

**MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING**
Thursday, October 1, 2015
USOE – Board Rooms

APPROVED
(with Correction)

Members Present:

Chair Howard Headlee
Vice Chair Kristin Elinkowski
Member DeLaina Tonks
Member Tim Beagley
Member Bruce Davis
Member Dean Brockbank via phone conversation

Staff Present:

Marlies Burns
Joe Heywood
Jennifer Lambert
Stacy Carroll
David Thomas
Jo Schmitt

Others present:

Teresa Theurer, Terryl Warner, Tina Smith, Joylin Lincoln, Dawn Benke, Vonda Parriott, Craig Frank, Jennafer Jeppsen, Usha Balaknshia, Randy Hahn, Leslee Parke, Tyson Lybbert, Spencer Haymond, Tami Pyfer, Chris Diener, David Sharette, Jason Mecham, Debby Llewelyn, Stacy McNeill, Ryan Hales, Maggie Rodriguez, Julia Fairbourn, Angela Eldredge, Ken Rudy, Dave Castleton, John Price, Keith Casey, Karen Peterson, Steven Bennett, Erin Preston

Call to Order

Chair Howard Headlee called the meeting to order at 9:05 a.m.

Pledge of Allegiance

Chair Howard Headlee led the board and those in attendance in the Pledge of Allegiance.

Board Chair Report

Chair Howard Headlee informed the SCSB that he and Executive Director Marlies Burns was asked to appear before the Administrative Rules Review Committee at the State Legislature to discuss the application process. He stated that there has been some concern that the application process is fair and transparent and anyone that wants to open a charter school has the same opportunity and doesn't face bias. Because of the discussion with the committee it has refocused the SCSB's approval process.

Chair Howard Headlee informed the SCSB that an issue has risen which is immersing as dual governance, where the superintendent has obligations as it relates to the funding of charter schools. When he becomes aware that a charter school might be in violation of certain rules, he has the ability and the obligation to withhold funding.

Chair Howard Headlee suggested a Funding Task Force work session with Ben Leishman, from the state legislative fiscal analyst office, to discuss the local replacement funding calculations and to expand understanding of charter funding.

Consent Calendar

MOTION: Member Bruce Davis made motion and Member Robert Enger seconded to approve the minutes of September 10, 2015. The motion passed unanimously by those in attendance. Member Dean Brockbank voted in favor of the motion via phone conference.

School Report – Lumen Scholar Institute

Executive Director Marlies Burns informed the SCSB that the charter school staff had become aware of a possible violation of Board Rule R277-417, *Prohibiting LEAs or Third party Providers from Offering Incentives or Reimbursement for Enrollment or Participation*. Representatives of Lumen Scholar Institute informed the SCSB their perspective on how their practices align with the new Board Rule.

RFQ for charter school evaluators

Chair Howard Headlee reminded the SCSB of their discussion during their last meeting for the need from time to time to have experts and individuals that have been previously qualified to serve in temporary capacities as consultants. Executive Director Burns requested additional feedback from the SCSB as to the skillset the RFQ consultants would need to perform as interim directors, data collectors and analyzers, financial auditors, and various other assignments as needed.

Charter school reports

Chair Headlee reminded the SCSB of the discussions in previous meetings regarding multiple reports on various charter school topics, such as funding, impact on education, transfer of knowledge, etc. Chair Headlee suggested a task force be formed to formulate a process to execute such reports each year and to determine a budget for funding of the task force. Members DeLaina Tonks and Kristin Elinkowski expressed their interest in being part of the task force. Craig Frank, a board member of Utah Charter Network, expressed his desire to be part of the task force as well.

Chair Headlee also suggested a task force be created to assist, guide and supplement schools with analyzing and utilizing assessment data. Member Tim Beagley expressed his desire to be part of the assessment task force and suggested the task force focus on finding the people who do know how to use the data to improve their scores and improving student success and find better ways, at the state level, to digest the data and turn it into recommendations. Member DeLaina Tonks expressed her concerns regarding the assessment task force and requested the charter school staff to determine what resources are already available and then see what gaps there are and where the SCSB or the task force could fill those gaps.

Policies

Assistant AG David Thomas presented policy language for the SCSB's consideration for a Governance Policy and a Conflict of Interest Policy.

FY16 Budget Update and FY17 Budget Requests

Member Robert Enger led the discussion of finalizing the SCSB's FY17 budget and submit it to the appropriate entity for consideration. Expenses pertaining to the two task forces previously discussed would be included in the budget. Member Enger distributed a spreadsheet with "training suggestions" to be included also.

MOTION: Member Bruce Davis made motion and Member Robert Enger seconded to adopt the proposed budget, including the list of training suggestions and send to staff to determine if an RFP will be used to use the funds or make funds available as a grant or scholarships.

AMENDED MOTION: Member Tim Beagley suggested as part of the motion to include expediency of the process and get the money flowing as quickly as possible. Members Bruce Davis and Robert Enger agreed to

the amended motion. The motion passed unanimously by those in attendance. Member Dean Brockbank voted in favor of the motion via phone conference.

