

MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING

Thursday June 14th, 2018

Utah State Board of Education—Board Rooms

DRAFT

Members Present:

Chair Kristin Elinkowski (refrains from voting, unless otherwise noted).
Vice Chair DeLaina Tonks
Member Dean Brockbank
Member Cynthia Phillips
Member Jim Moss
Member Michelle Smith
Member Bruce Davis

Staff Present:

Jennifer Lambert
Rabecca Cisneros
Michael Clark
James Madsen

Others Present:

Scott Jones (Deputy Superintendent), Sydnee Dickson (Superintendent), Kim Frank (UCN).

Call to Order

Chair Elinkowski called the meeting to order at 10:15 AM

Public Comment

No one made public comment.

Board Chair Report

Chair Elinkowski discussed the graduations that members attended.

Member Moss discussed Utah Leading through Effective, Actionable and Dynamic Education (ULEADE) explaining that it is responsible for research in innovation, and is hoping that it leads to collaboration and cross pollination between charters and districts.

Executive Director Lambert commented that Reed Bramble (Research Consultant) left the SCSB for another job, and Amber Hellstrom has been promoted to fill that position; Michael Clark has been promoted to coordinator for the Supportive Oversight team; and a listing for an Information Specialist will be posted soon.

Chair Elinkowski informed the SCSB that Dr. Bryan Bowles, former superintendent of Davis District and current instructor at BYU, and Krystle Basset Innovation Specialist at Juab were appointed to the SCSB; while Vice Chair Tonks was reappointed.

General Consent Calendar

Including: A. minutes from the May 10, 2018 meeting, B. Canyon Rim Academy Charter Agreement, C. Endeavour Hall Charter Agreement, D. Esperanza School Charter Agreement, E. Monthly Financial Report

Motion

Vice Chair Tonks moved, and Member Moss seconded, to approve the consent calendar. The motion carried unanimously.

Authorizing Update

Ms. Cisneros discussed the 21 schools who are in process of converting to an Exhibit A, noting an additional nine schools that have already converted. Ms. Cisneros reported on a charter amendment training on June 13, 2018 that was done in conjunction with UAPCS and is now available online.

Readiness to Open

Ms. Cisneros presented on the status/progress of all first-year schools, referencing site visits that were held in September, and follow-up reviews conducted in May for each new school.

Finance, compliance, complaints, governance, Open and Public Meetings Act, policies, governance training, CACTUS warnings, execution of mission, teacher shortages, facilities, stakeholders, and the goals of each school were discussed.

Ms. Cisneros asserted that: Capstone Classical Academy, Ignite Entrepreneurship Academy, Ascent Academies—West Valley City, and NUAMES Ogden have met the readiness to open indicator.

Motion

Member Brockbank moved, and Member Smith seconded, to approve the following: Capstone Classical Academy, Ignite Entrepreneurship Academy, and the satellites: Ascent Academies—West Valley City and NUAMES—Ogden, for their readiness to open this fall. The motion carried unanimously, with Member Davis abstaining (after recusing himself because of his board membership with NUAMES).

Charter School Oversight Model

Executive Director Lambert commented that this will guide the way we fulfill our statutory and Board Rule obligations.

Discussion

The metrics, deficiencies, areas of concerns, processes and escalation, research and review phase, charter fidelity, compliance monitoring, annual and comprehensive reviews, assurances, and indispensable contributions from the workgroup were discussed.

Motion

Vice Chair Tanks moved to post the State Charter School Board Oversight policy (on the UtahSCSB.Org website) for thirty days.

Substitute Motion

Vice Chair Tonks moved, Member Smith seconded, to substitute her previous motion to “post until the next meeting,” thus the motion because to “post the State Charter School Board Oversight policy until the next board meeting.” The motion carried unanimously, with Member Phillips recusing herself (because of her involvement with the workgroup prior to being appointed to the SCSB).

Strategic Plan

Mission, Vision, and Values

Executive Director Lambert presented the elements of strong missions, visions, and values—explaining that missions are what an organization does, visions are what they aspire to, and values are what guides an organization striving to achieve their vision. Examples of good and bad mission and visions were shown, as well as those generated by the SCSB and its staff. A free-flowing discussion ensued, and ideas were brainstormed.

Motion

Vice Chair Tonks moved, and Member Smith seconded. to approve all three (mission, vision, and values as written below). The motion carried unanimously.

Mission

“Advancing choice, innovation, and student success through rigorous authorizing and supportive oversight.”

Vision

“Every student has access to an excellent education that meets their unique learning needs.”

Values

1. Students First
2. Choice
3. Innovation

4. Academic Excellence
5. Autonomy and Accountability

Goals

Members brainstormed the following goals:

1. Promote and be proactive about what we would like to see.
2. Be more active in the legislature.
3. Conduct public outreach, learn from districts who are doing things innovatively, and sharing our successful innovative models with districts. Educate our schools that we want to be collaborative.
4. Attend more graduations.

