

**MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING**

Friday, March 24, 2017

USBE – Board Rooms

Approved

Members Present:

Chair Kristin Elinkowski
Vice Chair DeLaina Tonks
Member Bruce Davis
Member Dean Brockbank
Member Greg Haws
Member Michelle Smith

Staff Present:

Jennifer Lambert
Armando Venegas
Rabecca Cisneros
David Thomas
James Madsen

Others present:

Dave Castleton, Bruce Beard, Vince Rampton, Jennifer Price, Kristopher Hatch, Sam Urie, Julie Chacon, Cyndi Bassard, Hanifi Oguz, Robyn Ellis, Cynthia Shunway.

Call to Order

Chair Kristin Elinkowski called the meeting to order at 12:06 p.m.

Chair Elinkowski acknowledged Robert Enger's resignation from the SCSB, then thanked him for his service. She thanked SCSB members, and staff, for their work with the emergency meetings at the end of February.

Consent Calendar

Vice Chair DeLaina Tonks moved, and Member Dean Brockbank seconded, to approve the general consent calendar; which includes Ivy Preparatory Academy's name change to Ivy Grove Academy, as well as the minutes from the February 9th Informal Hearing, February 9th meeting, February 24th meeting, and February 25th meeting. The motion carried unanimously by those present.

Public Comment

Mr. Dave Castleton of Price Logistics LLC, commented that he submitted a written response to a letter provided by American Preparatory Academy (APA). Mr. Castleton stated that SCSB's former chair, Howard Headlee, had tried to prevent him from presenting his side of the story, then cited a Salt Lake Tribune article as evidence that the SCSB had provided information to the newspaper that had not been a part of any public hearings. He described APA as having spun a sad story about untrue traffic developments. Mr. Castleton told the SCSB he would fight eminent domain in the courts, then claimed APA has not gained traction in court because of their inability to prove their claims. Mr. Castleton encouraged the SCSB to ask Draper City, USBE, and the Fire Marshall, what they have told APA. Mr. Castleton described APA as not being honest when they told regulating bodies they would have a self-contained site plan, then elaborated that their request has

nothing to do with the safety of kids. Mr. Castleton said APA started construction on their high school without obtaining the necessary permits, after telling regulatory bodies they would follow the rules. Mr. Castleton expressed his belief that a solution to APA's problem lies on the school's own property.

Mr. Bruce Beard, co-counsel for APA, commented that he does not wish to use SCSB's public comment platform to engage in a lengthy debate. Mr. Beard noted that since APA is a nonprofit school, there is no profit to be made by obtaining the land for the road. Mr. Beard claims there is a document that says the road would be constructed when the school is developed, then explained that Judge Chon ruled that APA does not have eminent domain authority, but the SCSB, or USBE may. Mr. Beard asked that, if SCSB determined it does indeed have eminent domain authority, that he be given time for a full presentation on the matter.

Mr. Vince Rampton, co-counsel for APA, explained that the fight is over getting students into a public school, and the obstacle impeding that objective is a two foot wide strip of land. Mr. Rampton commented that the SCSB is tasked with the safety of students, and that there are traffic studies attesting to the need of this new entrance. Mr. Rampton beseeched the SCSB to exorcise eminent domain to help APA get its school finished and operational.

School Spotlight

2016 Graduation Rate

Executive Director Jennifer Lambert introduced Beehive Science & Technology Academy (BSTA) and Karl G Maeser Preparatory Academy as having achieved 100% graduation rates in 2016 for all students who had started attending in their 9th year.

Representatives of Beehive Science & Technology Academy (BSTA) presented on their school and student body, pointing out that they are ranked the 57th best school in the US for serving underserved students. School representatives explained that every student's needs are identified and acted upon. The school has lots of clubs, college mentorships, and electives that help students understand the process of applying to college. As a school, BSTA encourages its students to take the ACT more than once. The school is sponsored by twenty local businesses. As part of the presentation, one gifted student demonstrated how a robot he had built could solve a Rubix Cube™.

