the State Charter School Board the agenda item regarding State Travel Guidelines would be tabled until the next board meeting.

Appeals Process for SCSB Recommendations

Carol Lear gave general information concerning an appeals process. Ms. Lear questioned if the appeals process needs to be in rule or is it something the board can have as a practice or a policy. Ms. Lear feels it should be in rule, stating the reason being the way the rule writing and rule making law is written states, "anything that confers or denies a significant benefit to individuals is to be in rule." To simply have a policy, it is not as far reaching as the board needs to be. Ms. Lear suggested the State Charter School Board needs to determine what the process should be and then be consistent.

State Charter School Board Meeting Schedule

Chair Scott Smith informed the State Charter School Board that Member Eric Smith has suggested the SCSB look at a different calendaring schedule for the board meetings. There is conflict with the Alpine School District and the third Thursday of every month seems to be a problem with some of the members of the board. Mr. Smith suggested the second Thursday instead.

Director John Broberg informed the State Charter School Board the building conference room schedule had been checked and there is no consistent day or time that would accommodate the State Charter School Board meetings.

Chair Smith suggested another option would be to hold the board meetings at other locations or schools, but he felt he would prefer to continue holding the meetings at USOE because of the consistency of location and available resources.

Director John Broberg suggested checking the building schedule to see if there was another group that has a consistent meeting every month and would be willing to trade meeting dates.

Member Barbara Killpack stated she felt going to visit schools once a quarter for the board meetings would be beneficial to observe the individual schools.

Report on Special Education Audits

Glenna Gallo, Education Specialist in the Special Education Section at USOE, distributed packets to the State Charter School Board members which contained an overview of UPIPS, summary of the findings by USOE's Special Education Section over the last two years, and copies of the executive summaries from those visits. Ms. Gallo explained monitoring of Special Education services is required by the Office of Special Education Programming. The schools are monitored for compliance. The UPIPS process is a five-year cycle and every school district in Utah is part of that cycle and every charter school in Utah enters that cycle in their second year of operation. During the first year of charter school operation, the USOE does a mini-onsite visit. During those five years USOE looks at the following general areas: General Supervision, Parental Involvement, FAPE in the LRE, Transitions and Disproportionality. At the end of the charter school's first year of operation, the school submits a self-assessment report identifying their strengths, areas of concern, and areas of noncompliance.

The schools have one year from the date USOE identifies any non-compliance findings to have them corrected and documented by USOE. It is an OSEP requirement with 100% correction within one year.

The Executive Summaries list the school's strengths as well as the non-compliance findings.

Ms. Gallo stated that statewide there are areas of great strength and areas of great concern. She also stated they do find areas of non-compliance and the amount of non-compliance is dependent upon the strength of the Special Ed program and the strength of the Special Education staff. Ms. Gallo informed the State Charter School Board they are finding fewer instances of non-compliance than they have in previous years. They are also finding a greater attendance from charter school personnel attending state level meetings in Special Education.

Member Julie Adamic publicly thanked Ms. Gallo for all she does for charter schools, for her work and the willingness to listen to the questions and answer them.

DaVinci Academy Audit Report

Kent Mohlman, the Internal Auditor for the State Board of Education, presented findings that were reported to the audit committee in December 2006. Mr. Mohlman informed the State Charter School Board that there are four major areas in the audit report: 1) As of June 30, 2006 DaVinci Academy was in a deficit of \$447,000. \$281,000 was considered an operating deficit and \$166,000 in long term debt; 2) There were no areas of major fraud. All disbursements appeared to be in order and correct, but a number of the disbursements did not have documentation; 3) Multiple causes for the deficit: DaVinci Academy Board has not been monitoring budgets to actual expenses, over-projected student counts and anticipated other funds not realized, anticipated loans and donations not received, twelve allowed practices have added to the deficit, ill-timed DaVinci Board decisions, and significant turnover in two key positions; 4) The Board and Executive Director have taken some positive actions to reduce the deficit.

Mr. Mohlman informed the State Charter School Board that his recommendation is to allow DaVinci Academy to continue operation and feels the school has worked very hard to reduce the current deficit.

