

Utah State Charter School Board Meeting
Minutes
July 19, 2007
North & South Board Rooms
Utah State Office of Education

APPROVED

Members present: Brian Allen, Barbara Killpack, Eric Smith, Joel Wright, Scott Smith via phone conference.

Members excused: Julie Adamic, John Pingree

Staff present: Marlies Burns, Gary Belliston, John Taggart, Jeannie Rowland, Melinda, Fatani, Jo Schmitt

Others present: Mark Cluff, Janene Bowen, Celia Johnson, Tom Pitcher, Judy Farris, and Teresa Wang, Craig Johnson, Lilian Dyer, Bryan Quick, Ken Anderson representing Utah Virtual Academy.

Call to Order

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

Approval of Minutes

Motion was made by Member Barbara Killpack and seconded by Member Brian Allen to approve the minutes of the June 21, 2007 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Vice Chair Eric Smith stated Chair Julie Adamic was excused from today's meeting and that he had no information to report. Mr. Smith turned time over to Director Marlies Burns to introduce the State Charter School Staff members. Ms. Burns again introduced John Taggart, informing the SCSB that he would be overseeing all federal and state grants. Gary Belliston, will remain on staff in a finance capacity, but would also be heading up the statistics portion of the section. The two new staff members are Melinda Fatani, coming from Jordan School District. Ms. Fatani has a very diverse background with Special Ed, Health, P.E. and Math. She has been hired very specifically to be the Charter School Application Specialist. Jeannie Rowland was previously with the Curriculum Section at USOE and brings institutional knowledge with her. Ms. Rowland has been hired as the Educational Specialist over trainings. She is also picking up curriculum and licensing.

Update on Schools Opening Fall 2007

Director Marlies Burns informed the SCSB that she and Gary Belliston have made monthly visits to the new Charter Schools in May, June and July and have one more monthly visit in August. Ms. Burns reported that all schools have facilities "in the works," at least with foundations laid and most of them are in the framing or sheet rock stage, or they have previously secured a facility. Ms. Burns informed the SCSB that she has been assured by the schools they will open on time, but may not be in their permanent building, but renting or leasing temporarily. Mark Cluff inquired as to the current method of informing the school districts that students would not be attending their schools. Ms. Burns informed Mr. Cluff that it is a requirement that the applicants submit a copy of their charter to the school district, so their ultimate enrollment is known. Mr. Belliston informed Mr. Cluff that each school needs to request the student record from the leaving school, and that is the only method currently. Ms. Burns also stated that USOE's School Finance Section has that information and is willing and able to share that information with any district that would need that number.

Board Standing Committee Reports

- Communication Committee-Director Marlies Burns informed the SCSB that the Charter School Section was required by the State Office of Education to turn in a projected ongoing funding request for legislative year 2009. Ms. Burns informed the SCSB the four critical areas of financial need are; Charter School Service Center, Charter School Transportation Allowance, Administrative Costs for Charter Schools, (\$120 per pupil) and Local Replacement Funding Formula (\$1,527 per pupil).

The committee also discussed the satellite school amendment, which is on the SCSB agenda that will be discussed in the SCSB meeting.

Ms. Burns informed the SCSB that the State Board of Education will propose amendments to Utah High School Activities Association constitution and bylaws which would allow the following specific changes 1)charter schools be represented on the UHSAA Board of Trustees by appointment of a member of the State Charter School Board; 2)charter schools be represented on the UHSAA Executive Committee by election of a representative selected by member charter schools; 3)students attending charter schools may be eligible for participation in extracurricular public school activities and limit such participation to the school within whose boundaries the student's parent resides; 4)charter school student eligibility for participation in UHSAA activities at boundary public schools in the same way as non-member private school students are eligible.

Member Barbara Killpack stated she feels bad that the Charter School Board needs to jump to the legislature and that this is an issue that can be worked out with the Activities Association, the Charter Board, and the State Board. She also stated she feels it is unfortunate that laws have to be created when rules would be much easier to work with.

- Rule Review Committee-Member Brian Allen informed the SCSB that the committee reviewed R277-481-Charter School Accountability and Assistance. Mr. Allen stated this rule was originally drafted in 2002 and there are a lot of changes between now and then. He also stated they are trying to rationalize the rule to existing statute and existing practice. There was some discussion that this rule may be incorporated into R277-470, to have one rule that would deal with all charter school issues.

