

**MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD (SCSB) MEETING**
Thursday, May 11, 2017
USBE – Board Rooms
Approved

Members Present:

Chair Kristin Elinkowski
Vice Chair DeLaina Tonks
Member Greg Haws
Member Bruce Davis
Member Dean Brockbank
Member Cynthia Phillips

Members Absent:

Member Michelle Smith

Staff Present:

Jennifer Lambert
Armando Venegas
Rebecca Cisneros
James Madsen
David Thomas

Others Present: Alisa Ellis, Scott Jones, Angela Stallings, Tami Pyfer, Royce Van Tassell, Kim Frank, Craig Frank, Julie Chacon, Jennifer Price, Kris Hatch, Sam Urie, Rachel B. Kimball, Dale A. Kimball, Jennifer Moulder, Lacey Hill, Julie Adamic, Monty Hardy, John McQucarg, Debby Llewelyn, Erin Preston, David Jones, Stephanie Eccles, Jeanine Needer, Katherine Russell, Rae Baldwin, Brett Wilson, Sadie Rodrigues, G.T. Bigalow, Gil Jarvie, Kevin Long, Stephanie Hargrove.

Call to order

Chair Elinkowski called the meeting to order at 10:06 a.m.

Swearing in of New Board Member

Ms. Tami Pyfer, of the Governor's Staff, administered the Utah Oath of Office to Ms. Cynthia Phillips, swearing her in as the newest member of the SCSB. Chair Elinkowski, Vice Chair Tonks, Member Phillips, and Ms. Tami Pyfer took a picture together. Member Phillips introduced her husband, Mr. Greg Phillips, her mother, Ms. Rachel B. Kimball, and her father, Judge Dale A. Kimball.

Consent Calendar

Motion: Member Davis moved, and Member Brockbank seconded, to approve the General Consent Calendar, which includes the Mentoring Grant Renewal, North Davis Preparatory Academy Amendment, Over Enrollment Safe Harbor for SY2018, and the minutes from the April 13, 2017

meeting. The motion carried unanimously by those present. Vice Chair Tonks and Member Phillips were not present for the vote.

School Spotlight

High Teacher Retention Rate

The Academy for Math Engineering & Science (AMES), and John Hancock Charter School, were recognized for their high teacher retention rates. Chair Elinkowski presented a certificate of recognition to each school, and each school took a picture with SCSB leadership.

Representatives of AMES presented on their school, stating that its culture was built on the principles of rigor, relevance, and relationships; which has in turn created a place where people are merited by personal growth, and not their cultural standing. Students shared their life experiences before they attended AMES, then contrasted those experiences with the opportunities they are now experiencing as students of the school. Many of those students commented on the skills and talents their teachers and classmates have pushed them to cultivate, and posited that these rewarding outcomes are what has led to high rates of teacher retention. Member Phillips asked Mr. G.T. Bigalow, an AMES teacher, what tangible thing kept him at AMES. Mr. Bigalow said he had a prior principal who believed in him, gave him the space and opportunity to grow from a bad teacher into a great teacher, while not discouraging him with the threat of an evaluation. Ms. Teresa Theurer asked Mr. Bigalow what he would do if he were king of education for a week. Mr. Bigalow said he would assign legislators and policymakers to the classroom to experience it firsthand.

Representatives of John Hancock Charter School presented and shared a video, crediting their small class sizes; student, parent, and teacher involvement; incorporation of the visual arts and music; respectful students who advances as a pod, which resembles a sort of family; engaging curriculum that is also aligned with Utah Core Standards; comradery among faculty; teacher home visits in the summer before school starts, which establishes a critical bridge between home and school; as just some of the reasons why their school has enjoyed high teacher retention rates.

Board Chair Report

Chair Elinkowski commented that the SCSB is still short on 12 of its signups for graduation visits, then passed the form around to the other members to sign up.

The board discussed moving the August 10, 2017 meeting to August 11, 2017, then furthered the discussion during break where no objection was raised.

SCSB Procedures and Policies

Executive Director Lambert and Mr. David Thomas provided general and legal summaries for the following documents:

- “Procedures and Policies”
- “Amendment Agreement Proposal”
- “Bylaws”
- “Facility Policy”

Motion:

Member Davis moved, and Vice Chair Tonks seconded, to adopt the “Procedures of the SCSB” that was considered in a prior meeting, posted online, and amended in our discussion today; and that we adopt the “Amendment Agreement Proposal” that was also discussed in a prior meeting and posted online. The motion carried unanimously by those present.

