

Utah State Charter School Board Meeting
Minutes
April 20, 2006
North & South Board Rooms
Utah State Office of Education

APPROVED May 18, 2006

Members present: Brian Allen, Julie Adamic, Eric Smith, Sonia Zisumbo

Members excused: David Moss, Barbara Killpack, Scott Smith

Staff present: John Broberg, Marlies Burns, Gary Belliston, Jo Schmitt

Others present: Ray Timothy, John Schaff, Wayne Kidd, Janene Bowen, Roberta Hardy, Rob Muhlestein, Charles Weber, Joyce Coleman, Howard Headlee, Ted Heap, Carolyn Sharette, Keith Crandall, Coreen Smiley, Jill Neff, Deena Pyle, and Heather Shepherd

Media present: Celia Baker, Tiffany Erickson

Call to Order

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

Approval of Minutes

Motion was made by Member Julie Adamic and seconded by Member Eric Smith to approve the minutes from the March 16, 2006 State Charter School Board Meeting. The motion was carried unanimously.

Public Comments

Member Brian Allen opened the meeting up for public comment. Mr. Allen inquired of the audience if there were items not on the agenda that needed to be addressed. Receiving no response to his inquiry, Mr. Allen moved forward with the agenda.

Senate Bill #5

Director John Broberg informed the State Charter School Board that the Legislation has requested a massive study on Charter Schools. Mr. Broberg stressed his desire for the State Charter School Board to understand the scope of the study and what to expect. John Schaff, Auditor General, explained to the State Charter School Board the real concerns the State Legislature has is with the growth of Charter Schools; to have a model to work to in the future; to have some idea what is being done funding wise; and to be able to capture a direction the state needs to go with charter schools. With SB #5 the legislation set aside \$150,000 for four offices to do this work: the State Office of Education, the Legislative Auditor General, the Legislative Fiscal Analyst Office and the Legislative Research and General Council. Mr. Schaff informed the State Charter School Board that the Legislative Auditor General's office received an audit request from Representative Jim Dunnigan. Mr. Dunnigan asked for an audit months before the request from the legislature. Mr. Dunnigan's request is broken down into a number of compliance issues: 1) how well the schools comply with the open meetings law, 2) how the schools comply with state procurement code, 3) parental involvement on charter school governing boards, 4) compliance with teaching the Core Curriculum, 5) a financial audit, to identify all the sources of funds going to the various charter schools, federal as well as private, 6) how dependant are Charter Schools on management companies as to the involvement and cost, and 7) salary schedules of all employees including the directors. The study the legislature is requesting is to know the financial viabilities of charter schools and how well are they equipped to continue. Mr. Schaff stated the components of the study the Legislative Auditor General's Office will conduct would: 1) look into the source of funding, and compare the funding source of the charter schools to

the districts, 2) an analysis of how much money schools receive per student, and 3) facility obligations. Wayne Kidd, the Audit Supervisor for the study, stated the study would also look into the application process and the financial component of the applications. Mr. Schaff informed the State Charter School Board that they will be looking at other states to see how they fund charter schools. The study will also involve looking into the growth of charter schools.

Member Brian Allen made comment he welcomes the study. Mr. Allen stated Utah has been in existence long enough that we have some good history. He also stated he feels it is a good idea to do a global look and identify any structural weaknesses Utah Charter Schools may have, and look at the strengths as well; to look for any individual problems and possibly training issues. Mr. Schaff commented the attitude of the legislature is not to focus on weaknesses but to find solutions.

Deputy Superintendent Ray Timothy informed the State Charter School Board that the Utah State Office of Education has been meeting with legislators on the audit request. The concern of local replacement cost is a concern and will be addressed. Mr. Timothy also informed the State Charter School Board that in Legislative Appropriations, Representative Bigelow addressed the moratorium that has been placed in the 2007-2008 school year of only five new charter schools being approved and made it very clear that the moratorium is temporary. Even though the language of the law it appears there is no further chartering authority given, Mr. Bigelow stated it is temporary and will be removed after the information is gathered. The audit and the information the State Office of Education is supplying is information only and the solution will be developed with the Legislative Body.