The committee discussed what the review process should really look like and taking some direction from the accountability committee.

Mr Allen requested posting Charter School rules under review on the website to be able to link to draft versions of rules that are up for public comment.

- Annual Report Committee-Member Barbara Killpack informed the SCSB the committee went through last year's annual report comparing it to the rule to see if charter schools are accomplishing the things that have been set forth to do. Ms. Killpack suggested areas that need improving are addressing goals and perhaps financial records being an attachment in the Annual Report. Ms. Burns informed the SCSB that AFR's and APR's, the two financial reports that are required, are posted on the state office's website.

Ms. Killpack asked if the SCSB felt the Charter School Board Members section was necessary to be included in the Annual Report. Member Joel Wright stated he feels it is beneficial to be able to reference the school's board members by name as well as the number of members on the board.

Ms. Killpack also mentioned the following suggestions for the Annual Report Book: having Marlies Burns request the Governor to write something for the forward portion of the book and also to obtain a photo; have the Charter School Board and Charter School Staff have group photos, not merely contact information. Member Joel Wright suggested on the website put pictures of the board as well as name

and contact information. Jeannie Rowland also stated there was suggestion to add AYP and UPASS on each page for each school.

The committee is putting together a questionnaire and is scheduling a phone conference in August. Their plan is to have the questionnaire out to the schools August 15, and due back September 17th; formatting October 31st and proofing during November and printing in December and have the final report out by January 15th, which is close to the same timeline as last year. According to the rule, the report needs to be completed by November 1st, but the committee suggested changing the timeline to January 15th, which would allow time for the report to the legislature, have the most accurate data, and reflect newly elected representatives.

- Grants Committee-The following are the minutes John Taggart submitted from the Grants Committee:

Members in Attendance:

Present Julia Barrientos	Director, Dual Immersion Academy
Present Bill Fowler	Director, Tuacahn High School
Present Eric Olson	Board Member, Canyon Rim Academy
Absent John Pingree, Chair	State Charter School Board
Present Jenni Theobald	Board Member, Reagan & Merit College Prep Academies
Present John Taggart	Staff

Summary of Discussion

- Role of Committee

It was discussed that one of the short term and pressing purposes of the committee would be to provide input, voice, and support into the writing of the upcoming CSP Federal Start-Up and Implementation Grant. The committee would also review the current Federal grants and make state level sub-grant application changes to the Director of Charter Schools. This committee would also seek out and monitor grant opportunities and disseminate information regarding these opportunities to schools.

Another item of discussion and recommendation as a purpose for the committee would be to help the State Charter School Board work to find a possible way to advocate change in Federal grant Non-Regulatory Guidance regarding allowing charter schools focusing on minority language students to find ways reserve space or seats for minority language students beyond just seeking out those students via recruitment methods.

- Upcoming Start-Up Grant Application

There were several relevant issues discussed regarding the Start-Up Grant Application. It was recommended, if it's possible, that we compare the funding we received and our score on the previous grant with the funding amounts and scores received by other states. The committee members also asked to receive copies of the previous years grant with reader comments for their review so as to offer ideas and suggestions for the upcoming grant application. It was suggested we create a survey to seek input from Utah charter schools on what needs they would like to see written into the grant. Some ideas included writing to include funding for an administrator/curriculum developer during the first year. Discussion was held on possible needs to vary distribution amounts based on size of school, their stage of development (preplanning vs implementation), and whether they are elementary or secondary. No conclusions were reached, only discussion of the varying needs of the different situations mentioned.

- Grant Funding Sources

Discussion was held on other possible grant funding sources. Committee members discussed the possibilities of finding private funding sources, but recognized the need for charter schools to ensure their 501(c)3 non-profit

status is given to allow them access to funding from some sources. The need for Utah charter schools to be recognized by the State as non-profit and eligible to receive tax return contributions etc... like other public schools was also discussed. Preliminary discussion was also held regarding the formation of coalitions to apply for funding from various private entities. The final discussion item focused on forming a charter school foundation with community board members to help seek out additional funding opportunities and sources.

