

Utah State Charter School Board Meeting  
Minutes  
**March 10, 2011**  
North & South Board Rooms  
Utah State Office of Education

**APPROVED**

Members present: Tim Beagley, Laura Belnap, Dean Brockbank, Yolanda Francisco-Nez, Tom Morgan, John Pingree, Scott Smith

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

Others present: Dale Morris, Lena Barney, Mac Newbold, Rob Corniea, Peter Rehm, Scott Wiersdorf, Sarah Hunter, Janene Bowen, Karl Ashliman, Julia Barrientos, Lincoln Fillmore, Rachel Bradshaw, Joel Wright, Carolyn Sharette, Shelly Taylor, Ruth Dunn, Ann Gubler, Michael Westover, Lauren Ploeger, Karen Monsen, Colby Siconer, Gwen Heath, Jessica Anderson, Jamie Robbins, Carla Heesch, Jamie Robbin, Dave Hoffman, Scott Jones, Troy Henke, Fernando Seminario, Celia Johnson, Chris Johnson, Kim Dohrer

***Action Items***

Call to Order

Chair Tom Morgan called the meeting to order at 9:05 a.m.

Approval of Minutes

Motion was made by Member Scott Smith and seconded by Member John Pingree to approve the minutes from the February 10, 2011 State Charter School Board Meeting. The motion was carried unanimously.

Public Comments

Janene Bowen, from Jordan School District, expressed the district's concerns related to the anticipated change in location of Summit Academy High School.

Chair Tom Morgan directed the Charter School staff to request Summit Academy High School's Board Chair, and board members to come before the SCSB at the April meeting to address the issues and concerns Jordan School District has raised.

Lincoln Fillmore shared feedback he had received regarding R277-470-12. Based on the current draft of the rule, he feels the word "target" is currently undefined. The rule talks about the targets within a school's charter, but not all charters have defined targets. He would like to see a better definition of "target" before the rule is adopted.

Also, Mr. Fillmore expressed his concern regarding the timeframe used to inform charter schools of a deficiency within targets and when that school's board is required to respond.

Mr. Fillmore also stated he would like to see a more collaborative process in the plan, development and approval between the SCSB and the local school board.

Financial report – Dual Immersion Academy

Representatives from Dual Immersion Academy addressed the financial concerns identified by the SCSB and informed the SCSB of a corrective action plan to resolve the school's financial situation. A spreadsheet was distributed to the board reflecting the changes.

Financial report – C.S. Lewis Academy

Representatives from C.S. Lewis Academy addressed the financial concerns identified by the SCSB and informed the SCSB of a corrective action plan to resolve the school's financial situation. Information was distributed to the board reflecting the changes.

Amendment Request – Odyssey Charter School

Representatives from Odyssey Charter School informed the SCSB of the school's amendment to its charter to drop grades 7-8 beginning in the 2011-2012 school year and to modify its governance structure to add two additional board members.

Vice Chair Tim Beagley expressed his concerns regarding the school's academics and stated he felt he saw a drop in scores. His concern is while the school is focused on fixing structural issues, they may be distracted from the academics of the school. Mr. Beagley was informed the board has spent time last calendar year to addressing academics, setting specific goals for the school to achieve. The SCSB was informed that Odyssey Charter School is now going through the accreditation process and is setting high goals for the school.

Motion was made by Member Scott Smith and seconded by Vice Chair Tim Beagley to recommend for approval to the USBE the amendment request. The motion was carried unanimously.

Amendment Request – Paradigm High School

Representatives from Paradigm High School informed the SCSB of the school's amendment request to its charter to add grades 6-8 and 550 additional students beginning in the 2012-2013 school year. Also, the school requests a waiver from R277-470-1.

Member John Pingree questioned why the school's math and science grades were so low. The SCSB was informed that the school is aware of the low grades, and has begun to address those low grades by adding a science lab and the science teacher receiving a master's degree. Also, the school is focusing on 10<sup>th</sup> grade math; doubling the number of math teachers; and doubling the seat time for the students, adding textbooks, calculators etc.

Chair Tim Beagley stated that even though math and science are not the focus of the school, they are still part of the core; Mr. Beagley did not feel he could support the amendment request, but suggested the school return next year, after scores have been improved.

