

December 12, 2019

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

Thursday, December 12, 2019  
Utah State Board of Education—Board Rooms

**DRAFT**

**Members Present:**

Chair Kristin Elinkowski (\*refrains from voting, unless otherwise noted)  
Vice Chair DeLaina Tonks  
Member Cynthia Phillips  
Member Jim Moss  
Member Krystle Bassett  
Member Michelle Smith (via telephone)  
Member Bryan Bowles

**Staff Present:**

Jennifer Lambert  
Assistant Attorney General David Jones  
Michael Clark  
Amber Hellstrom  
Brett Campbell  
Stewart Okobia  
Greg Connell  
Marie Steffensen  
James Madsen  
Jenna Magnetti

**Others Present:**

Chair Mark Huntsman (USBE), Super. Angela Stallings (USBE), Heather Shepherd (SLARTS), Kevin Kelmore (DCP)Lauren Shurman (UMA), Shevran Reber (UMA), Chuck Williams (UMA), Merlynn Newbold (UMA), Vicki McCall (UMA), Curtis Oda (UMA), Heather Clinton (AeA), Tracy Hendrickson (AeA), Jared Ferguson (AeA), Gene Trombetti (AeA), Sheri Hardy (UMS), Roger Simpson (UMS), Charles Kavenaugh (UMS).

**Call to Order**

Chair Elinkowski called the meeting to order at 10:05 AM.

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### **Pledge of Allegiance**

A flag was present and the Pledge of Allegiance was made by those in attendance.

### **Board Chair Report**

Chair Elinkowski noted that the board will meet on January 15th for its January meeting.

Former SCSB member Bruce Davis passed away. Let audience know viewing will be Friday from 5-8 in Layton.

### **Public Comment**

Mr. Kelvin Kelmore commented on forming Destinations Career Academy, noting attending the boot camp and not having their proposal advanced to the application process. Noted filing a GRAMA for more information. Had a meeting with Executive Director Jennifer Lambert and asking for certain actions on November 20th. Timelining request for meeting with Chair Elinkowski asking for proposed dates or written denial of that meeting.

### **Consent Calendar**

*A) November 14, 2019 Minutes, B) Monthly Financial Report, C) Monticello Academy Charter Agreement, D) Mountain Heights Academy Charter Agreement, E) Weilenmann School of Discovery Charter Agreement, F) Credit Enhancement Program*

Vice Chair Tonks and Member Phillips recused themselves from this agenda item.

### **Motion**

Member Smith moved, and Member Moss seconded, to adopt the Consent Calendar. The motion carried unanimously.

### **School Spotlight—Salt Lake Arts Academy**

Mr. Michael Clark introduced representatives from Salt Lake Arts Academy (SLARTS) noting their impressive retention rate and SCSB staff noticing a strong culture at the school.

Representatives from SLARTS discussed school culture, academics, arts, purchasing ukuleles from ISIP grant funds.

Students from SLARTS played “Tears from Molia,” “Mr. PC,” and “St. Louis Blues” on their ukuleles.

SCSB members discussed grade configuration differing from district and its effect on retention, and impressive academics with representatives from SLARTS.

A certificate was presented to SLARTS and a photo was taken with SCSB members.

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**Utah Military Academy – Possible action within SCSB Oversight Model or as per § U.C.A. 53G-5-501**

*Deficiencies listed in September's and November's NOCs.*

Mr. Michael Clark discussed the timeline of Notice of Concerns, responses, and issues detailed in each letter and those issues that are still outstanding, receipt of allegations and follow-up, additional deficiencies, recommending Utah Military Academy (UMA) be placed on Probation for up to one year.

Representatives of UMA discussed being fastest growing military charter school in the country, invited SCSB members to visit campus, process for grade appeals, discontinuation of severance packages unless they receive board approval, discontinuation of having students participating in distance program, plans to amend charter in future, establishing procurement protocol and assigning supervisory analysis at each campus, sole source, commending SCSB staff, addressing issue of signing PARS on-time in the future, receiving training from UAPCS and making this training mandatory for all staff, Special Education funds being misused and that issue being with USBE's control, believing SCSB has modified formula for calculating unrestricted days of cash on hand, board approval for big ticket procurements, values and mission of school, and having placed executive director on administrative leave.

SCSB members questioned and discussed placing director on administrative leave, culture of careless processes among administration and plans for changing that, clarification for who is the acting director, clarification that staff had never changed the formula for calculating days cash on hand, process for receiving and responding to Probation status letters, effects Probation would have on bonding, enrollment numbers at each campus, misuse of Special Education funding, regular meetings for addressing deficiencies, noting plans to be more involved than recommended (but not in day-to-day operations).

**Motion**

Member Phillips moved, and Member Smith seconded, “to place Utah Military Academy on Warning with specific lists of deficiencies they need to address and an opportunity to come in and report to us on a regular basis about the progress that the school is making.” This motion was amended below.