Discussions – New School Application Process and Charter Agreement

Chair Headlee informed the SCSB that he, Executive Director Burns and Assistant AG David Thomas attended the Administrative Rules Committee where the charter school application process was discussed. Jennifer Lambert, a member of the charter school staff, discussed recommendations for changes in the application process.

Voluntary Charter Improvement Process proposal – APA Salem

Chair Headlee reminded the SCSB of the bill passed allowing charter school governing boards to request to participate in the voluntary charter school improvement process. Member DeLaina Tonks questioned the RFP procedure with this proposal. Executive Director Burns stated part of the process requires the SCSB to consider entering into a separate agreement with a school's governing board should they request to participate in this process. The SCSB entered into an agreement with Liberty Academy's (APA-Salem) governing board in September 2015. The next step in the process was to review the governing board's proposal and take any one of the following actions: (a) approve the Governing Board's proposal; (b) deny the proposal and allow the Governing Board to resubmit the proposal; (c) terminate the Charter School's Charter; (d) take no action. American Preparatory Academy – Salem submitted its proposal for the SCSB's consideration and a contract was signed. After the signing of the contract Executive Director Burns notified Superintendent Smith, because statute requires he specifically notify the district of residence and any eligible charter school that is high performing. Ms. Burns emailed Superintendent Smith this information, citing the statute, all the schools that were high performing, and the name of the district which this charter school was located, and he was to notify those entities. Ms. Burns stated that she was not copied on the email that would have gone to the various entities, and could not confirm who did or did not receive it.

Chair Howard Headlee disclosed he does not feel he has a conflict of interest in this matter and would not recuse himself. Chair Headlee stated that there is no personal or financial benefit to him, his spouse or minor children and he has no ownership of any entities relating to this; although he has a relationship to his sister, Carolyn Sharette, who currently has a contract with APA-Salem to administer that school. Chair Headlee stated he did not feel inclined to recuse himself, but feels the SCSB would be able to determine if the nature of the matter before the board had a potential conflict. Member Robert Enger stated he did not see an issue with Chair Headlee participating in the agenda item. Member DeLaina Tonks stated she would be more comfortable with Vice Chair Kristin Elinkowski directing the meeting at this point, not for perceived financial, but perceived personal gain. Chair Howard Headlee also stated that for the next agenda item, he was recusing himself from the meeting.

Vice Chair Elinkowski chaired the remainder of the meeting.

MOTION: Member Dean Brockbank moved and Member Bruce Davis seconded to accept the proposed voluntary school improvement process agreement that is initiated under 53A-1a-109 and recommend approval to the USBE; and if accepted, as this transition is taking place from Liberty Academy to APA-Salem that the two schools work in coordination with the staff of the State Charter School Board and USOE to implement the transfer of funds and assets appropriately in accordance with applicable rules and regulations.

The motion passed with affirmative votes from Members Dean Brockbank, Bruce Davis, Tim Beagley, and Robert Enger. Chair Howard Headlee recused himself from the vote. Member DeLaina Tonks voted in opposition stating she has questions regarding teachers and their retirement and doesn't feel comfortable moving forward with the proposal.

Resolution re: Utah Charter Academies

Vice Chair Kristin Elinkowski reminded the SCSB that at their last meeting they adopted a resolution to assist Utah Charter Academies with property acquisition to ensure the safety of students attending the school, and that the next step in the process is a public hearing. Representatives of Utah Charter Academies and Price Logistics Center Draper were each given 45 minutes to address the SCSB with their presentation.

After the presentations, public comment and discussion, Vice Chair Kristin Elinkowski stated because there has been a number of interesting issues raised, one being the fire marshal's comments, she feels an investigation of the issues should be made by the board before any action is taken.

MOTION: Member Tim Beagley moved and Member Bruce Davis seconded to remand this issue to the Charter School staff, and at the next SCSB meeting they provide recommendation on how to proceed. Mr. Beagley requested the following questions be answered and addressed: 1) an opinion as to whether the SCSB has authority to statutorily exercise eminent domain; 2) who actually owns that parcel of property and how long they have owned it; as well as why it wasn't recorded until relatively recently; 3) if there is in fact a safety issue now, according to fire marshal, and if there would be a safety issue should the students use the other road that is being asked for; 4) what the effect would be, should this board do nothing; 5) he would like the staff to interact with leadership of USBE to get their opinion and get counsel from them, since they have general control and supervision of public education in the state; 6) the best recommendation from the staff in terms of what is actually best for the students at this school.

AMENDED MOTION: Member DeLaina Tonks requested to add the impact of precedent of the SCSB having eminent domain authority to Member Beagley's list for staff to review. Member Dean Brockbank also moved to conduct a site visit to the property before any action was taken. Members Tim Beagley and Bruce Davis agreed to the amended motion. The motion passed with affirmative votes from Members Tim Beagley, Bruce Davis, Robert Enger, DeLaina Tonks, and Dean Brockbank. Chair Howard Headlee was not present for the vote.

Adjourn: Motion was made at 2:00 p.m. by Member Bruce Davis to adjourn.