Representatives of Karl G Maeser Preparatory Academy presented, stating that their school's retention rates has increased while transfer rates have decreased over last five years, attributing some of that success to their belief in the need to nurture kids before they get to high school; which is why they added grades 7th and 8th. Representatives of the school said it allows students opportunities to course-correct and gain mastery of subject and self. They acknowledged SCSB Member Michelle Smith as a founding member of Karl G Maeser Preparatory Academy, then thanked her for her service.

Authorizing and Amendment Committee Report

Member Bruce Davis commented that the Authorizing and Amendment Committee is favorably disposed to support the Current Application Process, and Startup and Implementation Grant, but are not ready to move forward with the Charter Amendment until the public has had some time to weigh in on the matter.

Motion

Member Bruce Davis moved, and Member Michelle Smith seconded, to approve the current application process with suggestions for improvements, the application forms: Amendment, Expansion, Replications,

Satellites, 2017 Proposal, 2017 New School Application, Startup and Implementation Grant; and making training for new applicants mandatory. The motion carried unanimously.

Member Lisa Cummins commented on the need for transparency and letting people outside of the board see documents that are being considered by the board. Member Davis echoed the sentiments of Member Cummins, emphasizing the public's need for ready and early access to documents. Member Davis asked if social media could be utilized, as well as posting everything the SCSB is working on onto SCSB's website.

Performance Oversight Committee

Chair Kristin Elinkowski commented that the group discussed how to help schools that are in turnaround, and that there is no action needed to be taken by the SCSB at this time.

Franklin Discovery Academy Report

Jennifer Price, Board Chair of Franklin Discovery Academy (FDA), read from a letter provided to the SCSB, the details of which concerned initial plans to have numerous LLC's whose profits would augment FDA's budget. Ms. Price said there were plans to create the school's own curriculum, but timing prevented that objective from being done, so the school purchased online curriculum for the current school year.

Ms. Price commented that FDA and Franklin Schools Foundation (FSF) officially split on July 1, 2016; and FSF wrote a check as a donation to FDA on that day, which was said to be missing from the ledger, but was instead recorded on a different line on the ledger. Ms. Price stated that she no longer sits on FSF board, and receives zero salary.

Ms. Price commented that FDA has received a GRAMMA request and complied with it to the best of their ability, without having legal counsel advise what names FDA could exclude. Ms. Price commented that she met with USBE Deputy Superintendent Scott Jones and USBE Associate Superintendent Natalie Grange to discuss FSF splitting from FDA, then requested the SCSB postpone the deadline of its financial report until April 20th, to allow FDA time to access accountants after tax season has ended.

Kris Hatch, director of FDA, reported on the health, safety and welfare of students. Mr. Hatch commented that the school passed inspections by Fire Marshall and is deemed safe. Mr. Hatch commented that the school has completed staff training for Child Abuse and Title IX, has done an emergency and fire drill, and has redone anti-bullying training. Mr. Hatch asked if FDA needed to catch up on previously missed drills. Superintendent Sydnee Dickson advised the school does at least one a month moving forward. Mr. Hatch discussed improvements to attendance and transitions, stating that the school's office has ability to find where kids are and get them to their proper class. Mr. Hatch explained that Craig Frank, of the Utah Charter Network (UCN), has conducted schedule audits, which have proven effective. Mr. Hatch explained that he has begun working with mentors on Special Education, reviewing every student's IEP, and that there has been some personnel changes at the school, requiring one qualified employee to be transferred and the hiring of another SPED employee.

Mr. Hatch continued explaining that the school has scheduled a SPED meeting for March 28th, and a "Child Find" meeting on April 5th. Mr. Hatch commented that the school's bullying policy was already in place, and that FDA has adjusted its discipline policy, adopted a social media policy, and started board training. Mr. Hatch explained that the school's STEM Recreation Center now has stations and activities connected to the seven content areas and standards. Mr. Hatch explained, that for the rest of the year, FDA will use iReady for literacy and math, noting that writing is an area of weakness which teachers will address in homerooms. Mr. Hatch elaborated that Access to iReady provides data the teachers can access to address areas of weakness. For

science, Mr. Hatch said OER textbooks will be used in home rooms in addition to iExcel. Mr. Hatch explained that FDA is in the process obtaining quotes for a completely developed online curriculum that would be employed in future years.