Member Yolanda Francisco-Nez questioned the reason why grades 6-8 was requested which would make the school misaligned with the local school district. The SCSB was informed the grades were requested because of parent request and interest; also being able to populate a building with three grade levels.

After discussion and concerns expressed by the SCSB, Paradigm Academy chose to withdraw the amendment request and discuss further with their board as to the direction they would like to take.

Amendment Request – American Preparatory Academy-Satellite #3

Representatives from American Preparatory Academy informed the SCSB of their request to add Satellite #3, to be located in Draper, Canyons School District, west of the current American Preparatory Academy-Draper campus.

Member John Pingree questioned Science scores of the school. He was informed that 81% of the APA-Draper students meet the state science level.

Member Yolanda Francisco-Nez questioned teacher licensure of some of the teachers of the school. The Math grade 7-Algebra I teacher, teaching without a college degree or license. The SCSB was informed by Carolyn

Sharette, APA's Executive Director, that there are two teachers, one an Idaho teacher that is waiting for a Utah license, and an intern that was coded in CACTUS incorrectly, but feels those items have been corrected in CACTUS. Ms. Sharette was informed that the corrections are not reflected in CACTUS.

Member John Pingree had questions regarding the management company that provides services to the school. The SCSB was informed that \$986 per student goes to the management company for business services (hiring of all directors, many of the special education personnel).

Motion was made by Member Dean Brockbank and seconded by Member Scott Smith to recommend for approval the satellite request. Vice Chair Tim Beagley amended the motion to include the school's agreement to participate and assist in the initial stages of implementing a framework to create targets for the school. The motion was carried unanimously.

#### Amendment Request – Maria Montessori Academy

Representatives from Maria Montessori Academy informed the SCSB of the school's amendment to its charter to add 40 students in the 2011-2012 school year, which requires waiver from R277-470-13 timeline. Additionally, Maria Montessori Academy requests to amend its charter to modify its governance structure by requiring that 25% of the board be parents of students attending the school, the board will appoint any board vacancies via application, and board members will have 4-year terms.

Vice Chair Tim Beagley requested clarification of the need for the waiver of the timeline. The SCSB was informed because of the philosophy of the school being based on multi-aged classrooms, the 40 additional students would help balance the upper elementary classroom sizes and alignment which helps the school's philosophy be successful.

Motion was made by Member Scott Smith and seconded by Member Dean Brockbank to recommend for approval to the USBE the amendment request. The motion was carried unanimously.

#### Amendment Request – Venture Academy

Representatives from Venture Academy informed the SCSB of the school's amendment to its charter to add grades 10-12 and 350 additional students, with only 150 of those 350 students in the 2012-2013 school year, which requires a waiver from R277-470-13 timeline.

Chair Tom Morgan inquired of the negotiations with the land owner that is adjacent to the school. The SCSB was informed the land owner is the same gentleman that sold them the property for their existing school. Both pieces of property were developed with sewer and storm drain, and there is concern that the additional piece of property will not be available much longer. If the amendment was granted, along with the waiver, they could secure the land. Additionally, Chair Morgan inquired of their financial status in regards to securing the property. He was informed the school has \$700,000 in reserves to use in securing the property.

Vice Chair Tim Beagley inquired of the board of Venture Academy if they would be amenable to work with the SCSB and Charter School Staff to put into their charter the beginnings of a performance framework, to develop targets, both academically and operational. The SCSB was informed that Venture Academy would be willing to work with the SCSB and would rather have a voice in the discussion than having the SCSB give the school regulations that might not fit with their model.

Motion was made by Vice Chair Tim Beagley and seconded by Laura Belnap to recommend for approval to the USBE the amendment request and the Charter School staff work with the school to put in place the initial operations of the performance framework. The motion was carried unanimously.

#### Amendment Request – Excelsior Academy

Representatives from Excelsior Academy informed the SCSB of the school's amendment to its charter to add grade 9 and 27 additional students in the 2011-2012 school year, which requires a waiver from R277-470-13 timeline. Additionally it requests numerous changes to its charter.

Member Scott Smith expressed his concern of the school taking themselves out of grade alignment of the local school district. The SCSB was informed the reason for asking for 9<sup>th</sup> grade was for the students' needs and requests from parents.