Utah Virtual Academy Presentation

Representatives of Utah Virtual Academy presented to the SCSB key aspects of the schools' purpose, budget and organizational structure.

Vice Chair Eric Smith invited any responses from school districts to address the SCSB. Janene Bowen, from Jordan School District stated her response is based on watching students. She stated that we all know that children are looking at different ways to access education and that she has attended technology instruction conferences and accessing different ways is part of our future. In terms of students, there are definitely students that are interested in a virtual school.

Member Joel Wright questioned if Alpine and/or Davis School Districts can provide this type of service throughout the State of Utah. Mr. Wright stated he understands Alpine and Davis School Districts is making revenue from students outside their district, and wanted to have the record show that he finds that odd and feels there are conflicts. Mr. Wright also stated he feels the state board is the only "district" that covers the whole state, and that the state office is the logical repository for this, in many ways. Mr. Wright asked if Utah Virtual Academy had held an RFP at some point to choose a provider. He was informed they are going to have a formal bidding process if they are approved. Mr. Wright again asked if they had already held one, and he was informed that they had been informed they could not hold an RFP until they were approved as a charter school. Mr. Wright informed them that that information is wrong, and the SCSB has a hard time approving their application, since they do not know what they would be approving, because of them not having a partnership with a provider. Members Scott Smith and Eric Smith also stated their hesitation of approving Utah Virtual Academy without knowing what kind of curriculum the school will be teaching.

Member Barbara Killpack questioned the Charter School Staff if the SCSB had received reader comments. She was informed that the application was read in-house and the Special Education Section, School Finance and Statistics, and other sections were given the opportunity to have input.

Gary Belliston questioned on page 21, paragraph 4 of the application where it states "Each family is also loaned a school computer and printer at no cost for use while the student is enrolled and reimbursed for internet access." He asked for clarification if that was the \$90 per student per month. He was informed that yes, that is the amount they were referring to. He also asked if there would be spares or back-up for those computers. He was informed that yes, they would have back-up, whether the school provides the back-up, or their service provider provides the spare computers. Mr. Belliston questioned on page 26, last paragraph states "All contracts and major purchases of supplies, materials and equipment and contractual services above \$50,000 shall be based, when possible on at three competitive bids." He questioned when they would see that wouldn't be possible. He was informed that they did not foresee that at all.

Director Marlies Burns questioned how they were ensuring all of Utah Virtual Academy teachers would meet Utah's No Child Left Behind status. She was informed that for the first year, they feel it wise to only hire Utah teachers. Ms. Burns stressed the importance of hiring licensed teachers in the State of Utah, and as a board making certain those teachers are No Child Left Behind, Highly Qualified in Utah.

Member Brian Allen advised Utah Virtual Charter School to "nail down" what they are really going to do with a vendor, and what their role would be.

Member Joel Wright questioned and stated again, “If Alpine School District has an on-line program and a student from outside Alpine School District comes and signs up for that program. Is Alpine School District actually making money?” Vice Chair Eric Smith informed him that Alpine School District gets the WPU for that student. Director Marlies Burns informed him that Davis School District was making money for the first few years of their online program, but no longer makes money. She stated she is not convinced it is a money making opportunity.

After much discussion motion was made by Member Joel Wright and seconded by Member Barbara Killpack to table action at this time and encourage Utah Virtual Academy to return to next month’s meeting, August 16, 2007 with a contingent agreement with a provider as well as making the change to their application for 500 students. The motion was carried unanimously.

Satellite School Amendment Request

Director Marlies Burns referred the SCSB to the “Amendment Request for Satellite School” document in their packet. She informed the SCSB that most changes to the document are either current requests based on State Board of Education requirements and/or specific items listed in R277-470. Changes that were made in this document from last month were: 1) schools can have founders at their satellite school, but must adhere to a “small percentage” the same as the sponsoring school; 2) wording changes from “sponsoring” school in all locations in the document to “parent” school. Motion was made by Member Joel Wright and seconded by Member Brian Allen to approve the Amendment Request for Satellite School as amended. The motion was carried unanimously.