Gary Belliston, Accountant in the Charter School Section at USOE, informed the State Charter School Board of the concern regarding the timeline for school waivers to be approved. Patty Murphy, Educational Specialist, Finance & Budgeting, in the School Finance and Statistics Section at USOE created a spreadsheet representing the cost to each school if the waivers were approved. Mr. Belliston also distributed a spreadsheet showing the amounts that would affect all charter schools if the amendments on the agenda were approved.

Director John Broberg stated because of concerns that have been expressed in previous Charter School Board Meetings regarding the impact enrollment increases would have on the funding of existing charter schools, he requested Gary to generate a spreadsheet to show those affects. Mr. Broberg stated this spreadsheet reflects the one time funds that were received from the legislature.

Pinnacle Canyon

Roberta Hardy, Director of Pinnacle Canyon Academy informed the State Charter School Board of their request to add a 10th grade to their enrollment for the 2006-2007 school year, with an increase of 25 students.

Member Brian Allen inquired of the school's status of school wide improvement. Ms. Hardy replied that Pinnacle Canyon Academy did not make AYP in Math, but there is a corrective plan in process.

Motion was made by Member Eric Smith and seconded by Sonia Zisumbo to recommend to the State Board of Education to allow Pinnacle Canyon Academy to add 10th grade for school year 2006-2007 and one grade per year until 12th grade, with an additional 25 students each year. The motion was carried unanimously.

American Leadership Academy

Rob Muhlestein, Director of American Leadership Academy informed the State Charter School Board of their request to increase enrollment from 75 to 150 students in the 7th and 8th grades. The original charter was for grades K-8 with 75 students per grade. When the high school was added, it was built on a model of 150 students per grade. The school has found that 7th and 8th grade is their largest enrollment.

Member Julie Adamic questioned Mr. Muhlestein if the school's intention was to increase only the 7th and 8th grades to 150 students or to increase the entire enrollment population of the school by 150. Mr. Muhlestein responded that the school's administration would like to keep the enrollment numbers for grades 9-12 as it is

and to add the additional 150 students for 7th and 8th grades only. Mr. Muhlstein informed the State Charter School Board that the charter allows for 1275 students and is requesting a total enrollment of 1425 students.

After much discussion, the motion was made by Member Eric Smith and seconded by Member Brian Allen to recommend to the State Board of Education to increase enrollment by 150 for the 7th and 8th grades. Members Julie Adamic and Sonia Zisumbo each cast opposing votes. The motion failed because of tied vote.

Soldier Hollow Charter School

Charles Weber, Principal of Soldier Hollow Charter School informed the State Charter School Board that when the school rechartered from being authorized by the State Board of Education to the State Charter School Board, their request to add 7th and 8th grade was inadvertently left off. Mr. Weber also stated there has been a question whether Kindergarten was in the original charter. Because of the confusion, Mr. Weber stated that Soldier Hollow's governing board felt it necessary to come back to the State Charter School Board to officially make 7th, 8th and Kindergarten part of the school's enrollment. Mr. Weber informed the State Charter School Board that the school will split the WPU's with Wasatch School District, to work out a program where Soldier Hollow's students would attend half a day at their school and half a day in the district school so they could share the TLC programs, orchestra programs and electives. There are plans to work out a partnership with Wasatch School District so they can smoothly transition Soldier Hollow students back into the regular public school system after the 8th grade. Mr. Weber informed the State Charter School Board that the desire to have Kindergarten at Soldier Hollow Charter School is to enhance the school's program. He stated that when the 1st graders come to the school, they come in with various different approaches toward school making it difficult to put them all together in one program.

Member Julie Adamic questioned the number of 7th and 8th graders. Mr. Weber informed the State Charter School Board there will be no 8th graders for school year 2006-2007, and the additional 54 students would be 36 Kindergarten students and 18 7th graders.