“Bylaws” Discussion

The SCSB discussed formatting and syntax as they relate to context; the need for eleven meetings; making sure the language allows the SCSB to decide which month will be the month they do not meet; establishing advisors as non-voting members; making clear distinctions between the SCSB and USBE when using the phrase “the board;” the need for those with a conflict of interest to declare it, recuse themselves from voting, and remove themselves from the vicinity of the conversation.

Mr. Thomas made changes to the document, but was unable to print for SCSB review. Chair Elinkowski postponed further discussion and action on this item until next month’s meeting.

“Facilities Policy” Discussion

Mr. Thomas said this document gives a context to the review, forcing the school to define what they are trying to do with their building and how it relates to the vision of their school. Mr. Thomas explained this would necessitate a contract review process and suggested that a dollar limit be established to exclude the need for reviewing nonconsequential contracts.

Member Phillips asked if the use of the phrase “the board” referred to the LEA or SCSB. Mr. Thomas commented that it referred to the LEA’s charter board.

Member Phillips asked that a timeframe be established for completion of the review. Mr. Thomas suggested such language states the review will be completed in a prompt manner, rather than defining a timeline that may be unrealistic given circumstance.

Ms. Erin Preston, attorney representing multiple charter schools, asked that she be granted time to speak with Mr. Thomas before action is taken. Member Davis recommended postponing action until the language is cleaned up.

Motion:

Member Davis moved, and Vice Chair Tonks seconded, that we make the “Facility Policy” available online for 30 days for public comment. Member Davis withdrew his motion.

Ms. Lambert commented that there is not 30 days before the next meeting.

Substitute Motion:

Member Davis moved, and Vice Chair Tonks seconded, that we make the “Facility Policy” available online for public comment as soon as possible, then discuss it again at our next meeting. The motion carried unanimously by those present.

Platforms for SCSB Website

Ms. Lambert presented the Website Action Detail, posing options and seeking input about SCSB's web presence, and commenting that the SCSB's current site is hosted on the schools.utah.gov domain, where the SCSB appears as a department of the USBE and the only authorizer in Utah.

Member Davis commented that he felt the SCSB and public would be better served with our own website, and that he prefers a .org over a .com. Vice Chair Tonks requested a domain that has Utah in the title. Members discussed various domain names.

Deputy Super. Jones commented that the USBE and SCSB need to define the agreements, support systems, policies, and procedures that exist between the two, noting that the website is something that should be discussed in leadership meetings. Deputy Super. Jones voiced concerns over USBE staff's involvement in a website build, and public perception.

Member Phillips commented that she did not see how the agreements would preclude or exclude the SCSB having a link to its own website.

Ms. Lambert commented that this item would be a part of a future consent calendar.

Readiness to Open Report

Ms. Rebecca Cisneros commented that there are no schools in this cohort who she feels concerned will not be able to open this fall.

Vice Chair Tonks commented that she saw registration for St. George Academy was in the 140 range a couple of weeks ago, but has since bumped up to 237; so she asked Ms. Cisneros to clarify if that number was accurate for committed registered students. Ms. Cisneros commented that Mr. David Jones, Director of St. George Academy, had confirmed those numbers with her on May 4th.

Pioneer High School (HS) for the Performing Arts

Mr. Armando Venegas explained that Pioneer HS has been on Warning since 2013, Turnaround since fall of 2015, and has struggled with their mentor until recently. Mr. Venegas said Pioneer HS' enrollment cap is 470, but they have 131 registered students this school year, and 85 committed registered for next year (as of May 11, 2017). Mr. Venegas commented that Pioneer has stated their break-even budget is based on 130 students, then noted that staff believes their break-even budget is closer to 220 students. Mr. Venegas explained that Pioneer shares its space with Aristotle Academy, but since Aristotle is closing, Pioneer will need to acquire a new facility, and that in the past, many students only participated the school's performing arts program, not its academics. Mr. Venegas said Pioneer has a new board chair and executive director, who staff, and their Turnaround provider, believe to be more capable of changing the status quo and achieving goals.