USB E Member Carol Murphy and Vice Chair Tim Beagley also expressed their concerns regarding the grade misalignment with the local school district.

Motion was made by Member Laura Belnap and seconded by Member Dean Brockbank to recommend for approval to the USB E the amendment request. Vice Chair Tim Beagley amended the motion to include that the school work with the Charter School staff to put in place the initial operations of the performance framework. The motion was carried unanimously.

#### Amendment Request – Oquirrh Mountain Charter School

Representatives from Oquirrh Mountain Charter School informed the SCSB of the school's amendment to its charter's governance structure to require 25% of the board be parents of students attending the school and change the terms and conditions of employment to clarify the board's role in the process.

Motion was made by Member Scott Smith and seconded by Member Yolanda Francisco-Nez to recommend for approval to the USB E the amendment request. Vice Chair Tim Beagley amended the motion to include that the school work with the Charter School staff to put in place the initial operations of the performance framework. The motion was carried unanimously.

#### Amendment Request – Vista at Entrada School of Performing Arts & Technology

Representatives from Vista at Entrada School of Performing Arts & Technology informed the SCSB of the school's amendment request to its charter including changes to: 1) Board Bylaws; 2) School name to do business as "Vista School"; 3) Curriculum and instructional method; 4) Remove the requirement to teach all students foreign language; 5) Terms and conditions of employment; 6) Special Education Policies and Procedures to ensure compliance; and 7) Insurance.

Member Scott Smith recused himself from any vote that pertains to motions regarding Vista at Entrada School of Performing Arts & Technology.

The SCSB was informed there are several teachers without fingerprints and background checks being completed. Member Laura Belnap stated she feels no individual should be in the school without being fingerprinted and background checked.

Member John Pingree questioned Karl Ashliman, a board member and chair of finance committee for Vista at Entrada School of Performing Arts & Technology, regarding correspondence the SCSB had received from him stating his concerns with Vista at Entrada not following the school's charter and bylaws. Chair Tom Morgan inquired of Mr. Grey Larkin, Vista at Entrada's Board Chair, if the changes that are being requested in the amendment, "clear up" Mr. Ashliman's concerns to the satisfaction of the entire board. Mr. Larkin informed the SCSB that the other five members of the board are satisfied, with the exception of Mr. Ashliman.

Member Dean Brockbank stated he feels the charter is a contract with the school board and sets forth the terms and conditions for the operation of the school. (53A-1a-505.3(a)). He went on to state the charter that is in place is the governing document of the school. Bylaws cannot be implemented that are inconsistent with the charter. 53A-1a-507.5 states the school shall be accountable to the chartering entity as provided in the school's charter. 53A-1a-508.3(c) states the charter shall include the governance structure of the school. Mr. Brockbank stated the SCSB has no say in the bylaws of a school, but the school itself has the discretion to implement the

bylaws; but they have to be consistent with the charter. He also stated he has a concern amending a charter, if it is true, that the current make-up of the board in place is not consistent with the charter document.

After much discussion motion was made by Member John Pingree to provide Vista at Entrada School of Performing Arts & Technology a letter granting them sufficient time and instruct them to go through the election process to establish those duly elected individuals to the board and return to the SCSB for the amendment request. Because of no second to the motion, the motion failed.

Motion was made by Vice Chair Tim Beagley to move to the next item on the agenda. Because of no second to the motion, the motion failed.

After further discussion motion was made by Member Dean Brockbank and seconded by Member John Pingree to instruct the board of Vista at Entrada School of Performing Arts & Technology to hold elections consistent with their charter within 30-60 days and then resubmit the requested changes to the charter. Vice Chair Tim Beagley stated he did not feel the motion was in the purview of the SCSB. The motion was withdrawn.

USBE Member Carol Murphy commented that the same questions that have been asked by the SCSB would also be asked by the USBE. Ms. Murphy stated it would be crucial to have an opinion if this request were coming from the individuals that should be requesting the amendment.