Motion was made by Member Eric Smith and seconded by Member Barbara Killpack to accept the audit report. The motion was carried unanimously.

Motion was made by Member Eric Smith and seconded by Member Julie Adamic to recommend continued review of DaVinci Academy and instructed Gary Belliston to visit school twice in the next six months to ensure the directive is adhered to and the process is continued. The motion was carried unanimously.

Executive Session

Motion was made by Member John Pingree and seconded by Member Eric Smith to go into Executive Session to discuss personnel and property. Members Scott Smith, Barbara Killpack, and Julie Adamic voted in favor, with no members of the State Charter School Board voting in opposition.

Motion was made by Member Barbara Killpack and seconded by Member Julie Adamic to come out of Executive Session. Members Scott Smith, John Pingree and Eric Smith voted in favor, with no members of the State Charter School Board voting in opposition.

Approval of New Charter School Application Reader's Rubric

Marlies Burns presented a Reader's Guide Rubric to be used by the readers of new charter school applications.

Motion was made by Member John Pingree and seconded by Member Brian Allen to accept the rubric as presented and to incorporate adjustments and suggestions made in the Performance Audit of Utah Charter Schools. The motion was carried unanimously.

Discussion of Recent Charter School Studies

Wayne Kidd, Audit Supervisor and Brian Dean, Lead Auditor from the Legislative Auditor General's Office presented findings from the Performance Audit of Utah Charter Schools. The audit focused on several different areas: 1) Charter School Revenues, 2) Charter School Expenditures, 3) State Oversight, 4) Authorization Process, 5) Charter School Accountability, and 6) Compliance with Reviewed Regulations.

Re-Charter – North Davis Preparatory Academy

Deborah Gomberg, Mornie Sims and Kim Dohrer representing North Davis Preparatory Academy informed the State Charter School Board that North Davis Preparatory Academy was chartered by Davis School District three years ago and has been using Davis School District's data system. Davis District has expressed their concerns of the school becoming a greater hardship than they would be able to handle, as well as their desire to remove themselves from authorizing charter schools.

Marlies Burns informed the State Charter School Board she spoke with Michelle Beus, an attorney employed by Davis School District and was told overall North Davis Preparatory Academy is a very good school; the district has good communication with the school; the school is always willing to give the district good enrollment figures and they have no concern with the expanded number North Davis Preparatory is proposing. Ms. Beus feels North Davis Preparatory Academy is very sound financially and have a complete and well balanced system. She also stated the district feels it is becoming too time intensive to continue to oversee and manage North Davis Preparatory Academy. The only concern stated by the district was with the school adding 7th, 8th and 9th grades, would they be able to meet the requirements for those grades regarding TLC, having appropriate science labs and accreditation.

Motion was made by Member Barbara Killpack and seconded by Member Brian Allen to recommend North Davis Preparatory Academy to re-charter from Davis School District and be authorized by the State Board of Education. The motion was carried unanimously.

Amendment – North Davis Preparatory Academy

Deborah Gomberg, Mornie Sims and Kim Dohrer representing North Davis Preparatory Academy informed the State Charter School Board of their desire to expand to grades 7-9 and increase enrollment student population to 1,000.

Member Scott Smith questioned the building configuration; with the expansion to 1,000 students would the school actually be at two locations. Are they looking for approval for two sites? Mornie Sims replied that the location of the property they are looking into is adjacent to their current property. Chair Scott Smith questioned the configuration of the grade split. Ms. Gomberg replied that grades K-4 would be in the existing building, and the additional building would house grades 5th and 6th on one end and grades 7-9 on the other.

Motion was made by Member Brian Allen and seconded by Member John Pingree to recommend the expansion of grades 7-9, total student population of 1,000, with the facility to be adjacent to current campus. The motion was carried unanimously.

Amendment – Thomas Edison-South Charter School

Eldon Budge, Principal of Thomas Edison-South Charter School presented to the State Charter School Board information to correct the enrollment cap of 810 students to their charter.

Motion was made by member John Pingree and seconded by Member Barbara Killpack to recommend for approval the amendment to correct the Thomas Edison-South Charter School charter document. The motion was carried unanimously.

Adjourn

Motion was made to adjourn the meeting at 3:00 p.m.