

Utah State Charter School Board Meeting  
Minutes  
October 19, 2006  
North & South Board Rooms  
Utah State Office of Education

**APPROVED**

Members present: Scott Smith, Brian Allen, Julie Adamic, Barbara Killpack, Eric Smith

Members excused: John Pingree, Sonia Zisumbo

Staff present: John Broberg, Marlies Burns, Gary Belliston, Jo Schmitt

Others present: Kim Frank, Carolyn Sharette, Janene Bowen, Steve Winitzky, Diana West, Walt Hackford, Kim Coleman, Jill Neff, CherryLee Morgan, Coreen Smiley, Dave Crandall, Kevin McVicar, Amy Roan, Sharon Crumb

Others excused: Deputy Superintendent Ray Timothy

Call to Order

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

Approval of Minutes

Motion was made by Member Barbara Killpack and seconded by Member Brian Allen to approve the minutes from the September 21, 2006 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Chair's Report

Chair Scott Smith, Member John Pingree, Director John Broberg and Gary Belliston had an opportunity to meet with Governor Huntsman last week. Chair Scott Smith stated he felt the Governor is very supportive of Charter Schools and the areas the Charter School Board is headed. Governor Huntsman expressed that education is one of his focal points.

Chair Scott Smith and Director John Broberg met with a group legislators, along with Christine Kearl from the Governor's office who is proposing some language to help with possible bonding. Chair Smith stated the Charter School Board is not involved with writing the proposed language, but have asked to be kept aware. Chair Smith stated that American Leadership Academy had an opportunity to be bonded through Spanish Fork, which will save them \$150,000 a year, to put back into their operating budget. He stated that to his understanding, the language that is being proposed by the legislature would allow lease-purchase agreements so the schools could own their own building and the contractor or owner of the lease would get tax benefits, also making the lease payment lessened because of interest. Representative Hughes is sponsoring the bill with the language change; he is also looking to pursue legislation to help with staffing and resources.

Director John Broberg stated there are fourteen new schools that are beginning operation this school year. There are a number of facilities completed for these new schools, and several still under construction. Director Broberg visited George Washington Academy in St. George this week, and found their facility will not be completed until January. The under construction school is surrounded by a cluster of trailers used to educate 450 students. Lakeview Academy has just moved into their school building. They spent the first part of the year with some of the grades meeting in a gymnasium and some in a former private school.

Marlies Burns stated the State Charter School Staff is excited to meet with the new Charter Schools and work with them as they learn more about their rolls and responsibilities.

Gary Belliston stated he had attended an Association of School Business Officials International Conference in Pittsburg, and learned the bill being sponsored by Representative Hughes allows for lease-purchase.

Certifications of Participation are being used; because of no attorney fees, it is less expensive than bonding.

Chair Smith stated the audit that is being conducted, will be completed in November, and released or addressed in December. Chair Smith also stated two years prior to the State Charter School Board there was legislation that actually prompted the State Board of Education to review or audit, every three to five years, every charter. Chair Smith added that for a full audit to be completed it takes two to three months, and with 57 charters, it is impossible to complete that task. The current audit has raised questions, "How are you finding out if schools are in compliance? You are supposed to be auditing these schools every three to five years when they are in operation, but it looks like 95% of your time is billed to promote chartering and 5% towards compliance." Chair Smith informed the State Charter School Board that Deputy Superintendent Ray Timothy stated the law is there; the State Board of Education has that ability, but it should be readdressed or rewritten so the State Charter School Board has that authority. He stated that those findings will be brought out in the audit, that the State Charter School Board and State Charter School Staff is spending too much time with promoting charters and not enough time with compliance issues.

Member Eric Smith questioned what defines an audit? He stated that every charter, every year does a financial audit, by an independent firm that is reporting back to the State Charter School Board their findings. If the State Charter School Board knows the school's finances are in shape, which also assures they are having public and board meetings, what kind of audit is necessary? Are we to audit compliance with the Utah State Core, is every school audited that way in the traditional system? Director Broberg informed the State Charter School Board there is a general audit that all schools go through, but a compliance audit is very detailed.

Gary Belliston gave examples of compliance audits that he has been performing for some of the charter schools, starting with the bank statements and working through all invoices. With this type of audit, everything is looked at, including payroll, W2's and all reports.

Member Julie Adamic questioned if all traditional schools have to go through this type of compliance audit, and how often? She was informed that most schools are audited every three to five years. Chair Smith stated that it is not an issue right now, but will be brought up and is something the auditors will be addressing when they address their findings.

Member Brian Allen expressed his personal appreciation for the State Charter School Staff. Mr. Allen stated there is a monumental amount of work that has to occur to get charter schools up and running that impacts everyone. Mr. Allen stated that he wanted to publicly recognize how important the State Charter School Staff is to the success of Utah's Charter Schools.

