

**MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING**
Thursday, August 13, 2015
USOE – Board Rooms

APPROVED with corrections

Members Present:

Chair Howard Headlee
Vice Chair Kristin Elinkowski
Member DeLaina Tonks
Member Tim Beagley
Member Bruce Davis
Member Robert Enger

Members Excused:

Member Dean Brockbank

Staff Present:

Marlies Burns
Joe Heywood
Jennifer Lambert
Jo Schmitt

Others present:

Teresa Theurer, David Thomas, Terryl Warner, Roderic Land, MaryAnn Petela, Kim Frank, Craig Frank, Amanda Mogenson, Sohpie Brunner, Caitlin bush, Ted Hill, Joshua David McLerran, Bryan Morgan, Patrice Goins-Boyd, Brad Lester, Kevin Fenstermacher, Debby Llewelyn, Tina Smith, Royce VanTassell, Joylin Linclon, Cynthia Phillips, Lincoln Fillmore, Leslie McCourt-Nussman, Lezlie Harper, Lisa Hales, Paul Keene, Barrie Giles, Mitzi Steckling, Isaac Strack, Kim Facemyer, Candice Simplins, Beau Penton, Juana Andrade, Betty Windey, Leif Nelson, Cory Dixon, Erin Preston, Melissa Muir, Rebecca Smith, Gail G. Schimmelpfennig, Cherie Wood, Brian Babb, Steve Merrell, Jason Howard, Nancy Huntsman, Marian Florence, Shelley Nordick, Stephen Smith, Christian Smith, Tonya Howard, Jason Farley, Scott Rogers, Vince Rampton

Call to Order

Chair Howard Headlee called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

Public Comment

Several individuals requested the opportunity to make public comment regarding their support of Alianza Academy and Wasatch Institute of Technology. Those representing Alianza Academy: Cherie Wood, Candice Simkins, Betty Windey, Juana Andrade, Ben Sears, Joshua David McLerran. Representing Wasatch Institute of Technology: Kim Facemyer, Rebecca Smith, Melissa Muir. Representing Alianza Academy and Wasatch Institute Tachonoly: Jason Howard.

Board Chair Report

Chair Howard Headlee informed the SCSB that the USBE has requested a review of the FY17 budget. Chair Headlee directed Member Robert Enger to work with the Charter School Staff to adjust the formatting to conform with the format that USBE requests. Chair Headlee has requested Member Tim Beagley and Executive Director Marlies Burns to attend an Administrative Rules Review Committee meeting. The committee will be looking at the SCSB's process for approving new charter school applications; to ensure the processes the SCSB implement are consistent with the statutes the legislature has adopted. Finally, the USBE has approved an audit of charter schools and charter school agreements.

Consent Calendar

MOTION: Member Tim Beagley moved and Member Bruce Davis seconded to approve the Consent Calendar (Minutes of the July 9, 2015 and July 22, 2015 Board Meetings) with the noted date correction from July 2, 2015 to July 22, 2015. The motion passed unanimously by those in attendance. Member Dean Brockbank was not in attendance for the vote.

Executive Session

MOTION: Member Robert Enger moved and seconded by Member Bruce Davis to go into an executive session for the purpose of discussing pending or reasonably imminent litigation, with a roll call vote, Bruce Davis, Robert Enger, DeLaina Tonks, Tim Beagley Howard Headlee, and Kristin Elinkowski voted in favor of an executive session.

Motion was made by Member Tim Beagley and seconded by Member Robert Enger to reconvene into open meeting. The motion was carried unanimously.

Clarification of process

David Thomas, counsel assigned to the Charter School Board and staff, reviewed the rules and procedures established by the governing statute and by the state board rules concerning the process of moving from warning to probation, and to other remedies that are provided for under the statute. Mr. Thomas referenced two governing provisions: the governing statute which is found at 53A-1a-502 along with the following sections and the USBE administrative rules found at R277-481.

Alianza Academy

Representatives for Alianza Academy reported on meeting the terms of the school's probationary status.

MOTION: Member Tim Beagley moved and Member DeLaina Tonks seconded to begin the process of proposed termination of Alianza Academy's charter and to initiate the process counsel has outlined, as well as allowing the school five days to request an informal hearing. The motion passed unanimously by those in attendance. Member Dean Brockbank was not in attendance for the vote.