Representatives of Pioneer introduced themselves and played a video depicting its student actors, dancers, and musicians in action. Mr. Kevin Long, Pioneer board member, stated that its graduates have moved on to: Odyssey Dance, San Francisco Ballet, Ballet West, BYU BFA Acting program, and NYU's Music-Dance-Theater program.

Mr. Long acknowledged that the founding board of Pioneer relied too heavily on third-party academics, and that it was a mistake to request and open their school in the same year they received their charter; because it made it so they opened without a facility and student foundation. To address these issues, representatives of the school stated that they have severed all ties with Harmony, and entered into a lease agreement for its own facility, which has allowed them to consolidate their dance, theater, and academic programs into one building; while its music program is being housed two and a half blocks away due to issues of acoustical treatment. Mr. Long explained that their enrollment cap of 470 students was to account for the 300 students who participated solely in the school's online Harmony program; which the school has since severed ties with, thus explaining its current enrollment numbers. Mr. Long commented that Pioneer's initial charter insulated its board from operation and knowledge, and since they were the founding board it took a while to work through some of the issues. Mr. Long pointed out that online learning at the school was a colossal failure, and it wasn't until the school's third year that they transitioned to having classroom teachers, but even then the school was using another provider's curriculum that didn't align well with the Utah Core Standards. Mr. Long said Pioneer has finally broken all ties with Harmony, despite not having a location of their own due to sharing its academic facility with Aristotle Academy and its performing arts instruction with the Utah Conservatory for the Performing Arts (COPA), their enrollment has stayed steady at 131 students. Mr. Long expressed belief that this year's academic assessments would show great progress.

Ms. Erin Preston, attorney, commented on renegotiating, restructuring, and even ending some of the commitments entered into by the school's previous board, such as: its deal with Harmony and its related providers, an old business management company that was not working in the best interest of the school, staff members who possessed conflicts of interest that competed with the success of the school, and the school's facility contract.

Ms. Jennifer Moulder, of UAPCS, said she has attended Pioneer's board meetings and witnessed them being focused on their budget, academics, and student outcomes.

Mr. Gil Jarvie, the school's director, commented that when school began he had six students in danger of not graduating, but now five of them will, bringing their graduation rate to 98%. Mr. Jarvie said 85% of its students have taken SAGE so far, and expects that number to rise; however, he acknowledged that he is not proud of the school's ACT scores, but views it as a benchmark to work from since things that happened before his arrival in January are anecdotal.

Member Brockbank asked if the decline in enrollment was due to the removal of its online component, which the school confirmed, noting that enrollment at the physical campus has always maintained in the mid one hundreds.

Mr. Long stated that Pioneer does not dual enroll; all but four students participate in its arts, but before they split with Harmony they had a number of students who were a part of the online academics solely, then noting that it has always been rare for a student to participate in the arts without also receiving academics.

Member Brockbank stated he is uncomfortable with how close the school is to its break-even budget, asking what they are doing to increase enrollment. Mr. Long said they have a building with a sign now, are implementing a direct marketing campaign on radio and billboards, as well as direct invites from the school's performing arts directors. Mr. Long said the school's student retention rate is higher than it has ever been.

Member Phillips asked how many students its FY18 budget is based on. Ms. Hargrove said the budget is based on 195 students, and they can break even at 130. Ms. Hargrove said they have applied for a park grant from American Fork, while enrollment has been trending at 135-150 students with bad academics and no marketing.

Member Phillips asked what percentage of operational budget the occupancy costs are; what programs or services are being affected to accommodate a smaller allocation for professional and technical services; and why supplies and material costs have been cut by \$30,000.

Ms. Preston commented that breaking some of the school's bad contracts has extricated them from some significant financial commitments that have changed the operating situation dramatically, and in ways that may not be readily evident. Mr. Monty Hardy, of Red Apple Financial, commented that Pioneer's debt service ratio is at 13%, and the school will finish the year with 50 days cash on hand. Mr. Hardy stated there isn't a lot of resources, but it is enough to get through the year.

Member Phillips asked how many teachers and administrators salaries and benefits the budget accounts for, and if she could see a budget at the break-even number of 130 students instead of the budget that was submitted based off of 195 students.

