

Utah State Charter School Board Meeting  
Minutes  
**April 16, 2009**  
Utah Law & Justice Center

**APPROVED**

Members present: Julie Adamic, Tim Beagley, Yolanda Francisco-Nez, John Pingree, Scott Smith  
Members excused: Brian Allen, Tom Morgan

Staff present: Marlies Burns, Jeannie Rowland, Paul Crawford, Jami Jon Pearson, Cory Kanth, Jo Schmitt

Others present: Janet Cannon, Wendy Rapier, Kim Frank, Rick Kempton, Bryon Richardson, Sonia Woodbury, Steve Winitzky

Call to Order

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

Public Comments

Kim Frank, representing the Utah Association of Public Charter Schools (UAPCS), expressed the Association's concerns to "raise the bar" for approving charter schools for the next fiscal year. Ms. Frank suggested the SCSB take a close look at the new charter school applications and only authorize those that are exceptional and deserving of authorization. She also suggested looking into expansions and satellites of successful and competent schools that are already in existence.

Approval of Minutes

Motion was made by Member Tim Beagley and seconded by Member Julie Adamic to approve the minutes from the March 19, 2009 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Chair Brian Allen was not in attendance, therefore there was no Board Chair's Report.

Board Standing Committee Reports

- Accountability Committee-Jeannie Rowland informed the SCSB that the Accountability Committee continued the discussion on the accountability process and had further dialogue on accreditation options.
- School Assistance Committee-Tim Beagley informed the SCSB that the School Assistance Committee discussed the Assistance Committee Working Document describing "Start-up Boards, Governing Board and Board of Trustees". The Committee also discussed student attendance and transfer reporting, accounting, and record keeping.
- Communications Committee-Yolanda Francisco-Nez informed the SCSB the Communications Committee continued their discussion on the mission statement for the SCSB. The committee also discussed five areas that the committee would like to direct their efforts: 1)public communication; 2)communication between schools and their relationship with the UAPCS; 3)relationship with the UAPCS; 4)communication between staff and schools; and 5)communication with school districts. Ms.

Francisco-Nez informed the SCSB because of her work responsibilities, there is need for her to step down as being chair of the Communications Committee.

***Information Items:***

CBA Center charter school status

Director Marlies Burns informed the SCSB that Millard School District, because of the current budget reductions facing public education is considering closing CBA Center at the end of the 2008-2009 school year.

Application status 2011-2012

Director Marlies Burns informed the SCSB there were twelve new Charter School Applications submitted by the deadline, April 1, 2009. She stated there has been one formal request for an extension, but that application was not turned in on time to be an agenda item. Therefore there would not be a formal discussion at this meeting. Ms. Burns informed the SCSB that with these new charter school requests, they are asking for a first year total of 5,400 students. Also, there are amendment requests from eleven existing schools asking for 3,110 students, which is in addition to the 379 students already approved through charter school applications that had growth models. The total of all requested is 8,893 students and based on projections, there will be between 7,500-7,600 students to allocate. Ms. Burns felt confident that after reading the new charter school applications the number of students requested will reduce.

***Action Items:***

Amendment to Charter Agreement: Noah Webster Academy

Director Burns informed the SCSB that Noah Webster Academy is requesting multiple amendments to their charter and that most of those amendments have been requested through a legal process. The school has had legal action taken, and they have been recommended to make these changes. Ms. Burns stated the changes to their charter are typical changes, but she had one concern that the school is giving the governing board the opportunity to modify goals, objectives, measurement criteria, etc. She feels the language is very broad, and the school cannot “pick and choose” to drop an entire goal. The application was approved by the SCSB based on the goals that are stated in the charter, and if they want to change their goals, they need to come before the SCSB and there needs to be an agreement that the goals should be changed in a significant and major way.

After much discussion motion was made by Member Julie Adamic and seconded by Member Tim Beagley to approve for recommendation Noah Webster Academy’s amendment request. The motion included the directive to modify the language in their charter to strike the word “goals” from the phrase “...add to or modify the following goals, objectives and/or measurement criteria under the direction of the Governing Board in order to...” (on page 13 of their charter) and to add language stating “the school intends to follow the law pursuant to Utah Code, Board Rule, and Federal Statute” in section 6-Organizational Structure and Governing Body, Policies Regarding Governing Board: Overall Responsibilities of Board, #4, (on page 21 of their charter). The motion was carried unanimously.