Motion was made by Member Julie Adamic and seconded by Member Sonia Zisumbo to recommend to the State Board of Education Soldier Hollow Charter School's amendment to add K, 7th and 8th grades. Kindergarten-36 Students, 7th grade-18 students for school year 2006-2007 and 8th grade-18 students for school year 2007-2008. The motion was carried unanimously.

Odyssey Charter School

Joyce Coleman, Business Manager for Odyssey Charter School informed the State Charter School Board of the amendment request to implement 8th grade one year earlier than originally outlined in their charter. Ms. Coleman informed the State Charter School Board that that school would not be increasing their enrollment over the approved numbers, but only implement 8th grade one year early.

Motion was made by Member Eric Smith and seconded by Member Julie Adamic to recommend to the State Board of Education to maintain their 400 student enrollment cap and add 8th grade curriculum one year earlier than outlined in charter. The motion was carried unanimously.

American Preparatory

Howard Headlee, Chairman of American Preparatory Academy and Ted Heap, one of the managing partners of a master planning community called Traverse Mountain represented American Preparatory Academy. Mr. Heap informed the State Charter School Board that Traverse Mountain is located at the Point of the Mountain in Utah County. The area is a 3,000 acre master planning community, zoned for 8,000 homes, and up to four million square feet of commercial property. Traverse Mountain managing partners is proposing to form a joint venture with American Preparatory Academy. They are interested in supporting the school financially; to build the building and to meet the needs of their community and support it financially.

Howard Headlee stated he felt the proposal that the Traverse Mountain management company has offered to American Preparatory Academy is exciting and the dilemma Mr. Heap had brought to him was a perfect solution for charter schools to address. Mr. Headlee stated American Preparatory Academy would require no federal or state start-up funds. He also stated he knew the timing of the proposition was awkward, but he feels there are things that happen in the economy and their communities, crises that develop that sometimes they can't meet certain deadlines or timing. He stated they are confident this is going to be a very successful venture.

Member Julie Adamic stated the issue she has with this amendment to American Preparatory Academy's charter is not with numbers or an increase of enrollment, but in starting a new school in three months. She feels this is a new school, a new campus, not an increase of enrollment and would like to see a charter application. Ms. Adamic stated all charter schools are required to go through the process of applying for charter. Mr. Headlee stated American Preparatory would not have to go through the application process because they were only expanding their charter.

Member Eric Smith expressed his concern whether the legislature, or anyone would see this situation of a second campus actually trying to get past the "cap" of the number of allowed charter schools. Mr. Headlee informed the State Charter School Board that the purpose of the "cap" pertained to startup funds. Again, he stated that American Preparatory Academy's second campus would not be requiring startup funds; they plan to build the school free to the state. Mr. Headlee stated that the "cap" would not apply to American Preparatory Academy because the "cap" is for school year 2007-2008 and American Preparatory Academy's amendment is for school year 2006-2007. Deputy Superintendent Ray Timothy affirmed that the "cap" pertains to schools opening in school year 2007-2008 and not in 2006-2007.

Director John Borberg questioned Mr. Headlee that if the school was not requesting start up funds, would they comply with the state law that allows giving preference to students within a two mile radius? Mr. Headlee replied he had informed Traverse Mountain for them to give proximity priority; they could not accept federal startup funds.

Ms. Adamic questioned Mr. Headlee if American Preparatory Academy would be adding additional members for a second campus. Mr. Headlee repeated that this is one step in the process, and without approval there would be no point in changing the school's board. Ms. Adamic inquired how they would add the parental component with two campuses. Mr. Headlee stated he feels confident that the board would accommodate the parental involvement requirements. That the school is looking into the idea of an advisory board for both schools, and feels it would be a critical component along with board representation. Mr. Headlee stated that parental involvement with board representation is not part of their model and they are not a democratically operated charter school.

Janene Bowen, from Jordan School District, stated she has discussed with Superintendent Barry Newbold the expansion of American Preparatory Academy, and they have considerable concerns. She informed the State Charter School Board that Jordan School District views the expansion of American Preparatory Academy as a request for an additional school and not an increase in enrollment for a current school. She stated that Superintendent Newbold feels if the enrollment expansion isn't for the same facility, it's a new school. Ms. Bowen stated American Preparatory Academy's amendment really is an attempt to by pass the authorization process.

