

State Charter School Board  
Minutes  
July 15, 2004  
10:00 – 1:30  
USOE, Room 138

Attending: Brian Allen, Anne Peterson, Sonia Zisumbo, Scott Smith, Eric Smith, David Moss, Patricia Bradley

Excused: Barbara Killpack

Guests: John Vincent, Martin Bates, Matt Throckmorton, Steve Winitzky, Ray VanTassell, Tiffany Erickson, Janene Bowen, Robert Conder, Melissa Marchant, Stephanie Sorenson, David Adams, Danielle Adams, Blake Dursteler, Laura Lee Houck, Mark Allen, Theresa Carey, Rosie O'Connor, Dorothy Byrd, Sandra Fitzgerald, Clark Baron, Anna Trevino, Ronald Mortensen, Ron Ferguson, Mark Scorrin

Brian Allen welcomed the board and guests.

Eric Smith moved approval of the June 14 Minutes. Scott Smith seconded the motion and the minutes were approved as mailed. Allen shared copies of notes from a meeting held June 30, 2004. A quorum was not present so no action was taken and minutes are for information only, no motion.

Allen explained the consent provision in 53A-1a-501.7 requiring the Charter School Board to give consent to the appointment by the state superintendent of a Charter School Director. Superintendent Harrington has appointed Patricia G. Bradley to the position. There was discussion of the appointment and related duties. Anne Peterson moved that the board give its consent to the appointment. Dave Moss seconded the motion. Motion passed without objection.

Patricia Bradley introduced Jo Schmitt who has agreed to remain with Charter Schools as the new Administrative Secretary.

A proposed monthly meeting schedule was discussed. A regularly scheduled meeting on the third Thursday of each month was discussed. Scott Smith moved that this date be adopted for FY 05, Anne Peterson seconded and the meeting schedule was adopted with a second meeting for July – July 29, 2004 also approved.

Allen discussed a timeline for consideration of 2005-2006 charter school openings. Both the Governor's Office of Planning and Budget and Legislative Fiscal Analyst's Office meet with USOE about Oct. 15 of each year at a Common Data Committee meeting. It is at this meeting that all parties agree on the public education enrollment projections that will be used in the upcoming session. It has been important that figures for charter schools be relatively accurate for that meeting or problems arise during the session around appropriation decisions.

David Moss made motion to adopt the following timeline for Charter School Board application process this year. Eric Smith seconded the motion and the board approved the timeline. It will be taken to the State Board of Education in August.

August 15, 2004	Intent to Apply due to office
September 15, 2004	Applications due to office
October and November	Charter School Board will read and make recommendations
December 6, 2004	State Board of Education will act on Charter School Board's recommendations for charters

Bradley shared an *Intent to Apply* document. Scott Smith made motion to approve the document with modifications. Sonia seconded the motion and document was approved for posting to the website.

The Board directed Bradley to post all of the documents (Application, Agreement, Conversion documents) that were being discussed at the meeting on the CS website and invite public comment. Scott Smith moved that the documents be posted and held for final approval at the July 29 meeting. Eric Smith seconded the motion and the motion passed without objection.

Moss discussed with the board that in the past, the State Board used the USOE to read and offer comments on grant applications. Readers came from curriculum, special education, evaluation and assessment, and finance. Dave asked if the board wanted to continue using that input. Allen will discuss this with Superintendent Harrington with whom he intends to meet before the next Charter School Board meeting.

Allen shared that Superintendent Timothy has offered the CS Board the resources of the office and that both he and Carol Lear will be invited to all CS Board meetings.

Final decisions regarding a process for converting District sponsored charter schools to the State Charter School Board were not made. However, the Board will probably use the Conversion Documents it is approving for State Board Charters.

Eric Lindsey made a presentation to the board on an application for charter for East Hollywood High School. Eric discussed proposed staffing for the school, the school's mission and film production emphasis. The Film Foundation Curriculum designed by the Film Makers Guild will be used and students will acquire skills in this career area. SL Community College (Bill Laney) has approached the applicants regarding the possibility of enrolling East Hollywood students in an associates degree of applied science under concurrent enrollment. Lindsey presented information about the KUTV facility that has been offered to the applicants. There is .5 to 1 million dollars worth of production equipment that will also be made available to the school. Lindsey commented that planning for the school began over a year ago. The target population will be dropouts and students who are failing. Lindsey appealed that the board expedite their decision because a delay of a year would mean the likely loss of the facility. Lindsey outlined the preparation necessary to open Sept. 1. The facility will cost \$5 – 6,000 the first year

Lindsey was asked about how the school would target at risk students yet maintain open enrollment. The experience Lindsey has had in recruiting for Fast Forward High in Logan was given as evidence of experience in reaching target populations. Lindsey explained that the community awareness campaign would be clear about the at-risk focus.

Lindsey commented that if the Charter School Board voted to recommend East Hollywood to the State Board, the owners of the KUTV building would proceed immediately to remodel the 10 – 15,000 square feet (five classrooms) of space needed in year one and they would indemnify the State Charter School Board against any loss suffered if the State Board did not accept the recommendation for approval to open in 2004. ADA required remodeling work will be the first work to be done and if all classrooms are not complete, studio space could be used as temporary classrooms.

