

Utah State Charter School Board Meeting
Minutes
May 14, 2009
North & South Board Rooms
Utah State Office of Education

APPROVED

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

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

Others present: Joel Wright, Lynn Taylor, Becky Deppe, Sheron Drake, David Mortensen, Frank Erdogan, Carol Lear, Akiko Kawamura

Call to Order

Chair Brian Allen called the meeting to order at 10:00 a.m.

Public Comments

- Becky Deppe, former President of Monticello Academy's Parent Council, expressed her concerns regarding actions and events currently taking place at Monticello Academy.
- Joel Wright, representing Lincoln Academy, expressed his concerns regarding charter school student allocations and allotments.
- Sheron Drake, CAO of Timpanogos Academy, addressed the school's waiver request from R277-462-5 Comprehensive Counseling and Guidance Program, School Counselor to Student Ratios.
- David Mortensen, attorney from Stoel Rives law firm representing Monticello Academy, stated his concerns regarding allegations towards Monticello Academy, the school's Parent Council and Kim Coleman. Mr. Mortensen requested the SCSB, in their Executive Session to look past the history and past the personality conflicts and think about what good the school is doing to educate children.

Approval of Minutes

Motion was made by Member Tim Beagley and seconded by Member Tom Morgan to approve the minutes from the April 16, 2009 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Chair Brian Allen expressed his appreciation to Jeannie Rowland and other staff members for keeping the SCSB apprised of the great and wonderful things that are happening in Utah's Charter Schools.

Information Items

Application status 2011-2012

Director Marlies Burns informed the SCSB that twelve charter school applications were received and that seven of those twelve received 75% points or higher based on reader's comments. She stated that staff was recommending those seven to move forward in the process of authorization. Ms. Burns informed the SCSB that

because not all applicants would move forward for authorization, it has reduced the first year total number of students requested. Member John Pingree questioned Ms. Burns if all seven were approved, with their current enrollment, would the student number remain under the cap allotted. Ms. Burns answered in the positive.

Facilities lease/purchase agreements

Director Burns reminded the SCSB of law 53A-1a-507(9) which requires a school before entering into a lease agreement or facility arrangement. They must submit their plans to the SCSB for approval before moving forward. Ms. Burns stated the Charter School Staff had received plans from one school, and had all the criteria that were required.

Action Items

Board Standing Committee Reports

- Rule Review Committee-Member Julie Adamic informed the SCSB of three rules that were reviewed and discussed. R277-503-4-Licensing Routes, R277-494-Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities, and R277-470-Charter Schools.

Motion was made by Member Julie Adamic and seconded by Vice Chair Scott Smith to make a proposed change to language by striking the word 'and' and adding the word 'or' in R277-503-4C(4)(a). Motion was carried with positive votes from Chair Brian Allen, Vice Chair Scott Smith, Members Julie Adamic, Tom Morgan, and John Pingree with Member Tim Beagley voting in opposition.

No action taken regarding R277-494.

No action taken regarding R277-470.

Revolving Loan Committee recommendations

Director Marlies Burns informed the SCSB that there were four loans that were remanded back to the Revolving Loan Committee for reconsideration. The committee requested a term in the Guadalupe School loan that required a one year limit to expend funds for the purchase of real property. The other three schools, Maria Montessori Charter School, Quail Run Primary School and Weilenmann School of Discovery, were not given stipulations. Ms. Burns informed the SCSB that all four schools are moving forward with their loans, and can receive their funds immediately.

Motion was made by Member Julie Adamic and seconded by Vice Chair Scott Smith to accept the proposed loans and move forward to the USBE for final approval. The motion was carried unanimously.

Amendment Request: Timpanogos Academy

Marlies Burns informed the SCSB Timpanogos Academy was scheduled to appear before the SCSB this month, and the USBE in June for a waiver request from R277-462-5 Comprehensive Counseling and Guidance Program, School Counselor to Student Ratios. However, the USBE has requested Timpanogos Academy be removed from their agenda until the leadership for the USBE has had an opportunity to meet and discuss whether the way the rule is written, is the way they intended. The USBE are considering making changes to the rule in general. Ms. Burns stated she had left Timpanogos Academy's waiver request on the SCSB agenda in case the waiver request was put back on the USBE agenda, and would be ready to go with their recommendation. Chair Brian Allen suggested Timpanogos Academy address the SCSB in this meeting and inform the USBE as to how they manage counseling services and the needs of their students. Sheron Drake,

representing Timpanogos Academy, presented a guidance program components outline that included responsive services, educational planning, and direct instruction.

After much discussion motion was made by Member Tim Beagley and seconded by Member John Pingree that the USBE be encouraged to fix the rule in such a way that situations where guidance counseling is being offered adequately to the students would not need to request a waiver. Substitute motion was made by Member Tom Morgan and seconded by Member John Pingree, that in the interim, until the rule is addressed by the USBE, to approve for recommendation Timpanogos Academy's waiver request, and to include the language from Member Tim Beagley's motion. The motion was carried unanimously.

Amendment Request: Open High School of Utah

Lynn Taylor, Director of Open High School of Utah, informed the SCSB of the requested changes to their charter to include: 1) removing the emphasis on computer science, 2) modify the 30-minute restriction to allow the scheduling to be set as required, 3) clarify language to reflect the at-will employment status, 4) changing Section 19, employment of relatives, and 5) Section 24, to not participate in the state retirement system.

Motion was made by Vice Chair Scott Smith and seconded by Member Tim Beagley to approve for recommendation to the USBE Open High School of Utah's amendment request. The motion was carried unanimously.

Amendment Request: Hawthorn Academy

Deborah Swenson, Principal of Hawthorn Academy, informed the SCSB of the requested change in Section 27, the Utah State Retirement section, to not participate in the retirement system, but instead to give staff an option to invest in a 401K program.