After much discussion the motion was made by Member Eric Smith to recommend to the State Board of Education the expansion of American Preparatory Academy for school year 2006-2007 and seconded by Member Julie Adamic with the guarantee the school will not open in 2006 unless they are completely ready to operate. The motion was carried unanimously.

Summit Academy

David Crandall, Coreen Smiley, and Jill Neff representing Summit Academy presented the amendment to expand through the 9th grade in school year 2007-2008, and to expand enrollment of additional 75 students for school year 2006 for what will be their 7th grade.

Member Brian Allen questioned if they will be requesting an increase of 75 students for 8th grade next year. Mr. Crandall informed the State Charter School Board that request had been previously submitted to expand through the 9th grade in 2007. Mr. Broberg stated that request is part of the probation Summit Academy has been placed in by the State Charter School Board because of parental governance issues. Mr. Crandall stated they had submitted the 9th grade increase as part of their initial application last August. Ms. Smiley informed the State Charter School Board that with this amendment they had submitted a requested for school year 2007-2008 to expand into 8th and 9th grade.

Member Julie Adamic questioned if the school was currently in compliance with the board rule concerning parental governance. Mr. Crandall informed the State Board they were not in compliance at this time, but will be; their charter is under review by their attorney and is rewriting their bylaws. Deputy Superintendent clarified that the parental governance section of the rule was clear with the State Board, but they did not take final action on Rule 277-470 because other issues needed work. Member Julie Adamic stated that the intent was clear and Mr. Broberg concurred that the State Board agreed with the parental governance area of the rule, but the State Board had issues with other areas not related to parental governance. Ms. Smiley stated she understood that when the rule is passed, charter schools did not have to be in compliance until school year 2006-2007. Mr. Broberg informed her that she was correct that charter schools were to be in compliance July 1, 2006.

Janene Bowen, from Jordan School District, expressed her concern of not seeing an application that shows Summit Academy's secondary program.

Mr. Broberg stated he understood the amendment for this meeting was for 7th grade only and the 8th and 9th grade request would be addressed in subsequent meetings. Mr. Crandall stated that he understood there was a deadline for 2007 expansions of September 30, 2006. Ms. Smiley informed the State Charter School Board that Summit Academy had submitted a 9th grade plan when the school rechartered from Jordan School District to the State Charter School Board. Mr. Broberg stated that the approval at today's meeting would be a self-contained school, and the expectation is the school is an elementary school. In the next few months the board will need to consider making Summit Academy a K-9 school.

Mr. Brian Allen stated he felt the amendment today was for a grade 7 expansion, but that it appeared Jordan School District was under the impression the amendment was through grade 9. Mr. Allen suggested the State Charter School Board approve 7th grade only at this meeting, review the secondary plan for 8th and 9th grades and consider expansion before June 30th.

Motion was made by Member Eric Smith and seconded by Member Sonia Zisumbo to recommend approval of 7th grade for school year 2006-2007 with the stipulation to remain self-contained with 75 students. The motion was carried unanimously.

Channing Hall

Deena Pyle and Heather Shepherd from Channing Hall presented the amendment to their charter regarding the schools proposed mathematics program to implement SRA Real Math for grades K-6 and a combination of Pre-Algebra, Algebra, Algebra II, and Geometry for grades 7-9.

Motion was made by Member Eric Smith and seconded by Member Julie Adamic to approve the proposed mathematics program. The motion was carried unanimously.

Revisit American Leadership Academy

Member Julie Adamic made the motion to revisit American Leadership Academy's amendment. The motion was carried unanimously.

Motion was made by Member Julie Adamic and seconded by Member Eric Smith to recommend approval of ALA as submitted to increase the school's enrollment of 150 students for school year 2006-2007. The motion was carried unanimously.

Adjourn

Motion to adjourn by Member Eric Smith and seconded by Member Julie Adamic at 12:30 p.m. The motion was carried unanimously.