#### Acceptance of Board Member Resignation

Chair Scott Smith informed the State Charter School Board of Sonia Zisumbo's resignation from the State Charter School Board. Chair Smith stated Ms. Zisumbo has a new job title in her employment, as well as a new infant, and felt overwhelmed and didn't feel responsible not being able to attend the Charter School Board Meetings. As a Charter School Board, Chair Smith wanted to show their appreciation on record for her service. Motion was made by Member Julie Adamic and seconded by Member Barbara Killpack to accept Sonia Zisumbo's resignation. The motion was carried unanimously.

Member Brian Allen commented on the board nomination process. He stated when the State Charter School Board was organized, that Governor Walker asked the business community for recommendations for board members. He feels that Governor Huntsman will follow that same process. Mr. Allen stated the person appointed to replace Ms. Zisumbo should be appointed for the remainder of her term, and at that point in time could be reappointed for an additional term. Last year some of the Charter School Board members were reappointed for a one year term, with no provision in the law for a one year term. Mr. Allen also stated it needs

to be understood procedurally how the law works. Any time a term member's term expires, when they are reappointed, they should be appointed for another full term of four years.

### Report on NCLB Achievement

Marlies Burns presented a chart and discussed the State and Federal Reporting Results. Under UPASS, the only schools that are reported are schools that do not currently have a 12<sup>th</sup> grade. Of the 36 Charter Schools, only 24 qualify; 21 achieved UPASS and 3 Charter Schools are not considered because there is not enough data to give them a score in the UPASS system. Under NCLB, total number of schools without 12<sup>th</sup> grade is 24, 23 made AYP and one appealed and made AYP, so 100% of charter schools without grade 12 made AYP. The chart also was broken down by districts; there are 79 districts or LEA's within the state, 36 of them are charter schools. Of the 36 charter schools, 33 made AYP, one appealed and did make AYP, and two schools did not make AYP; leaving 94% AYP pass rate, and 6% failure rate; compared to the districts with 70% making AYP, 30% not making AYP.

Member Barbara Killpack stated that districts have a disadvantage; if two schools both make AYP, but in one subgroup, both schools do not make AYP, the schools are combined, therefore the district ends up not making AYP.

### R277-470 Charter Schools (Satellite Language)

Member Brian Allen presented satellite language for R277-470-11. After much discussion, the motion was made by Member Barbara Killpack and seconded by Member Eric Smith to accept the suggested changes, with an amendment to include financial stability of the school. The motion was carried unanimously.

### "Revised" State Charter School Board Bylaws

Director John Broberg informed the State Charter School Board that the Charter School Board Bylaws had been given to Superintendent Patti Harrington, Deputy Superintendent Ray Timothy, and Carol Lear. Those individuals have made some suggested changes to the Charter School Board Bylaws. Chair Scott Smith informed the State Charter School Board that this agenda item was not an action item, and would need more information for final review and voting at next month's meeting. Chair Scott Smith recommended giving the State Board of Education a copy of the current bylaws and a copy of the revised bylaws with the recommended changes for their review and to table any final decisions until the November Charter School Board Meeting.

### Summit Academy Amendment

Chair Scott Smith reminded the State Charter School Board that Summit Academy had come to the board last month with an amendment for an expansion of the school, but the Board had put their request on hold, until there was clear language regarding expansions. Also, Summit Academy's request for governance change was not addressed in the previous meeting. Chair Scott Smith asked the representatives from Summit Academy if they had been looking into additional property for the expansion. He was informed they are always looking for property; they understand the property values in the Draper area and have been doing market analyses. Member Barbara Killpack stated without a rule in place concerning expansions or satellite sites of schools, she is not comfortable recommending an expansion of Summit Academy to the State Board of Education. Member Eric Smith stated he felt the State Charter School Board has recommended many schools that are just like Summit Academy and why is this school having to wait because of a rule that is not in place. Director John Broberg informed the State Charter School Board the State Board of Education has passed a rule that states an expansion can only be an expansion, if it is the same site. Member Brian Allen questions if recommending an expansion of Summit Academy to the State Board of Education before there is a rule in place, would it do the school more harm than good. Mr. Allen suggested recommending the expansion, along with a waiver from the existing rule. Motion was made by Member Eric Smith and seconded by Member Julie Adamic to recommend the expansion amendment for Summit Academy, to include the timeline and location waivers. A substitute motion was made by Member Brian Allen that included Member Eric Smith's motion with the addition of a qualifier for Summit

Academy to come back to obtain final approve once they have a site, to confirm the amendment falls within the neighborhood definition.

Janene Bowen from Jordan School District voiced the district's concerns about making recommendations before having a rule in place, when the language of the rule is not defined.

