

Utah State Charter School Board Meeting  
Minutes  
**June 21, 2007**  
North & South Board Rooms  
Utah State Office of Education

**APPROVED**

Members present: Scott Smith, Julie Adamic, Barbara Killpack, John Pingree, Eric Smith.  
Brian Allen and Joel Wright attending via conference call.  
Staff present: Marlies Burns, Gary Belliston, John Taggart, Jo Schmitt  
Others present: Nyman Brooks, Janene Bowen, Murat Ozoglu

Call to Order

Chair Scott Smith called the meeting to order at 10:05 a.m.

Approval of Minutes

Motion was made by Member Barbara Killpack and seconded by Member John Pingree to approve the minutes from the May 17, 2007 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Chair Scott Smith stated he publicly wanted to express his appreciation for all the work, time and effort that went into the Charter School Annual Conference by the committee, CharterSTAR, the Charter School Staff, and all other individuals who were involved.

Update on Schools Opening Fall 2007

Director Marlies Burns informed the SCSB that the Charter School Staff has been in contact with all the schools that will be opening in the Fall of 2007. To date, all the schools have broken ground or have leases for building facilities. Ms. Burns stated there are special education issues that have come up, but Glenna Gallo, Education Specialist in the Special Education Section has informed her that those situations are now under control. Member John Pingree questioned what the issues were concerning special education. He was informed that the concern was with issues of non-acceptance of special education students. Mr. Pingree inquired if the student was actually turned down from admittance, and he was informed that the school has made comments of how expensive it would be for the school to have a special needs student. Ms. Burns added that is not an option for public schools. Chair Smith excused Glenna Gallo's presence, stating she was attending a conference and unable to participate in the SCSB Meeting.

Board Standing Committee Reports

- Communication Committee-Chair Scott Smith informed the SCSB that by law, the USOE is required to have a standard charter school student application form. The form will be a generic form, and be available on-line. Marlies Burns has met with the technology section at USOE to begin the process of acquiring a standard form. Ms. Burns also requested if any school has an electronic application, provide it to her in order to compile common elements and get a feel as to what should be added to the form.

Chair Smith informed the SCSB that the committee also discussed the Utah High School Athletic Association and working with the possibility of collaborating with them. Chair Smith informed the SCSB that Superintendent Harrington is forming together a subcommittee and Barbara Killpack has volunteered to be a part of that committee representing the SCSB.

Director Marlies Burns distributed a draft amendment request for adding a satellite school to a current existing charter. Ms. Burns stated that throughout the form, they have changed the name to “sponsoring” charter school rather than “parent” charter school. Also, included is language requiring that satellite school amendments received approval from the Utah State Board of Education following recommendation from the SCSB, and enrollment in satellite schools is counted against the annual charter school enrollment goal set by the Legislature. This language is added as a point of clarification to make clear to all applicants for charter schools that a satellite school is a new school and not an expansion. Member Julie Adamic questioned if the satellite school would be required to go through the same accountability plan, being separate from their sponsoring school or align with their sponsoring school? Ms. Burns stated because of the schools being required to have separate AYP’s the school would be required to have a separate accountability visit.

- Annual Conference Committee-Member Eric Smith informed the SCSB that two members of the committee (Susan McCormick and Shalee Schmidt) besides himself were in attendance at the meeting and the committee discussed the conference that was held June 11, such as things people liked about the conference and items that should be addressed. Mr. Smith suggested it be wise to recruit more members for the Annual Conference Committee. Member Julie Adamic stated the committee that was responsible for the last conference is having a debriefing meeting and after that meeting they will have more information to provide to the Annual Conference Committee.
- Accountability Committee-Member Julie Adamic informed the SCSB that Paige Anderson, Kim Doherty, and Errol Porter attended the meeting. Ms. Adamic stated after going through R277-481, Charter School Accountability and Assistance, the committee would like to meet with the Rules Committee to discuss the rule and get some clarification and suggest changes to make it a stronger document. Ms. Adamic stated according to the rule, the schools should receive site visits three months into their first year of operation, and she feels the committee will implement this rule with the new schools opening this fall.

Ms. Adamic informed the SCSB that the committee has gone through the draft copy of the Charter School Accountability Handbook and concluded it would be best to have each member read, note comments and return back together as a committee and discuss the handbook.