Sam Urie, business manager of FDA, commented that he has worked with volunteers from Goldman Sachs to review separation of duties and cash handling procedures, making sure all funds are going where they should go. Mr. Urie commented that he has been busy with transitioning to the new accounting system, Intacct™. Mr. Urie says he has reconciled FDA's books through February, and there are now just a few pay periods to get the general ledger complete. Mr. Urie noted that all transactions are there, and that program accounting is being done. Mr. Urie noted that the school's cash flow is sufficient through the end of the school year.

Member Dean Brockbank asked if curriculum developed by FDA board chair, Jennifer Price, had been sold to the school. Ms. Price confirmed that it had not been.

Superintendent Sydnee Dickson asked Ms. Price about the office she maintains in the school, to which Ms. Price said the office is used as storage for the school, by other staff members, and by herself when present teaching enrichment classes. Superintendent Dickson asked Ms. Price if she is being supervised by other CACTUS certified teachers. Ms. Price said she was, and that her enrichment classes are akin to guest teaching, as outlined in FDA's charter. Chair Kristin Elinkowski asked Ms. Price to send the SCSB a copy of FDA's bylaws.

Superintendent Dickson said the USBE wants to encourage guest teaching, but that there is concern with the consistency and frequency of the courses, and the effectiveness of teachers supervising FDA's board chair.

Vice Chair DeLaina Tonks said she is concerned about student progress. Mr. Hatch said FDA has DIBELS testing, iReady progress monitoring and growth monitoring as part of the curriculum described in reports submitted to SCSB staff. Superintendent Dickson asked if there are any strategies in place for helping students who struggle with digital materials. Mr. Hatch said a teacher may pull a student off of the computer for a day or two and do individual instruction.

In reference to FDA's request to postpone deadline of financial report, Vice Chair Tonks said that it might not be possible to grant the request because of deadlines the state may have. Associate Superintendent Natalie Grange confirmed the March deadline as a solid deadline.

Member Smith asked why, if the average log time is 33 minutes, and if nobody has opted out of using iReady, why the report shows zero minutes being logged for some students. FDA board member, Julie Chacon, said some students were absent but still on ASPIRE, and part of the report is skewed because she accidentally included Kindergarteners, but kindergarteners do not use iReady. Ms. Chacon said the reports would be accurate moving forward.

Motion

Member Bruce Davis moved, and Member Dean Brockbank seconded, to approve Utah Charter Network (UCN) as the mentor for Franklin Discovery Academy. The motion carried unanimously.

Letter from American Preparatory Academy Governing Board

Mr. David Thomas referenced the ruling of Judge Chon, which stated that American Preparatory Academy (APA) does not have eminent domain authority, but that the power might lie with the SCSB or USBE. Mr.

Thomas explained that a motion from a past SCSB meeting was carried to task the research of these matters, and at present an additional letter exists where APA is looking at access and the use of eminent domain.

Member Brockbank said the SCSB had asked the Utah Office of the Attorney General if the SCSB could exercise eminent domain, and asked for an update on that request. Mr. Thomas said the SCSB could not require an opinion of the Utah Office of the Attorney General, but the USBE could, and did, and that a discussion took place with prior leadership of the USBE and SCSB, but no official opinion had been given.

Motion

Member Dean Brockbank moved, and Vice Chair Tonks seconded, to enter closed session for the purpose of discussing permanent and pending litigation. The motion carried unanimously.

Closed Session

Motion

Member Bruce Davis moved, and Member Michelle Smith seconded, to move the meeting back into open session. The motion carried unanimously.

Motion

Member Michelle Smith moved, and Vice Chair DeLaina Tonks seconded, to delay consideration of any possible eminent domain actions, pending any resolution of the quiet title dispute. The motion carried with Member Greg Haws dissenting.

Adjourn

Vice Chair DeLaina Tonks moved, and everyone seconded, to adjourn. The motion carried unanimously.