Member Eric Smith restated his motion of recommending approval of the amendment for expansion from Summit Academy with the waiver of the timeline, and for a single location. The motion was seconded by Barbara Killpack. The motion was carried unanimously.

Jill Neff, Principal of Summit Academy informed the State Charter School that Summit Academy presently has three members on their Board of Trustees, and are asking for an amendment to expand to five members. One of the additional members would be elected by the parent body of the school to the Board and the second member would be appointed. Member Eric Smith clarified the parent involvement rule that 25% of the board must be parents, with one of those parents being elected. The State Charter School Board was informed that all Summit Academy's Board of Trustees members are parents.

Motion was made by Member Barbara Killpack and seconded by Member Brian Allen to recommend the governance change to Summit Academy's Board of Trustees. The motion was carried unanimously.

#### American Preparatory Academy Amendment

Chair Scott Smith reminded the State Charter School Board of American Preparatory Academy's amendment request for an expansion, but for a satellite school. The expansion would increase with additional 570 students. The State Charter School Board was informed that American Preparatory Academy does not have a location identified at this time. Carolyn Sharette, Director of American Preparatory Academy stated the original expansion request was for Alpine School District, in association with Traverse Mountain Development, and would continue to pursue that relationship. Ms. Sharette also stated they would be interested in looking into achievement gap areas. Director John Broberg informed the State Charter School Board that this amendment request does not have a specific site, as the original amendment stated. Ms. Sharette stated American Preparatory Academy is trying to find partnerships and ways they can bring their academic program to students who need it. The process so far has not made it possible for them to accomplish that. American Preparatory Academy has a successful program and are in their fourth year of operation. They have hired staff and are ready to replicate and take their services to more students.

Member Eric Smith stated that he felt the State Board of Education would consider this request an amendment for a satellite site and not take action until the rule is in place. He also stated that he has been approached by people from many communities inquiring why charter schools are not in some areas, but are in others. The level of skill necessary to submit the basic federally funded start up grants and the level of skill necessary to put together the financials, almost insures that any place where you have parents or single parents slaving away trying to make ends meet, there is not going to be time and/or expertise in certain communities to really make something like this happen. When you can get a proven model that is really helping kids, having excellent test scores, and proven experiences that you can replicate, he thinks the State Charter School Board should try to make it happen. But, because this request is for a satellite school, he feels it is a non-starter right now.

Carolyn Sharette informed the State Charter School Board that they are requesting an expansion. They feel they have something that works and wants the authority to educate 570 more students with their model. Ms. Sharette also informed they are doing supplemental service provider services; that is one way they are accessing the students that need them the most. They have been working carefully with the groups that are working with those populations; in their way, through their committees, through their organizations. They want to be a service provider for them, not viewed as American Preparatory Academy moving into Rose Park. That is why they have gone through this other method of getting to know all these people, making connections through the community, they were hoping to get the authority to educate more students.

Chair Scott Smith asked for clarification of their request. He understood Ms. Sharette stated her goal was that this expansion was to go into the areas that did not make AYP, that are low income, or is the expansion request just for 570 students. He questioned what her focus actually was with this request. Ms. Sharette said this request was not a new focus, but because they had a corporate entity who was interested in them, they thought a second replication would be smarter to have it in an area where they had financial support. Mr. Smith again questioned Ms. Sharette of their focus: is it for those areas specifically or, if Traverse Mountain came back to them, said because you have been approved for 570 students, we are willing to finance the school. Would you go with them? Ms. Sharette answered that she is not the board president or the board, but they would certainly entertain every opportunity to bring their model to more kids. Mr. Smith stated again, this request is not necessarily just for those areas. Ms. Sharette answered they would not only focusing on those areas. Ms. Sharette stated that if they have to create a new site that is mostly parent driven, and looks like all the rest of the other charter schools, that is not what they are looking for.

Member Brian Allen stated that he would love to approve American Preparatory Academy's recommendation, but he wants to recommend the amendment at a time when it is going to be right to be approved.

After much discussion, motion was made by Member Brian Allen and seconded by Member Barbara Killpack to continue to table, or hold American Preparatory Academy's amendment request, and as soon as the rule is approved, make this amendment request one of the first agenda items. Member Barbara Killpack suggested that when American Preparatory Academy comes back on the State Charter School Board Meeting agenda, they have more information so it is clear to what their focus is to be and how it will be carried through. The motion was carried unanimously.

#### Moab Community School Amendment

Chair Scott Smith informed the State Charter School Board that Moab Community School's amendment request is to change the school's name from Moab Community School to Moab Charter School. Motion was made by Member Eric Smith and seconded by Member Julie Adamic to recommend the name change to Moab Charter School. The motion was carried unanimously.