Contingency plans for schools opening fall 2009

Vice Chair Scott Smith addressed the contingency plans for schools opening in 2009. Vice Chair Smith stated all schools have been compliant with submitting their contingency plans and the charter school staff will report back to the Board in June of the school’s progress and then determine if the schools need to implement their contingency plans. Director Burns stated that some of the schools felt they did not need to implement their contingency plans until the middle of August, which she feels is too late and they need a “drop-dead” deadline. She also stated she felt the SCSB expressed that “drop-dead” deadline was the Board’s June meeting. Member John Pingree questioned if there was any background information or history regarding the contract companies

that some schools have contracted with. He was informed that the charter school staff is not familiar with all of the contract companies. Vice Chair Smith stated he feels if the schools are not on schedule by the June Board meeting, they will need to be informed to implement their "Plan B", contingency plan by July 1. Member John Pingree requested the Charter School Staff obtain copies of contracts the schools have signed, whether it is management companies or development companies.

Motion was made by Member John Pingree and seconded by Member Yolanda Francisco-Nez to review the school's progress regarding opening in the SCSB's June meeting and those schools that are not in compliance with their primary building plans will be required to implement their contingency plan July 1. Member John Pingree suggested having the Charter School's Boards of all the schools involved attend the meeting and report to the SCSB. Vice Chair Scott Smith requested in addition to the school's Boards have the school's management or develop company and/or contractor attend the June Board meeting as well. The motion was carried unanimously.

R277-470-5: Approval of charter school websites for new or expanding schools

Director Marlies Burns reminded the SCSB that in R277-470-5 New or Expanding Charter School Notification to Prospective Students and Parents states that all schools opening or expanding by at least 10% of overall enrollment or adding one or more grade levels shall notify all families consistent with the schools' outreach plans are required to supply the school's website to the staff for approval by the SCSB. Paul Crawford distributed a handout reflecting a website review for new and expanding schools.

Motion was made by Member Tim Beagley and seconded by Member John Pingree to accept the report prepared by Paul Crawford. The motion was carried unanimously.

Revolving Loan Applications 2009

The Charter School Revolving Loan Committee met on April 8, 2009 to review ten applications, and have currently recommended nine loans. One is currently under review, for not having substantial documentation for the committee to feel comfortable about awarding a loan.

Cory Kanth distributed a document reflecting the following:

American Preparatory Academy	\$300,000
Early Light Academy	\$294,015
Guadalupe Schools	\$160,000
Hawthorn Academy	\$199,084
Lincoln Academy	\$115,790
Maria Montessori Academy	\$184,254
Quail Run Primary School	\$108,025
Thomas Edison-South	\$115,790
Weilenmann School of Discovery	\$300,000, (held for disbursement pending board approval 10/01/09)

Member Julie Adamic expressed her concerns and stated that the original intent of the Charter School Revolving Loan was to replace start-up funds that were given to charter schools, and these Revolving Loan funds are not being used for that purpose. She went on to say that the majority of the schools requesting a loan are existing schools, and this money should be reserved for new schools. In addition, the committee is putting a timeline restriction on the approval of new school applications.

Motion was made by Member Yolanda Francisco-Nez and seconded by Member Tim Beagley to accept the Charter School Revolving Loan Committee loan recommendations for advancement to USBE for approval. The motion was carried unanimously.

Motion was made by Member Yolanda Francisco-Nez and seconded by Member Tim Beagley to direct the Charter School Staff and the Rules Committee to review the criteria for a loan to be approved by the Charter School Revolving Loan Committee. The motion was carried unanimously.

Recapturing students from charter schools at less than 80% capacity

Director Marlies Burns distributed a spreadsheet reflecting charter projected enrollment for 2008-2009. The spreadsheet listed charter schools that are 80% of capacity, and showed the number of students the charter schools could allow other charter schools to use.

SCSB directed the Charter School Staff to contact the schools that are not at capacity and request their plan of action, or intention to meet capacity, with a May 1, 2009 deadline to get the information back to USOE. No action was taken.

State Charter School Board meeting schedule

Director Marlies Burns informed the SCSB that the USBE has requested the SCSB change their scheduled meetings to the second Thursday of the month to better facilitate the approval process for charter school requests.

Motion was made by Member John Pingree and seconded by Member Tim Beagley to change the SCSB meetings to the second Thursday of each month, and to not hold a SCSB meeting July. The motion was carried unanimously.

Vice Chair Scott Smith informed the SCSB that Tuacahn High School for the Performing Arts has been selected as one of the top five "Outstanding School Award" winners in the National Educational Theatre Association of America competition for 2008-2009, also Guadalupe School has been selected to be a participant in the Community Learning Center initiative at United Way of Salt Lake. Director Marlies Burns informed the SCSB that the USOE had received an ED Facts 2009 Award for Excellence for Charter School Data Quality for School Year 2007-08 from the U.S. Department of Education.

Adjourn

Motion was made to adjourn at 12:15 p.m. by Member John Pingree.