Martin Bates spoke on behalf of the Granite School District and Board of Education. He mentioned that there exists at Kearns High School an academy of multi-media and that Granite viewed East Hollywood as possibly redundant; however, they would not resist the school. Granite School District did not deem it appropriate to charter East Hollywood in light of its operating a similar program at Kearns High School.

Allen asked the applicants to make financials available to the board. The applicants excused themselves to prepare this information.

Allen suggested that the applicants make information about this charter school plan available to the legislative film enhancement task force that is charged with developing the film industry in Utah.

Theresa Carey presented the history of the Moab Community School charter application. She explained that after the State Board denied an application for an elementary charter in Moab last year, the school opened as a private school with 21 students. They ended the year with 46 students. If this application is approved the private school will close and donate its assets to the Moab Community School. The school has operated over the past year on a budget of approximately \$80,000. A private donation of the facility has made this possible and the use of volunteer staff. The school has participated in the federal meals program. The school received \$45,000 in donations and foundation money. The school has hired an auditor. There are currently 40 students on a waiting list. Fifteen of the students to the Moab Academy this past school year were students formerly home schooled and new to the Moab community. The curricular emphasis of the school is an infusion of arts into the teaching and learning. Carey commented that the small size of the proposed charter positions it well to serve the increasing numbers of Navajo and Spanish speaking students locating in Moab.

Carey answered a claim that she had said if vouchers passed Moab Community School would revert to private school status. Carey clarified that what she had said was that if the applicants were denied charter status and if vouchers became available that made participation of low income students in the private school possible, she would eventually give up the fight to acquire charter status. She explained that as a private school, the school is attracting upper income families and her passion is working with behavior challenged students and tuition limits the

access of students of families with limited resources. If the vouchers removed the barriers for these families, “the pressure will be to stay private.” Carey commented that the private status lends to a greater percentage of upper income families leaving Moab district schools.

Superintendent Ron Ferguson spoke on behalf of Moab District and the School Board. Ferguson noted that the district felt an impact of about \$70,000 this year. However within three years, if the application for this school is approved at enrollment levels requested the impact will be \$250,000 a year. The district would be forced to make adjustments including ridding teachers. The district’s current budget is about \$11 million.

Eric Smith commented that the comments he has heard in opposition to this application are not specific to the application or proposed school but are concerns with the impact of charters in small districts.

Associate Superintendent Patrick Ogden reported to the board on the possible fiscal impact of adding two new charters to the schools open in the 2004-2005 year. Ogden remarked that the USOE can absorb the costs within the minimum school program and the impact on the other charter schools would not be significant this year.

Eric Smith asked if the addition of these schools would make demands on the *Local Replacement* budget beyond this year’s appropriation. Ogden responded yes, but the office can use other available funds. Ogden explained that in districts with declining enrollments, fixed costs must still be met. Ogden reminded the board that the districts do not give up local funding and local funds pay for 90% of building costs. Because MSP state funding is based on prior year enrollment plus growth and in cases of declining enrollment a hold harmless, districts are protected from the impact of loss of students to state funding for one year. About 1/3 of Utah’s districts are growing, 1/3 are declining and 1/3 are stable.

Allen thanked Ogden for the information and commented that at a future meeting the board may request a more robust explanation of public education financing.

Eric Lindsey returned to share financial information concerning the East Hollywood proposal. Without federal start up money, the school would have a reserve of \$21,000 at the end of the school year.

David Moss commented that a major concern with the applications for him had been potential impact on other charter schools. Ogden’s information has allayed some of that concern. He reminded the Charter School Board of its mission to move charters forward and at times “think out of the box.” Moss reflected that the State Board of Education will have to give its consent, but he felt that the Board will be inclined to take the recommendations of the Charter School Board and approve schools that can stand on their own.

Moss moved that the Charter School Board recommend to the State Board of Education that the applications for East Hollywood High and Moab Community School be approved and that the Board grant a waiver to allow them to open this school year. Scott Smith seconded the motion.

The board discussed that the East Hollywood applicant would need to standardize its application on the state form. Moss accepted a friendly amendment that the Charter School board recommend the approval of the East Hollywood and Moab Community Charter Applications pending their applications being complete.

Brian Allen commented that he intends to work with budget analysts on issues of declining enrollment and the problems created for small school districts.

The motion for recommendation and request for timeline waiver passed unanimously.

The board discussed the problems that some new schools have in accessing district and school student directories. These are vital tools in helping schools publicize their existence and their enrollment period. Certain schools have been denied this information. Bradley made the comment that when the school creates the directory it is created only with names of students whose parents have not filled a refusal under FERPA, which requires parent notification on the creation of the directories every year and notifies parents of their right to refuse being included in the directory. Upon its creation, Jean Hill, an attorney with USOE has agreed that the record becomes public and then subject to a GRAMMA request. However, Carol Lear was not part of that opinion. Allen suggested that the board wait to hear a more complete discussion that involves Carol Lear before moving forward with recommendation on establishing a policy or rule. Members commented that while charter schools are obliged to give notice, the type of notice is not defined. The board will continue this discussion in a later meeting.

Anne Peterson moved to adjourn at 1:05

Next meeting            July 29, 2004  
                                  10:00