State Charter School Board Bylaws

Gary Belliston informed the SCSB that last month the State Charter School Board Bylaws were discussed last month, but there was need of additional information concerning the duties of the Chair and Vice Chair of the board. Mr. Belliston distributed a document outlining the duties of Chair and Vice Chair stating he had located the bylaws of the State Board of Education and used them as a guideline. He suggested if there were no other duties the SCSB would like added, the bylaws would be added to next months agenda for action and official approval.

Mr. Belliston stated there had been discussion by the State Board of Education and the Governor regarding a conflict of interest, which is having the Board Chair also principal of a charter school. Mr. Belliston gave the following definition. A “Conflict of Interest” refers to a situation when someone, such as a public official, has competing professional or personal obligations or personal or financial interests that would make it difficult to fulfill his/her duties fairly. He also informed the SCSB that in the current SCSB Bylaw language regarding conflict of interest states “Any matter to be voted upon by the SCSB which creates a potential or actual conflict between the Board Members’ personal interests and his/her public duties shall be disclosed in open meeting to the members of the body, and that Board Member shall not cast a vote on the issue.” He also referred the SCSB to UCA§53A-1a-518 Regulated transactions and relationships – Definitions – Rulemaking.

Member Brian Allen stated he feels in any volunteer board, non-profit board, state legislature, and other regulatory bodies’ conflicts of interest inherently exist and it is almost inescapable. He gave the example of school teachers voting on education budgets, or school board members who are retired school teachers making a decision on retirement plans that they could financially benefit from, that is technically a conflict of interest. Mr. Allen stated the way to manage conflicts is with full and open disclosure. Mr. Allen added by the very nature how this board is constructed, we have conflicts every time we make a vote. Mr. Allen continued, because we have members who sit on Charter School Boards, members who are involved with charter schools, and he himself, has grandchildren who attend a charter school, which could be deemed a conflict. Mr. Allen went on to state, he feels overall in general it has been very good to have the perspective on the board, that has that insight, and we all recognize that conflict exists and everybody’s appropriately handled their conflict. He

also stated he feels the idea of somehow avoiding any conflict is by excluding people from the group or not appointing certain people to the board, does not suit the purposes well.

Member Scott Smith state he feels the SCSB has gone beyond what any other entity he has seen. Mr. Smith stated Members Eric Smith and Julie Adamic have excluded themselves from voting when they have felt there has been a conflict. He also stated there are individuals that will claim there is conflict, and if the SCSB let's those individuals "bully" them around, the board will never be able to resolve anything.

Director Marlies Burns informed the SCSB that the Governor and State Board of Education leadership have a concerted view that the SCSB bylaws should preclude a principal from serving as chair. Vice Chair Eric Smith suggested that rather than modify the SCSB bylaws, the Governor should be reminded to make certain he appoints people who can be a member of the board and act as a full member. Mr. Allen agreed. Mr. Allen stated again, he prefers to leave the bylaws as they are, that they adequately addresses the conflict of interest issue. No action was taken, but a final document will be presented next month at the SCSB Meeting for action.

Charter School Checklist

Director Marlies Burns presented a checklist created by Member Joel Wright in order for the State Charter School Staff to meet their legislative requirement of reviewing and giving advice prior to the charter school being able to enter into a lease, agreement, or contract.

Motion was made by Member Scott Smith and seconded by Member Barbara Killpack to approve the Charter School Checklist "Before Entering into a Lease, Agreement or Contract on Facilities". The motion was carried unanimously.

Amendment Requests:

- Paradigm High School-Vice Chair Eric Smith reminded the SCSB that Paradigm High School was asked to come back from last month's meeting and to bring more clarification regarding their amendment request. Director Marlies Burns informed the SCSB that Paradigm High did not submit any clarification documentation prior to this meeting. They were given the opportunity to do so, two weeks prior to this meeting, but elected to bring information to today's meeting.

Celia Johnson informed the SCSB that Paradigm High School opted to lease office space the first two years of operation, to allow for growth and stability of the school. They have outgrown their building and are now taking steps to build a building where they want to grow to 475 students. One of their plans for growth is to have the option to bring in 7th and 8th grades. Ms. Johnson emphasized they are not asking for an increase in their enrollment numbers. She also stated Paradigm High School is requesting to bring in middle school students which should be easily done as far as requirements and certification within the program the school has now. Ms. Johnson added she felt this request is different than an elementary school asking to bring on a 9th grade class, because this is a high school bringing in middle school grades. An additional reason they are requesting 7th and 8th grade is because they have spent a great deal of time trying to bring their 9th and 10th graders over to a responsibility paradigm. They feel it would be much to their advantage to come into their culture in 7th grade, so they can take full advantage of their program.