Kairos Academy

Representatives for Kairos Academy reported on meeting the terms of the school's probationary status.

MOTION: Member DeLaina Tonks moved and Member Robert Enger seconded to continue the terms of probation, with periodic follow-up communication for verification of information provided by the school. The motion passed unanimously by those in attendance. Member Dean Brockbank was not in attendance for the vote.

Wasatch Institute of Technology

Representatives for Wasatch Institute of Technology reported on meeting the terms of the school's probationary status.

MOTION: Member Robert Enger moved and Vice Chair Kristin Elinkowski seconded to begin the process of termination of Wasatch Institute of Technology's charter and to initiate the process counsel has outlined, as well as allowing the school five days to request an informal hearing. The motion passed unanimously by those in attendance. Member Dean Brockbank was not in attendance for the vote.

Athlos Academy of Utah authorization

Chair Howard Headlee, Member Dean Brockbank and Executive Director Marlies Burns attended an Athlos Academy of Utah board meeting to meet their board members and to ask questions regarding their progress and application and shared their findings with the SCSB.

MOTION: Member Tim Beagley moved and Member Bruce Davis seconded to reaffirm the SCSB's original support for authorization, resubmit the existing application and recommend approval to the USBE. The motion passed unanimously by those in attendance. Member Dean Brockbank was not in attendance for the vote.

Presentations and Q&A with new charter school proposals for 2017-2018

Eleven new charter school proposals were received for consideration for the 2017-2018 school year. Representatives from those schools presented a summary of their proposals and ideas for consideration of authorization.

MOTION: After presentations, Vice Chair Kristin Elinkowski moved to allow the following schools to submit a full application: The Center for Creativity, Innovation and Discovery, Prosperidad Academy, Ignite Entrepreneurship Academy, West Ridge Charter School, Bonneville Academy, Ivy Preparatory Academy. Because of no second to the motion, the motion failed.

MOTION: Member Tim Beagley moved and Member Bruce Davis seconded to allow the following schools to submit an application for authorization: The Center for Creativity, Innovation and Discovery, Prosperidad Academy, Ignite Entrepreneurship Academy, West Ridge Charter School, Bonneville Academy, Ivy Preparatory Academy, Uintah CREST Academy, Kearns CREST Academy, Leadership Academy of Utah, and Summit 7. Monet Conservatory of the Arts was not included in the list of those allowed to submit a full application. The motion passed by affirmative votes from Members Tim Beagley, Bruce Davis, Robert Enger and Chair Howard Headlee. Vice Chair Kristin Elinkowski voted in opposition. Members DeLaina Tonks and Dean Brockbank were not in attendance for vote.

Request from Utah Charter Academies to assist in acquisition of property

Representatives of Utah Charter Academies informed the SCSB of their need of support to acquire property located next to their schools. Chair Howard Headlee declared a conflict of interest stating American Preparatory Academy is a charter school he founded 14 years ago. He has no connection with this particular charter school at this point, however his sister, Carolyn Sharette, has a management contract with the board of Utah Charter Academies that operates the school. Chair Headlee recused himself from any vote as well as conducting this portion of the board meeting. The representatives presented a resolution to engage in negotiation of an eminent domain action.

MOTION: Member Tim Beagley moved and Member Bruce Davis seconded to adopt the resolution as presented. The motion passed with affirmative votes by Vice Chair Kristin Elinkowski, Members Robert Enger, Tim Beagley, and Bruce Davis. Howard Headlee recused himself from the vote. Member Dean Brockbank and DeLaina Tonks were not in attendance for the vote.

Voluntary Charter School Improvement Process/ American Preparatory Academy – Salem Agreement

Executive Director Marlies Burns presented information regarding the Voluntary Charter School Improvement Process.

MOTION: Member Tim Beagley moved and Member Robert Enger seconded to engage in the improvement process with the idea there will be a contract to come forward which will need to be acted upon by the SCSB, and to direct counsel to contract negotiations in seeking interested parties to acquire the charter. The motion passed with affirmative votes by Vice Chair Kristin Elinkowski, Members Robert Enger, Tim Beagley, and Bruce Davis. Chair Howard Headlee recused himself from the vote declaring a conflict of interest. Member Dean Brockbank and DeLaina Tonks were not in attendance for the vote.

Adjourn: Motion was made at 2:40 p.m. by Member Bruce Davis to adjourn.