

Utah State Charter School Board Meeting  
Minutes  
**May 12, 2011**  
North & South Board Rooms  
Utah State Office of Education

**APPROVED**

Members present: Tim Beagley, Laura Belnap, Dean Brockbank, Yolanda Francisco-Nez, John Pingree, Scott Smith

Members excused: Tom Morgan

Staff present: Marlies Burns, Paul Crawford, Jo Schmitt

Staff excused: Cory Kanth, Jeannie Rowland, Georgia Loutensock

Others present: Deputy Superintendent Martell Menlove, David Crandall, Carol Murphy, Janene Bowen, Kassi Capener, Sharon Fairbourn, Bridgett Clark, Robert Christensen, Valerie Neslen, Ryan Lunt, Margaret Raymond, Sol Garcia, Rick Kempton, Rachel Ksenyak, Justin Testerman, David Hansen, Mark Ursic, Dorene Turner, Justin Kennington, Steve Whitehouse, Robyn Ellis, Todd Powell, Blair Reyes, Frantz Belot, Rob Muhlestein, Margo Gaisford, Kevin Wilson, Megan Gygi

Call to Order

Vice Chair Tim Beagley called the meeting to order at 8:10 a.m.

Approval of Minutes

Motion was made by Member Scott Smith and seconded by Member Yolanda Francisco-Nez to approve the minutes from the April 14, 2011 State Charter School Board Meeting. The motion was carried unanimously.

Amendment Request – North Peak Academy

Representatives from North Peak Academy informed the SCSB of the school's amendment request to change the name of the school to Promontory School of Expeditionary Learning in response to a local business' concern regarding the similarity of the school name to the business name.

Vice Chair Tim Beagley instructed and cautioned the school they will be required to change the name throughout the charter school application including the revolving loan documents.

Motion was made by Member Yolanda Francisco-Nez and seconded by Member Laura Belnap to recommend for approval to the USBE the amendment request. The motion was carried unanimously.

School Postponement – Baer Canyon High School

Representatives from Baer Canyon High School informed the SCSB of the school's request to postpone its opening date until fall 2012 due to low enrollment.

The school was directed to amend its charter with more realistic enrollment numbers and beginning in October 2011, the school was directed to submit monthly enrollment reports to USOE to help track progress, and no later than March 31, 2012, a reasonable enrollment for the school to continue through the opening process would be set. If at that time, enrollment is not to the level for success, other options for the school would be considered.

Vice Chair Tim Beagley stated that with the drastic change needed in enrollment, the budget and other aspects of the charter would need to be changed as well.

Motion was made by Member Scott Smith and seconded by Member Yolanda Francisco-Nez to give tentative approval to the postponement of the opening of the school and request Baer Canyon High School governing board submit a formal amendment request that involves the changing of the maximum enrollment including and the necessary budget adjustments. In addition, a written agreement with the school's potential landlord notifying them of the changes was requested. The motion was carried unanimously.

#### State Board of Education meeting review

Dave Crandall, a member of the USBE, informed the SCSB they were concerned about enrollment numbers for Moab Charter School in regards to the revolving loan, but ultimately the loan was approved by the USBE.

#### State Charter School Board Bylaws

Vice Chair Tim Beagley recommended changes to the following sections of the Board Bylaws, including adding a process for informal hearings: Section II-Membership – E, Section VI-Meetings – E, L and M.

Motion was made by Member Scott Smith and seconded by Member Yolanda Francisco-Nez to approve changes to the State Charter School Board Bylaws as listed in the revised addition, to include removing the verbiage “whichever is sooner” in Section VI – Meetings – L (1). The motion was carried unanimously.

It was brought to the SCSB attention, that when the board voted to amend the bylaws, the board actually broke the bylaws. The SCSB bylaws state that in order to make any changes there needs to be a 2/3 majority vote, and with the first vote, there were four board members voting, which is not 2/3 of the board. Another vote needed to take place.

Motion was made by Member Scott Smith and seconded by Member John Pingree to approve changes to the State Charter School Board Bylaws as listed in the revised addition, to include removing the verbiage “whichever is sooner” in Section VI – Meetings – L (1). The motion was carried unanimously.