Member Joel Wright questioned if this change would happen this fall or next fall. Ms. Johnson replied the change would happen next fall.

Vice Chair Eric Smith stated he agreed with the comment that it is easier to add a 6th, 7th, and 8th grade to a high school and helps solve some of the issues of coming out of 6th grade into a middle school setting, then into a Charter High School.

Mr Smith stated he is generally in favor of this request, but felt the SCSB wanted additional clarification. Also, there are concerns about performance being measured the first year. Director Burns stated there are measurements available, and pointed out that their language arts and math scores are significantly lower than the state average. Ms. Burns also feels the school is not meeting their charter goals that set out effectiveness wise in the areas of CRT scores. Ms. Johnson stated their first year of operation, they have tried to fit their curriculum with state standards, but there is still work to do, specifically in math, because their scores were quite low. They have commissioned a curriculum writer to revise their curriculum to better address those state standards. Member Joel Wright questioned the math scores, he stated he could see scores of 47% and in Intermediate Algebra 35%. Ms. Burns informed him the state average is generally between 80% and 85% for math. Language Arts is usually between 85% and 90% state wide. Ms. Burns stated she does not know Jordan School District's scores specifically, but by statewide standards, these scores are quite low. Their Science scores appear low, but they are not any lower than the state average. Mr. Wright stated one would have to account for socio-economic factors. Ms. Johnson stated the school did receive more students that were very behind in math than expected, and they had to revise their class structure to add five more remedial math classes, which was about half of their program. Vice Chair Eric Smith stated he feels often the first year of operation is not a measurement of the school itself, but a measurement of the preparation of the students coming in. He stated he is not looking at these scores with alarm, and that the students are getting a disservice, it is more of a measurement of what students they had coming in.

Motion was made by Member Barbara Killpack and seconded by Member Brian Allen to approve for recommendation Paradigm High School's amendment request to add 7th and 8th grades with the knowledge there will not be an increase in student enrollment.

Director Burns read to the SCSB goals that have been placed for their students, beyond academic goals stated in Paradigm High School charter. Ms. Johnson commented on those goals starting, their American Government Leadership class stayed very current on current issues and were taught the constitutional principles behind what was happening. As they did their mock trials, they were also able to go to the legislature to have real life experience in each field if possible.

Jeanene Bowen, from Jordan School District stated she has spoke with Superintendent Newbold regarding this amendment request and their concern is approving a first year school's request for increasing grades before the accountability process with testing and fidelity to the charter. Ms. Bowen stated by approving prematurely before that information is available bypasses a process that the SCSB is trying to put in place. She also stated it appears the purpose of this request is primarily financial.

Vice Chair Eric Smith stated he feels this is not an expansion request, just a request to service different age students and to deliver the same program.

The motion was carried by votes in favor from Members Barbara Killpack, Brian Allen, Eric Smith, and Scott Smith. Member Joel Wright recused himself from voting stating he represents Paradigm High School.

- CS Lewis Academy-Director Marlies Burns informed the SCSB that CS Lewis Academy is requesting an opportunity to add K12 as a mathematics provider rather than Scott Forsman/Addison Wesley math text book, which they had originally written in their charter.

Motion was made by Member Barbara Killpack and seconded by Member Joel Wright to approve for recommendation CS Lewis Academy's request to use K12 math curriculum. The motion was carried unanimously.

- Lincoln Academy-Directory Marlies Burns informed the SCSB that Lincoln Academy's request is to modify their governance structure to match what they are actually practicing.

Motion was made by Member Brian Allen and seconded by Member Scott Smith to approve for recommendation the amendment request. The motion was carried by votes in favor from Members Barbara Killpack, Brian Allen, Eric Smith, and Scott Smith. Member Joel Wright recused himself from voting stating his children attend Lincoln Academy.

Adjourn

Motion was made to adjourn by Member Brian Allen and seconded by Member Joel Wright.