Motion was made by Vice Chair Scott Smith and seconded by Member Tim Beagley to approve for recommendation to the USBE Hawthorn Academy's amendment request. Member Tom Morgan cautioned all charter schools that administration of these outside investment opportunities ought to be done completely third party, non bias, non parental. The motion was carried unanimously.

Amendment Request: Beehive Science & Technology Academy – Satellite School

Director Marlies Burns reminded the SCSB that Beehive Science & Technology Academy had made the satellite school request last year and that the SCSB had required the school to update some information before coming before the board for a second time. Ms Burns referred the SCSB to the document that included staff comments and concerns that had been given to Beehive Science & Technology.

Frank Erdogan, Principal of Beehive Science & Technology Academy, stated he did not plan to address all the concerns that were outlined, but that he felt the document suggested the SCSB to not approve the satellite application. Mr. Erdogan expressed his feelings regarding the problems and successes at Beehive Science & Technology Academy, along with his feelings of lack of help and support from the USOE Charter School Section.

Chair Brian Allen stated he has never had a concern over the academic performance of students at Beehive Science & Technology Academy, but his concerns are with the long term financial sustainability of the school. Chair Allen stated the SCSB is not comfortable with approving a satellite school to Beehive Science & Technology, when their original school is already struggling financially, but that the SCSB is not against helping the school get financially stable. Chair Allen went on to state that there is a financial person in the

Charter School Section at USOE that is very talented and gifted and can help the school, if it would avail itself for that help.

After much discussion, motion was made by Chair Brian Allen and seconded by Member Tom Morgan to defer action until the Charter School Staff and SCSB has a chance to work with the school and devise a plan to make the school work. The motion was carried unanimously.

School LAND Trust plan approval

Director Marlies Burns informed the SCSB that in Utah Code it states the authorizing entity has the obligation to approve School LAND Trust plans for Charter Schools. Director Burns stated that the Charter School Staff has reviewed all the plans that are listed on the distributed 2009-2010 School LAND Trust Program Plan Summaries and has worked with the schools to make corrections when needed. Director Burns went on to say that the Charter School Staff recommends approval of the school's plans listed on the summary. Janet Cannon expressed some concerns regarding plans from City Academy, East Hollywood High, Merit College Preparatory Academy, Odyssey Charter School and Syracuse Arts Academy. Director Burns stated that this document is a brief summary and that all schools submitted very detailed plans. Paul Crawford addressed and satisfied Ms. Cannon's concerns regarding the individual schools.

Motion was made by Vice Chair Scott Smith and seconded by Member Tom Morgan to approve the recommended School LAND Trust plans. The motion was carried unanimously.

Charter School accreditation requirements

Member Tom Morgan presented a proposal for accreditation to promote continuous school improvement leading to greater student achievement. This proposal included: 1) Terms, 2) Rational, 3) Due Diligence, 4) Areas of Concern, 5) Answers to Concerns and 6) Staffing. In conclusion, using the NAAS accreditation process not only validates the caliber of public charter schools, it surpasses the accountability required of traditional public elementary, middle, and junior high schools. The accountability process is an opportunity to educate, dispel misconceptions, and improve public perception of public charter schools' quality and legitimacy.

Steve Winitzky, Director of the Utah Association of Public Charter Schools (UAPCS), stated two primary concerns regarding accreditation: 1) that charter schools personnel, SCSB and USOE staff are involved in tailoring the process for charter schools and a primary part of that is holding charter schools accountable to their specific charter and 2) that there are charter individuals involved in the actual evaluation process.

Georgia Loutensock, Education Specialist/School Accreditation, from USOE's Curriculum & Instruction Section, informed the SCSB that out of the seven states in the northwest, Utah has the only peer review for accreditation. All of the chairs and administrators have been through the school improvement process and the team members come from school leadership teams.

Motion was made by Vice Chair Scott Smith and seconded by Member John Pingree to accept the NAAS accreditation proposed rule with a caveat that charter schools are accountable to the SCSB to what is included in their individual charters. The motion was carried unanimously.

Mandatory Civil Rights Complaint Prevention training

Director Marlies Burns informed the SCSB that in the last two years, the USOE has had five OCR complaints against charter schools. Director Burns went on to say that this may indicate that there might be a need to have more training. She stated that the Charter School Staff is proposing the SCSB consider making mandatory

training for charter schools in their planning year and first operational year. Beyond that, it would be up to the individual schools to seek additional training, as they see fit.

Motion was made by Member Tim Beagley and seconded by Member Tom Morgan to direct the Charter School Staff to proceed forward with the Civil Rights Complaint Prevention training module. The motion was carried unanimously.

Executive Session

Motion was made by Member John Pingree and seconded by Vice Chair Scott Smith to move into an executive session for the purpose of discussing pending litigation, personnel issues, or matters of real estate. The Board was polled and by unanimous consent of those present the Board moved into executive session.

Motion was made by Vice Chair Scott Smith and seconded by Member John Pingree to reconvene into open meeting at 1:30 p.m. Motion carried with Chair Brian Allen, Vice Chair Scott Smith, Members Julie Adamic, Tim Beagley, Tom Morgan, John Pingree, voting in favor; Member Yolanda Francisco-Nez absent for the vote.

Motion was made by Chair Brian Allen and seconded by Member Tim Beagley to direct UOSE's attorney and the Charter School Staff to construct a letter to respond to the points in the letter from the Monticello Academy's attorney dated April 24, 2009, and to have that response be submitted in as timely manner as possible. The motion was carried unanimously.

Adjourn

Motion was made to adjourn at 2:00 p.m.