

Utah State Charter School Board Meeting
Minutes
December 12, 2009
North & South Board Rooms
Utah State Office of Education

APPROVED

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

Staff present: Marlies Burns, Paul Crawford, Jeannie Rowland, Jo Schmitt
Staff excused: Cory Kanth

Others present: Senator Howard Stephenson, Howard Headlee, Carolyn Sharette, Jessie Kidd, Monty Hardy, Ernie Nix, Ann Gubler, DeLaina Tonks, Ava Jacklin, Erin Preston, Ryan Lunt, Jacie Johnson, Kim Dohrer

Call to Order

Vice Chair Tom Morgan called the meeting to order at 2:35 p.m.

Public Comments

There were no public comments at the meeting.

Approval of Minutes

Motion was made by Member John Pingree and seconded by Vice Chair Tom Morgan to approve the minutes from the November 12, 2009 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Because of Chair Brian Allen being delayed for the meeting, there was no Chair Report.

Action Items

Board Standing Committee Reports

Because of no Committee Meetings held prior to the Board Meeting, there was nothing to report.

Amendment Request: American Preparatory Academy and the School for New Americans – Wavier from R277-470-15 (B)(2)

Director Marlies Burns informed the SCSB of American Preparatory Academy's amendment request for a waiver from board rule, R277-470-15. Chair Brian Allen publicly declared a conflict of interest stating he has a step-son that is on the school's governing board, and has a niece and three grandchildren attending the school.

Howard Headlee, Chair of the Governing Board of American Preparatory Academy schools, presented to the SCSB the school's waiver request.

Motion was made by Vice Chair Tom Morgan and seconded by Member Tim Beagley to recommend the USBE provide a waiver for board rule R277-470-15. The motion was carried unanimously.

Amendment Request: DaVinci Academy – Add grades K-6, 300 students

Director Marlies Burns informed the SCSB of DaVinci Academy's amendment request which is an expansion in three phases to add grades and students, in their current facility. Phase One – add 6th grade, school year 2010-

2011; Phase Two – add grades K, 1st, and 2nd, school year 2011-2012, 150 students; Phase Three – add grades 3rd, 4th and 5th, school year 2012-2013, 150 students. With a total of 300 additional students, to their existing enrollment of 800, for DaVinci Academy to be a K-12 school.

Jessie Kidd, Executive Director of DaVinci Academy and Monty Hardy, representing the school's business administration, from Red Apple Financial presented the school's amendment request to the SCSB.

Motion was made by Member John Pingree and seconded by Member Tim Beagley to approve for recommendation to the USBE the requested amendment. The motion was carried unanimously.

Amendment Request: Excelsior Academy – changes to charter & add grades 9-12, 347 additional students

Director Marlies informed the SCSB of Excelsior Academy's amendment request to expand and add grades 9-12. They will be making an addition to their current facility, as well as building another building on a piece of land adjacent to where they are currently located. The school is requesting a total of 347 students for the 2011-2012 school year.

Ann Gubler, Board Chair of Excelsior Academy and Ernie Nix, Director of Excelsior Academy presented the school's amendment request to the SCSB.

Motion was made by Member John Pingree and seconded by Member Yolanda Francisco-Nez to approve for recommendation to the USBE the requested amendment. The motion was carried unanimously.

Amendment Request: Open High School of Utah – changes to charter

Director Marlies Burns informed the SCSB of Open High School of Utah's amendment request which is a repeat from last month's request. The purpose of the school being on this month's agenda was to address some of the SCSB's concerns that were brought up at last month's meeting.

DeLaina Tonks, Director of Open High School of Utah presented to the SCSB the school's amendment requests of 1) Amend requirement to place two parent representatives on the school's board; 2) Expansion of collaborative opportunities with various institutions of higher education in Utah; 3) Miscellaneous amendments centering around individualized instruction, individual employee agreements, and the schools employment of relatives policy.

Motion was made by Vice Chair Tom Morgan and seconded by Member Tim Beagley to approve for recommendation to the USBE the requested amendment. The motion was carried unanimously.

Reconsideration of Baer Canyon High School's application

Chair Brian Allen informed the SCSB that Baer Canyon High School had contacted him and asked if the SCSB would reconsider approval of the school's application, based on unique circumstances. Chair Allen stated that Vice Chair Tom Morgan has met with the representatives from Baer Canyon High School to address the dependency issue that was raised. He went on to state that he has heard from Board Members Julie Adamic and John Pingree stating they are not pleased with the reconsideration, because it is a violation of the board's process.

Ryan Lunt, a member of Baer Canyon High School's board, addressed the dependency risks and the relationship between the high school and the Kaysville Sportsplex II.

After much discussion, motion was made by Member Tim Beagley and seconded by Vice Chair Tom Morgan to direct the Charter School Staff to look at possible improvements to the way the Charter School Board make the decisions regarding when charters can be approved and after that process, any charter school application that was turned down this year, can be reconsidered. Chair Brian Allen, Vice Chair Tom Morgan, and Member Tim Beagley voted in favor of the motion, Member Scott Smith voted in opposition. The motion failed because of a lack of positive quorum votes.

Chair Brian Allen gave direction to the Charter School Staff to compile the comments, suggestions and recommendations regarding the approval process and to establish a work session to discuss the options.

Additional items

Chair Brian Allen gave reference to a letter he had received from Monticello Academy's attorney, addressing the direction the school is going regarding the SCSB's recommendations. Chair Allen directed the Charter School Staff to send a letter in response informing Monticello Academy that the SCSB accepts their recommendations and will close the SCSB's files regarding those concerns.

Adjourn

Motion was made to adjourn at 4:10 p.m. by Member Tim Beagley.