#### Charter School Subgrant Fund Recommendation

Vice Chair Tim Beagley informed the SCSB that Paradigm High School requested \$300,000 from the revolving loan fund for construction of four additional classrooms. The Revolving Loan Committee approved the loan unanimously.

Motion was made by Yolanda Francisco-Nez and seconded by Member Laura Belnap to recommend Paradigm High School's loan application be approved and sent to the USBE for final approval. The motion was carried unanimously.

#### R277-470, Charter Schools

Director Marlies Burns presented to the SCSB proposed language changes to help streamline the amendment process, make technical corrections, revise the timeline for new school, satellite school and expansion approvals, and create ability for schools to change authorizers. Those changes include parts of R277-470-1 – Definitions; R277-470-4 – Charter School Orientation and Training; R277-470-6 – Timelines-charter School Starting Date; R277-470-9 – Procedures and Timelines for Conversions to Change Authorizers; R277-470-12 – Charter School Oversight and Monitoring; R277-470-13 – Approved Charter School Expansion; R277-470-14 – Satellite School for Approved Charter Schools; and R277-470-17 – Miscellaneous Provisions.

After much discussion, the decision was made to approve all sections of the rule with the discussed changes, except Section 12-Charter School Oversight and Monitoring, and address changes to that section at a later date; with the possibility of having Section 12 a separate and complete new rule.

Motion was made by Member Scott Smith and seconded by Member John Pingree to send the proposed changes to the USBE, except Section 12-Charter School Oversight and Monitoring, for final approval. The motion was carried unanimously.

### CREDO Survey Results and Discussion

Macke Raymond, representing CREDO, shared with the SCSB results of the performance metric survey received of all charter school principals, board chairs, the State Charter School Board and the Charter School Staff regarding the relative importance of specific performance measures.

### Executive Session

Motion was made by Member Scott Smith to move into an executive session for the purpose of legal and personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 10:15 a.m.

Motion was made by Member Dean Brockbank and seconded by Member Laura Belnap to reconvene into open meeting. The board reconvened at 11:30 a.m.

### NACSA Authorizer Evaluation Report and Discussion

Rachel Ksenyak and Justin Testerman, representing The National Association of Charter School Authorizers (NACSA), presented to the SCSB their evaluation of the authorizing practices used by the SCSB. The evaluation addressed the board's primary responsibilities – application decision-making, monitoring operations, performance-based accountability, and school autonomy.

### Amendment Request – Renaissance Academy

Representatives from Renaissance Academy informed the SCSB of the school's amendment request to modify its school mission, change some purposes of the school, change the method of instruction for specific classes, modify the governing board by increasing its possible size to 11 and expanding terms to 3 years, eliminate the Advisory Council, modify the responsibilities of the Director, change the appeals process for parents, describe the governing board election process and responsibilities with greater detail, and define the duties of board officers with greater detail.

Member Scott Smith asked what led the school to expand the governing board to eleven members. He was informed the school was hoping to fill the board with more individuals that would bring specific expertise, and to spread the responsibilities of the board to more members.

Vice Chair Tim Beagley expressed his concern regarding the cooperative arrangements of the school, he feels the school has done away with that aspect of their charter. He was informed they feel they have removed those parts of the charter that restricts or limits them but have refined their goals and mission.

USBE Member Carol Murphy stated she feels when the school changes their goals and mission, it appears more like an initial or new application; that it makes a change in their charter. Mark Ursic, Executive Director for Renaissance Academy, responded that the school is in the process of putting together a strategic plan, starting with the school's mission to have more clearly defined language as the school standard.

Vice Chair Tim Beagley stated the school has eight teachers that are not properly licensed and inquired what steps the school was taking to correct the problem. The SCSB was informed those problems are being addressed and will be corrected in CACTUS; those teachers that are not qualified are working on their endorsements and will be licensed this summer. Member Laura Belnap suggested the school communicate with the educator license section at USOE to inform them of the steps they are taking to correct the deficiencies in CACTUS.

Vice Chair Tim Beagley stated that in the school's audited financial report there were some significant deficiencies found and he asked for some assurances those deficiencies were being addressed. The SCSB was informed the school is working with the individual offices to correct those situations. In one case, the school

has “cut a check” back to the state and in regards with the other issue, the school was requested to submit qualifying expenses and commit to attend training, which the school is willing to do.

