

Utah State Charter School Board Meeting
Minutes
March 15, 2007
North & South Board Rooms
Utah State Office of Education

APPROVED

Members present: Julie Adamic, Brian Allen, John Pingree, Scott Smith, Joel Wright

Members excused: Barbara Killpack, Eric Smith

Staff present: Marlies Burns, Gary Belliston, Jo Schmitt

Others present: Superintendent Patti Harrington, Monty Hardy, Janene Bowen, Kathleen Thornburg, Steve Winitzky, Kim Frank, Tiffany Smith, Pricilla Anderson, Tiffany Erickson

Call to Order

Chair Scott Smith called the meeting to order at 10:25 a.m.

Public Comment

Tiffany Smith, a parent and a member of the Advisory Council at Summit Academy, expressed her thanks to the State Charter School Board for taking unanimous action in last month's board meeting by requesting the Attorney General to investigate the situation of the pre-school located within Summit Academy. Ms. Smith also stated she wished to bring to the board's attention to what appears to be another instance where Summit Academy's board and administration have been breaking rules. That is the issue of allowing employee's children to attend Summit Academy without being randomly selected in the lottery process. Ms. Smith referred to the federal statute requiring charter schools to use a lottery for enrolling students (Section H) and also stated she has spoken with Dean Kern, from the U.S. Department of Education to get clarification on the issue. Because congress did not carve out any exceptions to the lottery, the Department of Education decided to do so on it's own without going through the normal regulatory process and adopted guidelines in July 2004, the summer before Summit Academy opened. Those guidelines allowed four exceptions to the lottery process. None of those exceptions allow charter schools to admit children of employees without going through the lottery. Ms. Smith stated Summit Academy has not abided by these rules. She also presented a list obtained by a GRAMA request of employees at Summit Academy who have children attending the school. Ms. Smith requested the State Charter School Board to perform an audit of the list to determine if those students took slots away from children enrolled in the lottery, who are waiting legally for spots to become students at Summit Academy.

Priscilla Anderson, a parent with a son attending Paradigm High School expressed her desire to be involved in the charter school process and her support to the charter school movement.

Approval of Minutes

Motion was made by Member Brian Allen and seconded by Member Joel Wright to approve the minutes from the February 15, 2007 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Chair Scott Smith stated he would forego the chair's report at this point because of time limitations with several Charter School Board Members.

Information Items:

- Update on new charter school applicants-Director Marlies Burns informed the State Charter School Board that the Charter School Staff has met with the top ten applicants and have worked with them on improving their charter application. Ms. Burns stated the new applicants are aware of the deadline of resubmission is March 29, 2007. She also stated the staff has indicated their willingness to the schools that did not make the cut-off mark to continue to work with them and have set up meetings with those five schools to try and get them ready for the 2009-2010 deadline which will be close to the end of June.
- Legislative update-Director Marlies Burns informed the State Charter School Board that the Charter School Staff has submitted information to USOE leadership regarding both HB-164 and HB-318. Chair Smith stated he, Joel Wright, Julie Adamic, Superintendent Harrington, the Charter School Staff, and individuals from the Charter School Association attended a work session that morning addressing concerns and issues pertaining to HB-164. Mr. Smith stated he felt there was progress made, issues identified that need work, and he feels comfortable going into interim and being able to work on these issues prior to the next legislative session and have answers for the legislature. Mr. Smith expressed his thanks for those who took their time and coming early into the USOE to attend the meeting.

Director Marlies Burns informed the State Charter School Board that HB-318 required very little action, other than a new committee formed. Member Joel Wright questioned if there were any idea how quickly that would happen. Ms. Burns stated that Superintendent Harrington indicated the rule would be presented in the April State Board of Education Board Meeting. Superintendent Harrington informed the State Charter School Board that the April Board Meeting would be the first reading, and they may combine second and third reading, especially if there is a deadline to meet. Member Joel Wright questioned Superintendent Harrington when she thought that committee would be functioning. She replied they are in the process of obtaining the committee and it should be no later than May 1, 2007.