Ms. Adamic stated their next meeting is at a time when the committee members would be starting school for the new year, so they have changed their meeting to Thursday, August 9<sup>th</sup> at 10:00 a.m. It is to replace their regularly scheduled meeting on August 16<sup>th</sup>.

#### Information Items:

- Approval of State Chartered schools for 2008-2009-Director Marlies Burns congratulated the seven charter school applicants for receiving authorization from the SCSB and USBE; additionally she congratulated Salt Lake Center for Science Education that was chartered by the Salt Lake City School District. Member John Pingree requested giving recognition to Salt Lake City School District for sponsoring a charter school. Ms. Burns informed the SCSB that the Charter School Staff could draft a letter from the SCSB to recognize their sponsoring Salt Lake Center for Science Education. Mr. Pingree further suggested recognizing the district in the media and press. Ms. Burns suggested bringing a plan to the board meeting in July for finalization.
- Virtual Charter School-Director Marlies Burns informed the SCSB there was one virtual charter school application submitted for consideration for the 2008-2009 school year. Ms. Burns stated the application was for Utah Virtual Academy and the application was sent to readers and received a score above the 75% of the required points. The Charter School Staff has now begun to meet with them and help them better their application, should they choose to continue in the process of receiving a charter. Ms. Burns

stated the Charter School Staff has a few concerns, but would address those concerns in the next letter she would send to the SCSB. Member John Pingree questioned if there were students that were being home schooled, would they be able to participate in the virtual school. Mr. Pingree was informed that yes; any student can be dual enrolled in a public school and a home school. Member Barbara Killpack inquired of the student/teacher ratio at the school. Ms. Burns informed her that she did not know the student/teacher ratio, and it was not particularly spelled out in the application. Ms. Burns informed the SCSB that Utah Virtual Charter School would present their application in their July meeting; they will have their revisions back to USOE June 29<sup>th</sup>. The application will go to the SCSB in their packets, so they can either choose to approve, deny or wait until the August meeting to make any decision. Ms. Burns reminded the SCSB that there is the deadline of having USBE approval no later than September 30<sup>th</sup> in order to receive public charter school funding. Member John Pingree questioned Superintendent Harrington what the status of the virtual school that the USBE was initiating. Superintendent Harrington informed Mr. Pingree that they are working with a company, and needing to bid it out, for a K-12 school; she feels it will be up and running this fall. Superintendent Harrington stated she feels as it relates to the limited enrollment, all parties would wisely go together when it comes to virtual education, there ought not be caps placed anywhere, especially in the charter system, if there isn't caps in the traditional system.

- R277-470-Charter School rule changes-Director Marlies Burns distributed a summary of the changes to R277-470 and stated the USBE accepted the majority of their submitted suggestions. Ms. Burns stated the USBE was very pleased and grateful the SCSB had been thorough and meticulous in reading the rule and making sure it worked for charter schools. She informed the major changes pertained to the definition of a founding member. Once the school is open, you can not continue to add founding members to the charter. Also, a satellite school does have to have adequate qualified administrators, including at least one onsite administrator, and staff available to meet the needs of the proposed student population at the satellite school. The parent school shall include at least two voting parent members from the satellite governing board. Ms. Burns informed the SCSB the rule changes are in the 30-day comment period and will be released as final on August 8, 2007.
- Charter School Building Subaccount-Director Marlies Burns informed the SCSB the language in HB164 specifies that the State Board of Education will create a committee regarding the Charter School Building Subaccount. Superintendent Harrington informed the SCSB that she has notified the Governor's office that they too should make an appointment to this committee and has visited with board leadership concerning the committee. The USBE is interested in having Julie Adamic and Joel Wright members of the SCSB be on that committee. Superintendent Harrington requested names of individuals that the SCSB (outside of the board itself) would recommend to be part of the committee as well. She would like the names of those recommended by July 15, so there can be action taken in the August 3<sup>rd</sup> meeting. Chair Smith questioned the timeframe of completion of this project. Superintendent Harrington informed Chair Smith the board motion can happen in their August meeting and can be effective the next day. They are anxious to reach outside of the expertise of the school individuals and desire experts in real estate acquisition and finance. Member John Pingree suggested the name of Jill Kennedy to part of the committee. Mr. Pingree stated Ms. Kennedy has previously been Chair of the State Board of Education, she and her husband have been LDS Mission Presidents in Russia, her husband is a judge in Salt Lake City. She is a graduate from Radcliff in Chemistry, and has a Master's degree from Stanford. She and her husband have had six children educated in the Salt Lake City public schools. Mr. Pingree stated he feels she a highly qualified woman and is very interested in education. Superintendent Harrington suggested Chair Smith have recommended names submitted to the SCSB by July 10<sup>th</sup> and then have the SCSB recommend a final list of four or five individuals. Chair Smith requested those names be submitted to Director Marlies Burns to have them put on the July Board Meeting agenda.