Motion was made by Member Dean Brockbank and seconded by Member Scott Smith to recommend for approval to the USBE the amendment request. Member Yolanda Francisco-Nez and Member Laura Belnap suggested also have Renaissance Academy inform the parents of the school that licensing issues and concerns would and have been addressed. The motion was carried unanimously.

Amendment Request – Karl G. Maeser Preparatory Academy

Representatives from Karl G. Maeser Preparatory Academy informed the SCSB of the school’s amendment request to modify the election process for members of the board of directors by changes to its articles of incorporation. The process will be changed to have all members of board elected by a quorum of the board; three board members will be required to be parents or guardians of current students.

Chair Tim Beagley inquired how would the amendment request change the effectiveness of the board. The SCSB was informed the school feels it will help to recruit parents more effectively who are dedicated and interested in serving on the board, and will allow the school to focus on identifying individuals who have the particular skills that might be missing from the board at that given period of time; also to strengthen and reinforce the board’s succession in continuity of the governance of the school.

Chair Tim Beagley informed Karl G. Maeser Preparatory Academy that according to USOE’s CACTUS report, more than half of the school’s teachers are not properly licensed. The SCSB was informed the school is in the process of correcting and renewing the necessary licenses; all the required paperwork has been submitted and waiting for processing. USBE Member Carol Murphy questioned if background checks have been completed, even though the licensing of teachers is in the process. She was informed that all background information has been cleared.

Motion was made by Member Scott Smith and seconded by Member Dean Brockbank to recommend for approval to the USBE the amendment request. The motion was carried unanimously.

Amendment Request – Merit College Preparatory Academy

Representatives from Merit College Preparatory Academy informed the SCSB of the school’s amendment request to add grades 7 and 8 beginning in 2012-2013 with no additional students, to help students transition to the rigorous high school curriculum.

Vice Chair Tim Beagley expressed his concerns regarding the academic scores for the school and stated the school’s math scores are below the 50% proficiency mark. He also stated there are concerns with the financial situation of the school. The SCSB was informed the school’s academics are a high priority this year and preliminary CRT’s are trending upwards and continue to improve; they feel they are on track for the goals they have set for the year.

After much discussion motion was made by Member John Pingree to table any action and ask the school to come back in a year and show the SCSB results of the programs they have in place for making improvements. Because of no second to the motion, the motion failed.

Motion was made by Member Laura Belnap to recommend for approval to the USBE the amendment request. Because of no second to the motion, the motion failed.

Vice Chair Tim Beagley offered the school to withdraw the amendment request and be placed on the June 1 SCSB meeting agenda with data showing evidence of improvement and needed changes; at that time, the SCSB could send the request forward to the USBE Committee June 2, and then in turn to the USBE June 3, 2011. Those representing the school chose to withdraw the amendment request.

### Amendment Request – Noah Webster Academy

Representatives from Noah Webster Academy informed the SCSB of the school's amendment request to modify its board composition, school purpose(s), instructional method, and school goals.

Motion was made by Member John Pingree and seconded by Member Yolanda Francisco-Nez to recommend for approval to the USBE the amendment request. The motion was carried unanimously.

### Charter Agreement

Vice Chair Tim Beagley reminded the SCSB they had received the Charter Agreement document in last month's materials and that the main change to the document is incorporating a template for the performance framework, leaving open the possibility that once a charter school is approved or comes before the board for review, the school would work with the SCSB and the Charter School Staff to put in targets of their performance framework that would become the contract with the SCSB and the USBE; with the understanding from time to time those targets would be revisited and re-examined.

Motion was made by Member Scott Smith and seconded by Member John Pingree to move the Charter School Agreement to the SCSB August agenda and to authorize the SCSB Chair to sign the agreement now in place with the new approved schools; with the inclusion of a clause that requires them to incorporate Section 12 into their charter. The motion was carried unanimously.

Motion was made by Member Dean Brockbank and seconded by Member Yolanda Francisco-Nez to nominate currently sitting members Mike Anderson and Richard Tolley to continue in their role for another term as representatives for the Charter School Building Revolving Subaccount Committee and to recommend to the USBE they be accepted. The motion was carried unanimously.

### Adjourn

Motion was made to adjourn at 2:20 by Member Scott Smith.