Motion was made by Vice Chair Tim Beagley and seconded by Chair Tom Morgan to recommend for approval the amendment request, with the understanding that the request will go to the USBE, which will give some time to clear up the differences in the opinions shared by the school's board members. Chair Tom Morgan also added that the majority of the school's board is in favor of the amendment request. The motion passed with votes in favor of the motion by Vice Chair Tim Beagley, Chair Tom Morgan, Members Yolanda Francisco-Nez, and Laura Belnap. Members John Pingree and Dean Brockbank opposed the motion.

#### Amendment Request – Freedom Academy

Representatives from Freedom Academy informed the SCSB of the school's amendment request to its charter to add up to 25 students for the 2011-2012 school year only.

Motion was made by Member John Pingree and seconded by Member Dean Brockbank to recommend for approval to the USBE the amendment request. The motion was carried unanimously.

Vice Chair Tim Beagley requested a visual aide or graph showing where the enrollment "bubble" is, how it will be working out of the system, and how it will affect the lower grades. Also, Mr. Beagley requested the school's board to work with the Charter School staff to put in place the initial operations of the performance framework.

#### Amendment Request – Syracuse Arts Academy

Representatives from Syracuse Arts Academy informed the SCSB of the school's amendment request to its charter to change employee evaluation procedures and frequency and remove parental voting rights regarding changes in administrative structure, policies, or curriculum.

Motion was made by Member Scott Smith and seconded by Laura Belnap to recommend for approval to the USBE the amendment request. Vice Chair Tim Beagley amended the motion to include that the school work with the Charter School staff to put in place the initial operations of the performance framework. The motion was carried unanimously.

#### New Applicant – Valley Academy

Valley Academy proposes to open a charter school in the Washington School District serving 450 students in grades K-7 beginning in the 2012-2013 school year. The focus of the school is to provide a superior, character building academic program enhanced by integrated training in the fine and performing arts and a technologically advanced curriculum.

Member John Pingree questioned if there had been a population decrease in the area. He was informed there hasn't been a decrease, but there hasn't been the increase the area had been expecting because of the new airport.

The SCSB was informed the applicants have had several meetings with the local school district and the district has expressed an interest to open a charter school in the future.

Cory Kanth expressed her concerns with facility options not being fully detailed with specifics.

Also, Dr. Kanth has concerns regarding budgeting for technology for implantation of the school's specific program. Cost does not align with other schools that are similar or dissimilar.

On the school's board, there is a builder and a not-for profit attorney are listed. There was question if they have any interest later to work with the school as they move towards facilities acquisition. The school was asked if it would be a problem for the school in the future, or will they be disengaged at that level. The SCSB was informed the members of the board are for input, not for business purposes.

Chair Tom Morgan cautioned the school to be careful on enrollment projections, to be conservative.

Member Laura Belnap commented that some of the areas they are looking at for a facility are very busy areas with fast and high traffic. Also, students may have to be transported a fair amount of distance.

Motion was made by Vice Chair Tim Beagley and seconded by Member Scott Smith to recommend for approval to the USBE. The motion carried with Member Laura Belnap not participating in the vote.

#### New Applicant – Aristotle Academy

Aristotle Academy proposes to open a charter school in the Alpine School District serving 540 students in grades K-8, beginning in the 2012-2013 school year. The focus of the school is to provide excellence in the fundamental academic skills of reading, writing and math and the ability to reason about the world for the purpose of making good citizens.

Vice Chair Tim Beagley questioned the \$13 per square foot, what percentage of budget would be devoted to lease costs. He was informed that 15% would be the lease cost.

Member John Pingree inquired how the school was going to locate Title I students. The SCSB was informed by direct mail and local library meetings would be the process for their outreach program.

Chair Tom Morgan questioned the location of Apollo Dance Theater near the school, because of public record showing history of controversy, fighting, evening activities, etc. He was informed the students would be in school during the day; the theater is under new management; the facility is rented out for wedding receptions; and that alcohol is not allowed.

Motion was made by Vice Chair Tim Beagley and seconded by Member John Pingree to recommend for approval to the USBE. The motion was carried unanimously.

Chair Tom Morgan inquired if there were no objections, the remaining agenda items would be addressed in the April SCSB Meeting.

Vice Chair Tim Beagley stated bylaws of the SCSB required elections for the positions of chair and vice chair by the end of August and those elections would take place in the July meeting.

#### Adjourn

Motion was made to adjourn at 2:40 by Member Laura Belnap.