#### Walden School of Liberal Arts Amendment

Diana West, Director of Walden School informed the State Charter School Board that the school is chartered for 300 students, but currently the school has 100 students; but will open next year with 250 students. They have property and are moving forward with building a building. They feel it would benefit the school to have a K-12 configuration rather than a 7-12, because it is very difficult to deliver the promises in their charter if they don't educate children from the time they are very young.

Member Eric Smith asked for a basic overview of what the curriculum would be like at Walden School for grades K-6. Ms. West informed the State Charter School Board that it would basically be a Montessori model which is essentially what they are trying to do with grades 7-12, but have discovered if the children haven't grown up in a Montessori school, they don't understand the concept.

Motion was made by Member Eric Smith and seconded by Member Brian Allen to recommend approval of Walden School's amendment to add grades K-6.

#### Monticello Academy Amendment

Chair Scott Smith informed the State Charter School Board that Monticello Academy's amendment request is to expand to grade 9. The school is currently approved K-8 with student population of 675, and are at capacity. Chair Scott Smith questioned when the request came in, and was informed it was after the deadline. Kim Coleman, CAO of Monticello Academy, made comment that she had received an email from Gary Belliston dated April, 2006 and there was debate whether the cap of 5 schools and 5,000 students would impact charter enrollment increases. Also, Ms. Coleman had indicated to Mr. Belliston that it was their intent to come back to

the State Charter School Board this year and expand to a 9<sup>th</sup> grade. Marlies Burns stated that she had sent an email out to all schools, including Ms. Coleman, on May 22 informing them that any changes to the 2007-2008 school year was due by August 1<sup>st</sup>, which was sent out after the May Charter School Board Meeting when the deadline decision was made. Ms. Coleman stated that she was not aware of the email and would have made serious notation of a change, she stated she is often clearing out junk email, and did not recall getting anything from the state. Chair Scott Smith stated that in the May State Charter School Board Meeting, the state finance and statistics section was in attendance and informed the State Charter School Board the dates that were needed for their count, making sure the State Charter School Board was in compliance.

Chair Scott Smith inquired how many additional students grade 9 would bring to Monticello Academy. He was informed that it would be 75 students.

Marlies Burns made comment that the information Monticello Academy turned in is very complete and very accurate regarding the 9<sup>th</sup> grade curriculum criteria.

Member Brian Allen questioned if there were compelling reasons why this expansion has to be now, instead of a year from now. Ms. Coleman informed the State Charter School Board that the 8<sup>th</sup> graders they currently have would have to go back into a local Jr. High School. Ms. Coleman also stated they were not sure what the demand would be from the parents, but it has become very clear the 8<sup>th</sup> graders want to articulate straight through in the charter school. The school building they are building has ample room. It also puts them in a better cost ratio, frees up more funds, and gives extra curricula, extra teacher training and extra staff. It helps their program be more solid. They are in the process of bonding through West Valley City's activity bonds, a charter school development bond. Ms. Coleman also stated their school is in low income areas. It has been difficult to finance the school; in their community they do not have the financial resources and incomes are significantly lower than surrounding areas. They serve a population that is very different from other charter schools. The schools initial data is 22% ethnicity, which mirrors the local schools.

Member Brian Allen inquired of Marlies Burns if the numbers for the legislative budgeting process had been turned into the state for next year's funding. Ms. Burns informed Mr. Allen that she has submitted the numbers, and she is meeting on the 25<sup>th</sup> of October with the individuals that are responsible of MSP and other special grant financing. Ms. Burns stated she could adjust numbers until the 25<sup>th</sup> of October meeting.

Marlies Burns stated that two other schools would be interested if this amendment was recommended, because they also missed the deadline.

Member Brian Allen inquired what their opinion would be if the State Charter School Board were to recommend waiting a year. Ms. Coleman responded with her opinion that when the school opened last year, 100% of West Valley City's Jr. High Schools were not making AYP, 50% still are not, so they are sending their children back into those schools that are not making AYP. Marlies Burns stated that three out of four Jr. High Schools in West Valley City are making AYP, 75%. Ms. Coleman restated that the State Office of Education data shows two out of the four schools are not making AYP.

Motion was made by Member Brian Allen to recommend for approval Monticello Academy's amendment to add 9<sup>th</sup> grade and ask for a waiver for the deadline. Because of no second, the motion died.

Motion was made by Member Eric Smith and seconded by Member Julie Adamic to recommend for approval the amendment for school year 2008-2009. The motion passed with positive votes from Chair Scott Smith, Members Eric Smith, Julie Adamic, and Barbara Killpack. Member Brian Allen cast an opposing vote.

### Adjourn

Motion was made by Member Barbara Killpack to adjourn at 12:55 p.m.