Bylaws

Motion

Member Phillips moved to pass the Bylaws as amended by staff to reflect the proper numbers on board rule and statute, and to include the amending of the word committees where it is not appropriate to have committees with the Open and Public Meeting requirement.

Substitute Motion

Member Phillips moved to substitute her motion, and Member Smith seconded, “to post (on the UtahSCSB.org website) the Bylaws (until the August 9th meeting), as recently amended, to include proper citation of statute and Board Rule, and the amending of committee meetings so they do not have to follow Open and Public Meeting Act requirements.” The motion carried unanimously.

SCSB Policies

Executive Director Lambert informed the board that these policies had been posted for public comment, and for the credit enhancement (both from Joell Wright).

Fast Track Application Process

Motion

Member Davis moved, and Member Smith seconded, to adopt the optional Fast Track Application Process as presented today.

Member Phillips offered grammatical changes to the document.

Amendment to the Motion

Member Davis moved to amend his motion, and Member Smith seconded, “to approve the policy with the proposed amendments from Member Phillips;” thus, the motion became “to approve the optional Fast Track Application Process with the proposed amendments from Member Phillips” The motion carried unanimously.

Facilities Review Policy

Executive Director Lambert displayed and summarized a public comment on the Facilities Review Policy from the SCSB's Google form, from USBE Member Joel Wright (comment picture below):

What is your comment? *

1. This appears to be a rule making process that is reserved to the State School Board. How is this different from a rule, except that the SCSB isn't going through the rule making process?
2. This policy directly contradicts established Utah law. Charter schools are not required under Utah law to do a procurement for a lease, or for the purchase of property. They are required to do a procurement for the construction of improvements that they are paying for directly - and they are not required to do a procurement for the construction of improvements that they will be leasing. This may be poor public policy, but it is the established law. SCSB policy should not be able to alter Utah law.
3. With that said, this is actually a good process, and could help many charter schools negotiate better terms and conditions on their leases.
4. What happens if the SCSB has comments on a lease that a charter school has formally approved? Do they have to go back and re-negotiate the lease, and then have another board meeting to approve it? It would seem more sensible to have the charter school negotiate the best lease they can, then send it to the SCSB and get their comments, then consider those comments and renegotiate the lease, and then approve the lease in a final board meeting. I mean, are they supposed to approve it contingent upon SCSB approval? What if the SCSB has major comments? is it still approved?
5. Do the SCSB comments get sent in a timely manner? How long does the charter school have to wait to know if their lease is approved and they can move forward?

Executive Director Lambert responded that this is not rulemaking, but a process that schools have been asking for, since they are statutorily obligated to. Director Lambert illustrated proposed edits, that according to Assistant Attorney General Thomas does not interpret statute, but clarifies what SCSB staff will provide comment on. Director Lambert agreed with Mr. Wright's assertion that schools do not have to do procurement for this, explaining that the word procurement was being used colloquially.

Motion

Member Brockbank moved, and Member Smith seconded, to approve the policy entitled Review of Facilities Contracts as amended in the discussions here today. The motion carried unanimously.

Credit Enhancement Certification Policy

USBE Member Joel Wright provided the following public comment on the SCSB's Google form:

What is your comment? *

1. Does the Utah State Charter School Board have rule making authority? Does the Utah Charter School Finance Authority have rule making authority? I believe only the State School Board has rule making authority, and this appears be rule making by both entities. Policies can be adopted for internal processes, but it seems odd that the State Charter School Board can impose their policies on independent LEA's. Am I missing something?
2. This goes beyond the mark. The Credit Enhancement should be given only to schools that demonstrate a low risk of credit default, and not as a reward to schools that comply with a subjective interpretation of the extent to which the SCSB thinks they are complying with their charter. Specifically, it appears that the Credit Enhancement certification could be denied simply because the majority of the SCSB decides the charter school is not complying with their mission and vision, which is highly subjective. This further politicizes something that should be based entirely on enrollment and budgeting.
3. Delay. This could add one month or more to the financing process. This should be an administrative decision that simply verifies the charter school is not on probation, and has submitted their reports

Executive Director Lambert informed the board that Utah Charter School Finance Authority (UCSFA) wants the SCSB to be more involved in its review process when schools apply for credit enhancement.

Member Moss, and Member Brockbank raised concerns about what the SCSB would be certifying. Executive Director Lambert and Member Phillips explained that the data they would be providing is data available to the public via GRAMA, and that the SCSB would simply be compiling the data for the UCSFA.

Member Phillips provided some syntactical edits to the document.

Motion

Member Smith moved, and Member Davis seconded, to incorporate Member Phillips' edits and approve (The Credit Enhancement Certification Policy). The motion carried unanimously.

Appreciation of Board Members

Superintendent Sydnee Dickson commended Member Davis and Member Brockbank on behalf of herself and the Utah State Board of Education.

Chair Elinkowski thanked Member Brockbank and Member Davis for their service and presented them with commemorative plaques.

Adjourn

Vice Chair Tonks moved to adjourn. The motion carried unanimously.