Mr. Hardy said he would provide Member Phillips with that detailed budget. Mr. Jarvie said the school would employ one teacher for every thirty students, and would be looking at six or seven teachers depending on enrollment. Mr. Long noted that the per pupil FTE teacher ratio ranges from 12.2 to 12.7 in all scenarios, since students are only in academic classes half the day.

Vice Chair Tonks asked if students go to Alpine district for academics, then attend Pioneer for performing arts. Mr. Long said that is categorically incorrect because the school does not dual enroll. Mr. Venegas said that information was from the membership audit team. Mr. Long said the school allows students to take up to two courses from another school if the Pioneer does not offer a course. Mr. Jarvie said he had heard about that before his tenure, but he is not aware of any current students doing that.

Vice Chair Tonks asked if online content is aligned to Utah Core Standards. Mr. Jarvie referred her to a handout from Education Direction explaining how the curriculum meets requirements each semester.

Vice Chair Tonks asked what measures are taken to ensure teachers are qualified to teach their subjects. Mr. Jarvie said he reviews credentials in CACTUS, and believes Pioneer's teachers are all credentialed to teach their subjects.

Member Phillips asked if the school is budgeting for 135 students, what percentage is on occupancy. Mr. Hardy said it is 17.5% and would provide a detail of that budget. Member Phillips asked to have that budget note what services are being reduced.

Mr. Long commented that his board believed they were off of Warning, and has been focused on moving forward. Ms. Lambert said all schools placed on Turnaround were also placed on Warning.

Motion:

Member Haws moved, and Member Phillips seconded, that staff prepares them a specific list of concerns and questions that need answers,—concerning: all of the things Member Phillips has asked about the budget and enrollment update status—, then the school would come back and report at the next board meeting. The motion carried unanimously.

Franklin Discovery Academy Report

Ms. Cisneros commended the school on its progress, but noted that at her last visit she noticed some backsliding, but posited that it could have been due to the nice weather or other benign distractions. Ms. Cisneros noted that the areas of concern are still Special Education, enrollment, and finances.

Chair Elinkowski asked if the school was losing students and then backfilling. Ms. Price stated Franklin was at 475 enrolled on Feb 24th, and then stopped trying to backfill, and are now at 427, with 500 who have committed to enroll next year. According to Ms. Price, 330 of its 425 students plan to return, noting that 6th graders account for much of those who are leaving. Mr. Hatch explained that Franklin has received 15-20 applicants per week for the last five weeks.

At Member Brockbank's request, Ms. Cisneros described Franklin's progression through probation as having met most of the terms, but noting that a request for a legal review of the school's governance and procurement policies yielded no official opinions from solicited attorneys, and the minutes from Franklin's board meeting where Ms. Chacon was made a board member were never provided. Ms. Cisneros commented that the purpose of the legal review was to remedy potential conflicts of interest and noted that progress to that effect has been made. Ms. Cisneros also commented that Ms. Chacon has resigned from Franklin's board, is still a member of the school's foundation, and is seeking to become an employee of the school.

Ms. Price voiced concerns with item 53 of Franklin's probation and was directed by Chair Elinkowski to address the issue with staff at a later time.

Motion:

Member Brockbank moved, and Member Davis seconded, to move into Executive Session pursuant to UCA 52-4-205 for the purpose of discussing litigation or potential litigation, or the

fitness of an individual. The motion carried unanimously with Chair Elinkowski, Vice Chair Tonks, Member Haws, Member Davis, Member Brockbank, and Member Phillips all voting in favor.

Executive Session

For one or more of the purposes outlined in UCA 52-4-205.

Motion:

Vice Chair Tonks moved, and Member Phillips seconded, to move back to open session. The motion carried unanimously with Chair Elinkowski, Vice Chair Tonks, Member Davis, Member Brockbank, and Member Phillips all voting in favor. Member Haws was absent for the vote. Member Phillips asked about a tool charter director for evaluating SCSB's executive director on a yearly basis. Member Davis suggested doing a smaller one every year, and then a 360 evaluation every two years.

Member Phillips voiced concern for schools needing to petition the SCSB to amend their own bylaws. Chair Elinkowski commented that issue could be added as an agenda item for a future meeting.

Adjourn

Member Davis moved to adjourn. The motion carried unanimously.