- Joint USBE and SCSB “charter school appeals rule” meeting update-Director Marlies Burns informed the State Charter School Board of the draft changes to R277-470, which would be an appeals process. Ms. Burns informed the State Charter School Board the draft changes are: 1) only certain individuals may apply for an appeal, it is not open to anyone and is limited to individuals who are applying for or who are currently schools who have had a recommended action taken by the State Charter School Board; 2) a timeline set aside to limit the time when they can appeal and when they would receive a decision; 3) appeals being heard by a hearing panel, rather than the whole Board. Member Julie Adamic questioned the status of the progress regarding the satellite rule language. Gary Belliston informed the State Charter School Board the schools can do expansions on one site, but satellites were completely struck from the rule. Ms. Adamic questioned if the State Board of Education was waiting for the State Charter School Board to rewrite the rule language. Ms. Burns stated she felt the rule should be readdressed now that it is a mandate to have satellite schools.

Discussion Item:

- Letter from Michael Brockbank, Liberty Academy-Director Marlies Burns informed the State Charter School Board that Liberty Academy had requested the State Charter School Board take action from the letter that had been sent to her regarding restructuring of the Liberty Academy Board of Trustees. Ms. Burns stated that she had sent emails to Mr. Brockbank informing him the State Charter School Board would not take action on his request without completing an amendment form. Ms. Burns stated she wanted to give the State Charter School Board an opportunity to take action or give advice if needed. Member Brian Allen stated he feels the letter is asking for changes to their charter and that an amendment request would need to be submitted in order for the State Charter School Board to take any action on the school’s request. Mr. Allen also stated he felt they need a timeline for compliance. He suggested by the May Charter School Board Meeting the school should have paperwork into the State Office for the amendment to their charter with board members recruited and in place; otherwise, looking at the end of this school year, evaluating whether or not they should have a second school year. Member Joel Wright informed the State Charter School Board that he represents Liberty Academy in a proposed purchase of their building, and agreed it is a bit chaotic at Liberty Academy. Mr. Wright informed the

State Charter School Board that Liberty Academy has hired a full-time administrator, Walt Hackford, who is permanent and has engaged a vice-principal who will start next fall. Chair Scott Smith directed the Charter School Staff to issue a letter to Liberty Academy to make the necessary changes that are needed and have the request for the May Charter School Board Meeting.

Action Items:

- State Charter School Board committees-Chair Scott Smith presented the proposed Charter School Committees: Charter School Communication, Charter School Rule Review, Utah Annual Charter School Conference, Charter School Annual Report, Charter School Accountability, Charter School Grants, and Charter School Assistance. Member Joel Wright inquired how the decision was going to be made as to which member of the Charter School Board would head which committee. Mr. Wright was informed volunteers would be asked for, and with no volunteers the committees would be appointed to members of the State Charter School Board. Motion was made by Member Joel Wright and seconded by Julie Adamic to adopt the committees as proposed. The motion was carried unanimously. Chair Scott Smith asked the Charter School Board Members to review the proposed committee categories and give Director Marlies Burns their choice of committee to chair. Chair Smith also informed the State Charter School Board those committees would begin meeting in May, the same day as the State Charter School Board Meetings, and it would give them two months to form their committees.
- Final deadline for securing facilities 2007-2008-Director Marlies Burns informed the State Charter School Board that the Charter School Office has heard from every new school that will be opening in the 2007-2008 school year concerning their status of facility. Ms. Burns suggested the State Charter School Board make a final deadline if a facility has not been secured by contract, by a certain date, they entertain postponing their opening date for one more school year. The status of the schools opening in 2007-2008 are: C.S. Lewis Academy has a secured location in Santaquin; Dual Immersion Academy has secured a facility by contract that they will be renovating in the Glendale Shopping Center; Karl G. Maeser is still working on obtaining a facility, but has indicated they are close to securing a contract for a location in Lindon, to do a renovation; Canyon Rim Academy has sent the Charter School Office a copy of their contract finalizing with Granite School District to secure the old Canyon Rim Elementary building; Guadalupe Schools was in an existing facility and will remain there. Chair Scott Smith questioned the State Charter School Board if there is a time they want these contracts “in hand”. Member Joel Wright suggested getting another status report next month, and if there isn’t a contract, dispel the school from operation for another year. Ms. Burns reminded the State Charter School Board that next year they had indicated the schools must have broken ground by January 1st or you will postpone their opening. Ms. Burns inquired if the State Charter School Board would like a timeframe to see their secured contracts before breaking ground. Member Joel Wright suggested the November Charter School Board Meeting. Ms. Burns informed the State Charter School Board the Charter School Office would get this information out to the applicants so they can solidify when the State Charter School Board expects to see the contract information.
- Student increase limit 2008-2009-Chair Scott Smith informed the State Charter School Board of the limit or “cap” for this year. He stated that on the federal level, they were not considering the limit as a “cap”, but “responsible incremental growth”. The legislation feels they can fund this “responsible incremental growth” as opposed to an “open door to approve as many as you want”. Chair Smith informed the State Charter School Board that the state has a 5,000 student increase possibility, which includes district authorized charter schools. Chair Smith proposed a different process and timeframe for a virtual school. He suggested setting aside 500 students for a virtual school for next year and has asked Marlies Burns for some proposals for the different cutoffs and numbers. Director Marlies Burns presented a spreadsheet showing ultimate and maximum enrollment numbers for new schools for the 2008-2009 showing possible numbers for expansions/satellites. Chair Scott Smith stated he feels there is a need of a virtual school for next year. Superintendent Harrington informed the State Charter School Board that the Utah State Office of Education is planning an online K-8 school this year, ready by January 1st, which will be a complement to the Electronic High School. Member Julie Adamic observed