Director Marlies Burns introduced John Taggart, a new staff member that has been hired to work at USOE in the Charter School Section. Mr. Taggart is the educational specialist that will oversee federal funding for Utah's Charter Schools. John Taggart is from Tooele School District where he served as a second grade teacher. Mr. Taggart informed the SCSB he has been in Tooele School District for the last nine months, and prior to that he spent four years in the Department of Defense school system on a Naval Base in Japan. Prior to his stay in Japan, he was in the Clark County School District in Las Vegas, NV where he experienced and was involved with charter schools. During that time, he was part of a team that investigated and sought out a partnership with the Edison Schools Project.

#### Actions Items:

- Recommendations for expansion and grade configuration changes-Chair Smith stated the SCSB has approved seven new charter schools and Salt Lake District has approved one charter school, totally eight new charter schools for the 2008-2009 school year, which exceeds the enrollment cap set by the Legislature. Director Burns informed the SCSB that by approving the schools for the 2008-2009 school year, the enrollment cap of 5000 has been exceeded by 155, looking at the ultimate enrollment; or 515 remaining enrollment slots, looking at first year only. Member Julie Adamic expressed her concerns that the majority of amendment requests are first year schools asking for expansions or additional students and do not have data to base the SCSB decision to recommend approval. Ms. Adamic suggested a required timeframe be developed for the schools, with an accountability plan and data reporting before being allowed to apply for expansions. She also expressed her concerns about schools wanting to double their enrollment size, and beginning to become so large. She would like to continue to see the "small school" model.

After much discussion motion was made by Member Barbara Killpack and seconded by Member John Pingree to not approve for recommendation of any expansion or grade configuration changes at this time. Member Brian Allen commented he does not feel the SCSB has gone over the "cap" but the board is basing the cap on maximum enrollment numbers. Many schools have not reached their total allowed enrollment number. Substitute motion was made by Member Julie Adamic to deny all recommendations for expansion and grade configuration changes except Odyssey Charter School and Paradigm High School. The substitute motion was accepted by Member Barbara Killpack and seconded by Member John Pingree. The motion was carried unanimously.

- Motion was made by Member Eric Smith and seconded by Member Julie Adamic to recommend the approval of Odyssey Charter School's request to add 9<sup>th</sup> grade, 50 students. The motion was carried with Members Scott Smith, Eric Smith, Joel Wright, and Julie Adamic in favor and Member Barbara Killpack voting in opposition. Member John Pingree was unavailable to vote.
- Director Marlies Burns informed the SCSB that Paradigm High School's amendment would allow for growth of the school as it moves into a new building and is basically a funding issue. Motion was made by Member Eric Smith and seconded by Member Julie Adamic to recommend the approval of Paradigm High School's request to add grades 7 and 8, with no student increase. Janene Bowen from Jordan School District stated she was unaware of the amendment request from Paradigm High School until this morning. She also stated after glancing through the request, she feels it is a financial issue, but initially the district had concerns if there would be enough draw of students to have a high school. Also, as stated previously, the school has not been in operation long enough to have data available. Member Julie Adamic questioned if this request were granted, would it help Paradigm High School get into their new facility and would the school be financially strong at that point. Gary Belliston, accountant with the Charter School Section, stated Paradigm High School has turned in all their reports and seems to be operating adequately. It is a very small high school, located in two office buildings in an industrial park. Mr. Belliston also stated he has not seen a budget for a new facility. After much discussion, Member Eric Smith withdrew his motion to recommend the amendment for Paradigm High School. A new

motion was made by Member Julie Adamic and seconded by Member Barbara Killpack to request Paradigm High School to come before the SCSB in their July meeting for further discussion prior to an amendment request approval recommendation. Director Marlies Burns informed the SCSB she will contact Paradigm High School instructing them of the need to supply information to address the board's concerns. The motion was carried unanimously.