**Amendment to the Motion**

member Phillips moved, and Member Smith seconded, “to include a short timeline and quick report back in January or February, per staff's recommendation, and include in this motion that staff and the Oversight committee approve these deficiencies.” Thus, the motion became “to place Utah Military Academy on Warning with specific lists of deficiencies they need to address and to include a short timeline and quick report back in January or February, per staff's recommendation, and include in this motion that staff and the Oversight committee approve these deficiencies.” The motion carried unanimously.

**Discussion**

Effect on bonding process, needing to talk with State Treasurer's office to receive clarification, issues and deficiencies being more appropriately reflected with Probation than Warning, and inviting members of UMA to attend forthcoming closed session was discussed.

**Motion**

Member Phillips moved, and Member Bowles seconded, “to enter Executive Session to discuss the character and competence of an individual. The motion carried unanimously with the following votes:

- Chair Elinkowski—Yes
- Vice Chair Tonks—Yes

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- Member Moss—Yes
- Member Phillips—Yes
- Member Bassett—Yes
- Member Smith—Yes

### **Closed Session**

#### **Motion**

Member Bowles moved, and Vice Chair Tonks seconded, “to exit Closed Session.” This motion carried unanimously.

#### **Athenian eAcademy—Possible action within SCSB Oversight Model or as per § U.C.A. 53G-5-501 or § U.C.A. 53G-5-502**

##### *Probation Update and VSIP Request*

Vice Chair Tonks disclosed herself as a director of another statewide online charter school and the board agreed this was not a conflict of interest and asked her to stay.

The timeline of events that necessitated Athenian eAcademy (AeA) needing to present to the SCSB, AeA’s request to enter into VSIP, terms of Probation and status of these deficiencies, concerns about how entering VSIP may affect AeA’s participation in State Turnaround, student demographics, high number of special education students, not all AeA board members being present, clarification on how many board members the school has, upcoming trainings for the schools’ campuses, Open and Public Meetings Act (OPMA) requirements, evaluation of directors, closure plan, data from Data Warehouse, former AeA director participating in board motions, resignation of Mr. Throckmorton from the AeA board and assertion that he is not involved with the school in any capacity was discussed.

#### **Motion**

Member Phillips moved, and Member Moss seconded, “that we postpone any decision relating to the request form Athenian eAcademy on VSIP until March, at which time we also consider their probationary status.” This motion was amended below. This motion failed unanimously.

#### **Amendment to the Motion**

Member Moss moved to amend the motion, and Member Phillips accepted the amendment, “that the new board indicate their position on VSIP prior to our next board meeting. Not necessarily for action at that meeting, but for consideration in this ongoing discussion and process—or perhaps to appear in January.” This amendment failed unanimously.

#### **Motion**

Member Phillips moved, and Member Moss seconded, to “delay the decision about the request for VSIP from Athenian eAcademy until March, and we request that Athenian eAcademy’s currently constituted board come and report to us in January as to their position on VSIP and whether it’s still requested.” The motion carried unanimously.

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**Motion**

Member Phillips moved, and Member Bowles seconded, “to continue the probationary status of Athenian eAcademy until the deadline of March when it will need to be considered again by this board.” The motion carried unanimously.

**Utah Mountain School—Action on Amendment Request**

*Location Change*

Representatives of Utah Mountain School (UMS) introduced themselves and discussed seeking an amendment to “Exhibit A” to include communities of North Ogden and Pleasant View in addition to previously approved areas (only one facility would be built. This amendment just expands where they would be looking to build/lease).

How a change in location would affect targeted demographics, potential locations, and developers being hesitant to enter into contracts before knowing decision of the SCSB was discussed.

**Motion**

Member Bowles moved, and Member Moss seconded, “to support the amendment request of UMS.” The motion carried unanimously.

**SCSB Logo**

Executive Director Lambert introduced the three new logos proposals designed by BWP Communications.

Members discussed the options, leaned towards option 1 but asked for modifications on the beehive.

**Legislative Committee Update and Plans for Upcoming Session**

Dep. Super. Stallings noted that USBE members were receptive of the Charter School Task Force’s recommendations.

Mr. Royce Van Tassell (UAPCS) discussed meeting with legislators who asked for a representative from SCSB and USBE to get together and figure out which pieces are wanted, disagreement on the margins but an overwhelming amount of overlap, indecision on whether this will be a Senate or House bill, and noting that Senator McKay and Representative Moss were both on Charter School Task Force.

Legislative Committee discussed the Authorizer Director School Improvement Process (ADSIP), the addition of additional FTEs to place staff in the intervention stage with six additional staff members, an ISIP grant funding ask of \$200,000 and needing to approach the same individual to run the bill again.

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**Adjourn**

**Motion**

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