that none of the top seven new charter school applicants are virtual schools, so are they suggesting opening up a new timeline? Chair Smith answered in the affirmative, that it would be a different timeline, different application, so anyone would have an opportunity to apply for a virtual charter school. After much discussion, motion was made by Chair Scott Smith and seconded by Brian Allen to accept the top seven new charter school applications (reaching the 70% mark) for review in the April Charter School Board Meeting, and if any of those seven are not adequate for recommendation to the State Board of Education, to invite any or all of the next three applicants for review (for a total enrollment of 3,702). Also, May 31, 2007 as a deadline for virtual school applications to be review by the Charter School Staff for next year, June for rubric to readers and reviewed in July by the State Charter School Board (with a maximum enrollment of 500 students) and possibility of enrollment numbers of 418 for expansions/satellites. Member John Pingree requested the motion be divided by accepting the top seven schools as one motion and the virtual school motion be voted separately. Mr. Pingree stated he was not opposed to virtual schools, but the reason for his request was to wait and see the outcome of the plans the State Office of Education, (in the traditional public level) is proposing for an online K-8 school. Superintendent Harrington questioned Director Marlies Burns how she had notified other districts that possibly want to authorize charter schools of deadlines. Director Burns informed Superintendent Harrington that she had put out the word with the Utah charter school network Charter Chat, placing notification on USOE's Charter School website, but she has not sent out letters individually to every superintendent in every school district. The first part of the motion was carried unanimously; the second part of the motion concerning virtual schools was passed with affirmative votes by Chair Scott Smith, Members Julie Adamic, Joel Wright, and Brian Allen, with a negative vote by Member John Pingree.