Superintendent Harrington requested in the amendment requests form for all grade configuration and expansion applications there be included a question whether or not they have contacted the district where the school is located and if so who was the contact person.

- Timeline for 2009-2010 applications and amendment requests-Director Marlies Burns presented a timeline for all requesting applicants. Motion was made by Member John Pingree and seconded by Member Eric Smith to accept the timeline for 2009-2010 as presented and explained by Director Marlies Burns. The motion was carried unanimously.
- Liberty Academy amendment request-Director Marlies Burns informed the SCSB that Liberty Academy is requesting a governance structure change to remove the committees and groups that are not being utilized, to have a more linear board, an administrator and a school community council. Motion was made by Member Eric Smith and seconded by Member Barbara Killpack to recommend for approval of the governance structure change. Member John Pingree questioned if Michael Brockbank was still affiliated with Liberty Academy in the capacity of Chairman of Board. He was informed that yes, he is still the Chair of the Board with a full seven member governing board and two elected parents. The motion was carried unanimously.
- State Charter School Bylaws-Gary Belliston presented the SCSB Bylaws with the suggested changes made from Vice-chair Janet Cannon of the USBE. Following Mr. Belliston's presentation he recommended tabling any action until the next SCSB meeting to define the duties of the Chair and Vice-chair of the board. Mr. Belliston questioned Superintendent Harrington of the concerns of USBE regarding the SCSB Bylaws, are they under the impression that the SCSB does not have a functioning set of bylaws? Superintendent Harrington replied that at one time she felt the USBE was concerned, but because of working with Vice-chair Janet Cannon, she feels there is no longer a concern. Motion was made by Eric Smith to table any action concerning the SCSB Bylaws until the July board meeting.
- Election of 2007-2008 Chair and Vice-chair-Chair Scott Smith informed the SCSB as done in years past, Chair and Vice-chair positions will be made by nomination. If there is more than one person being nominated there will be a tally made by paper vote. Chair Smith directed Director Marlies Burns to contact those members of the board that were attending electronically by cell phone. Member Barbara Killpack thanked Chair Scott Smith for the work and effort he has put in past year for the Charter Schools of Utah. Ms. Killpack made motion to nominate Member Julie Adamic as Chair of the SCSB stating reasons of her being on the SCSB for two years, being involved in charter schools for many years, also her presence on the "hill" is well known and she feels Julie's expertise as well as her connections would be helpful to the SCSB. Member John Pingree made motion to nominate Chair Scott Smith to continue on as Chair of the SCSB for the remainder of his term, ending June 30, 2008. Director Marlies Burns tallied the votes and informed the SCSB there were four votes, which is the majority requirement, in favor of Member Julie Adamic to become Chair of the SCSB for the 2007-2008 fiscal year. Member Julie Adamic nominated Member Eric Smith for Vice-chair of the SCSB; with no other nominations, Mr. Smith will become Vice-chair of the SCSB for the 2007-2008 fiscal year.

#### Executive Session

Chair Scott Smith had a roll call vote to move into executive session with positive votes from Eric Smith, John Pingree, Julie Adamic, and Barbara Killpack.

Motion was made by Member Eric Smith and seconded by Member John Pingree to reconvene into open meeting. The motion was carried unanimously.

Director Marlies Burns informed the SCSB of the change of date of the luncheon with Governor Huntsman from July 10<sup>th</sup> to July 17<sup>th</sup>. Director Burns requested a list of agenda items that the board would like to be discussed at the luncheon, and to provide her a list of who they will be bringing; by name, address and phone. Also, if there is any other individuals they feel they would like invited. Numerous members of the SCSB voiced conflicts on the 17<sup>th</sup> and will not be able to attend. Superintendent Harrington suggested she contact the governor's office to reschedule a date for the luncheon with Governor Huntsman.

Adjourn

Motion was made by Member Eric Smith to adjourn meeting at 12:20 p.m.