- Rubric for State Charter School Board scoring new applications-Chair Scott Smith reminded the State Charter School Board of the rubric that will be used by them to score the new charter school applicants. This rubric was presented to the State Charter School Board last month in their meeting. The members of the board were to contact Director Marlies Burns with any questions, concerns, or changes they felt needed to be made to the rubric. Director Marlies Burns informed the State Charter School Board that she had not received any changes from any of the members regarding the rubric. Ms. Burns stated that last year the process changed the day applicants presented, and the Charter School Office would like to avoid that from happening this year. With this rubric, it would let the applicants know the types of things the State Charter School Board would be looking at critically, so they can prepare for their presentations. Motion was made by Member John Pingree and seconded by Member Julie Adamic to accept the scoring rubric. The motion was carried unanimously.
- Presentations for new applicants-There was discussion concerning having the new school presentations all in one day, or have the presentations take two days. Member Julie Adamic and Joel Wright stated the date of the April monthly Charter School Board Meeting is during their school spring break, and it would be difficult for them to be in attendance. Member Brian Allen stated he would choose to do presentations in one day, not two. Members Eric Smith and John Pingree would not be in attendance at the meeting if it were held on Thursday, April 19th. After much discussion and various dates being considered, the date of Monday, April 23rd at 8:00 a.m. in the north and south board rooms was decided by the majority present for the April Charter School Board Meeting. Member Joel Wright suggested a random lottery for the order of the new school application presentations. Director Marlies Burns informed the State Charter School Board that she and Gary Belliston would inform the applicants of their "random" time of presentation.
- Timeline for 2009-2010 applicants -Member Joel Wright invited Senator Killpack to address the State Charter School Board informing them of legislation requesting enrollment numbers from charter schools. Senator Killpack stated the two biggest concerns legislation has are the equalization money, how it is set up and moderating growth. Motion was made by Member Julie Adamic and seconded by John Pingree that the timeline for all expansions and satellite applications for the 2008-2009 school year must be made by May 31, 2007 and any expansions or satellite campuses for 2009-2010 school year must be made by August 31, 2007. The motion was carried unanimously. Director Marlies Burns

informed the State Charter School Board of the timeline for the 2009-2010 school year: June 29, 2007

– Applications due to Charter School Office

July 3, 2007 – Applications distributed to readers

July 31, 2007 – Scored applications returned to USOE

August 6, 2007 – Applicants notified of reader's scores and status

August 13-24, 2007 – Applicants meet with USOE Charter School Staff

August 31, 2007 – Final applications due to Charter School Office

September 20-21, 2007 – Possible dates for charter applicant presentations

November 1-2, 2007 – Recommended charter applicants presented to the State Board of Education (no later than November 1)

December 1, 2007 – Prioritized list of approved charter applicants submitted to the Utah Legislature

Motion was made by Member John Pingree and seconded by Member Julie Adamic to accept the timeline for charter school applications beginning with June 29, 2007 and finishing the process with the prioritized list, December 1, 2007. The motion was carried unanimously.

- Charter School Accountability Handbook-Director Marlies Burns stated that now the Charter School Accountability Committee has been approved, that committee needs the authority to review the Accountability Handbook and to start making changes. Motion was made by Member Julie Adamic and seconded by Member John Pingree to conceptually approve the Charter School Accountability Handbook and send it to the Charter School Accountability Committee for review and to make necessary changes. The motion was carried unanimously.
- Amendment: Ogden Preparatory Academy-Director Marlies Burns informed the State Charter School Board that NUAMES (which is located in the same school district as Ogden Preparatory Academy) currently serves grades 9-12, has decided to drop 9th grade, beginning with the 2007-2008 school year. With NUAMES dropping grade 9, it potentially leaves several 8th grade students in the same situation as Monticello Academy or some Alpine District students, where they would have to attend a different system for one year, and then try to enroll back into the charter system. Ogden Preparatory Academy is requesting an amendment to their charter to add 9th grade to their school so they would not displace students for one year. Director Burns also stated that adding 9th grade to the school would not add students to their overall population. Motion was made by Member Joel Wright and seconded by Member John Pingree to recommend for approval Ogden Preparatory Academy's amendment to add 9th grade with no increase of student enrollment. The motion was carried unanimously.

Member Joel Wright stated he has been engaged by the following schools to represent them as borrower's council in the purchase of their building: Spectrum Academy, Channing Hall, Lakeview Academy, Renaissance Academy and Liberty Academy. Also, his firm is representing Pinnacle Canyon Academy in Price, UT on a pro bono basis against their previous landlord. Mr. Wright also stated he would never represent a school against the State Board under any circumstances, nor would he represent a school before they had their charter approved.

Adjourn

Motion was made by Member Joel Wright to adjourn at 12:15 p.m.