

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

Thursday, February 10, 2022

USBE Board Rooms

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**Members Present:**

Chair DeLaina Tonks (\*refrains from voting, unless otherwise noted)  
Vice Chair Bryan Bowles  
Member Cynthia Phillips  
Member Krystle Bassett  
Member Stephanie Speicher  
Member Erik Olson  
Member Michelle Smith (online)

**Staff Present:**

Jennifer Lambert, Director SCSB  
Liz Bunker  
Joanne Castillo  
Greg Connell  
Smriti Dhakal  
William Evans  
Amber Hellstrom  
Robert Kohutek  
Jenna Magnetti  
Brendan McGinn  
Stewart Okobia  
Marie Steffensen  
Andrew Vardas-Doane

**Others Present:**

Matt Hymas (USBE)  
Assistant Attorney General David Jones (online)  
Dave Banner, Head of CTE Pleasant Grove, Spectrum Academy  
Brad Nelson, Spectrum Academy  
Jaime Christensen, Executive Director, Spectrum Academy  
Scott Moffatt, Spectrum Academy  
Micah Curley, Student, Spectrum  
Corey Casey, Student, Spectrum Academy  
Paetyn Covington, Student, Spectrum Academy

Joylin Lincoln  
Royce VanTassel

### **Call to Order**

Vice Chair Bowles called the meeting to order at 10:31 and indicated that Chair Tonks was returning from a Legislative Session.

### **Public Comment**

Vice Chair Bowles confirmed with Director Lambert that there was no public comment.

Vice Chair Bowles requested that the Board address the School Spotlight before addressing items that appeared on the Agenda earlier.

### **Spotlight**

Performance Coordinator Evan Williams presented Spectrum Academy to the Board in recognition of their student-to-teacher ratio and the viability of their teaching practices. A few of the students were in attendance and provided a sweet treat for the Board Members. Some of the Spectrum Administrators helped to introduce the school, the programs, and the students. Director Lambert encouraged the Board Members to visit the school to observe the process first-hand. Member Speicher expressed her thanks and began a discussion on John Haddy's research. Member Olson provided direct feedback to the students. Member Phillips expressed admiration for their graduation program, and Chair Tonks mentioned how that ceremony impacted her.

### **Board Member Thought**

Chair Tonks stated that Board Member Thought would be skipped for this month.

### **Board Chair Report**

Chair Tonks mentioned that several Members had been busy during the current Legislative session and thanked Member Phillips specifically for her work on Capitol Hill.

### **Executive Director Report**

Executive Director Lambert updated the Members on numbers related to visits, trainings and oversight, (compliance monitoring, the effects of the Annual Financial Review, and OPMA-related Notices of Concern). Executive Director Lambert apprised the Members of the number of schools on warning and clarified the status of Treeside Charter School. Director Lambert mentioned a study Thomas Fordham Institute conducted and shared some good news about Ascent Academy and Beehive Academy breaking ground for their new schools. Director Lambert also congratulated Winter Sports School for having former students represent the U.S.A. at the Winter Olympics.

## **Consent Calendar**

*A) January 12, 2022, Minutes, B) Monthly Financial Report, C) Annual Report, D) Good Standing – Wasatch Waldorf Charter School, E) Removal from Warning Status – Freedom Preparatory Academy, F) Recognition of Deficiency Resolution – Treeside Charter School*

### **Motion:**

*Vice Chair Bowles: “I’ll make the motion to approve and may I clarify... May I pull item F from that Consent Agenda and give a clarification later so it is clear in the minutes. I make a motion to approve items A, B, C, D, and E.”*

*Chair Tonks: “There is a motion to approve Items A, B, C, D, and E and to pull Item F from the Consent Agenda.”*

*Member Phillips: “I second that motion.*

*No Discussion offered*

*Motion passes Unanimously*

Vice Chair Bowles clarified that Treeside was not and never has been in Warning Status as all the concerns raised by staff were resolved making Warning status unnecessary. Clarified that this warning was never issued or recommended by the Board or Executive Director. Director Lambert clarified that change of status is made official upon vote of the Board not when the letter was sent. Treeside addressed all the concerns between the sending of the letter and the vote of the Board thereby negating the need to be placed on Warning.

*Vice Chair Bowles: “May I now make a motion to approve the updated Item F on the consent calendar”*

*Member Bassett: “I second that.”*

*Motion passes unanimously*

## **Graduation Rate Report**

Data Specialist Robert Kohutek presented the metrics and trends regarding graduation in terms of cohort year in charter schools and in comparison, to district schools. USBE Board Member Hymas introduced discussion regarding what the roots of some of the metrics depicting negative rates might be. Data Specialist Kohutek suggested that lower socio-economic factors and other outside pressures could contribute to the concerning rates in those counties. Director Lambert suggested that school model might contribute to those rates. Vice Chair Bowles clarified that the graduation rate (measured according to cohort) is a Federal Rule that may not account for the timelines of non-standard school models. Joylin Lincoln provided additional insight behind the low graduation rates in specific counties – specifically cultural norms of the local populations. Director Lambert also clarified that the graduation rates in those counties is not the rate for a single school but the rate of all the students in a school that the SCSB authorizes in that county – including online schools.

### **Financial Trend Report**

Financial Compliance Manager Stewart Okobia presented the FY21 Annual Financial Metrics Trend Report and reminded the Board that the information in this report is accurate as of the end of June when the information was due. Financial Compliance Manager Okobia clarified a stage in standard that the LEAs were expected to adhere to, but the metrics were not affected but the change. Member Phillips inquired about the dropping cash-on-and ratio and if it was related to COVID-related monies and required expenditures. Director Lambert acknowledged Stewart's ability to reach his stretch goal of decreasing the number of audit findings. Vice Chair Bowles emphasized that not all audit findings are equal.

### **Review of Board Goals and Possible Action**

Director Lambert reviewed the current state of the SCSB goals and requested guidance in how to adjust the goals. Chair Tonks commended staff for moving the needle so well on many metrics but emphasized that building positive relationships with the schools is of utmost importance. Member Phillips suggested that the Board Members submit suggestions for new Board goals. Chair Tonks asked the Board Members to send SCSB goal suggestions to her.

### **Legislative Update and Possible Action**

Chair Tonks updated the Board regarding what happened at that morning's Committee Meeting. HB265 was drafted in response to the Legislative Audit to address the evergreen status of Utah's charter schools. Chair Tonks presented the proposed renewal process as regular deep-dive check-ups for the schools instead of an annual skimming of how each school is doing. Chair Tonks addressed the concern schools have over the bill and updated the Board on the bill's passing through committee. Member Smith read a statement voicing her opposition to HB265.

Member Phillips voiced her appreciation for the associations and suggested that the Board give its support to legislation supporting charter schools where it can. Member Phillips also asked that the Board approve the directive to provide leadership with the ability to represent the Board on the fly as substitute bills are brought forth.

Member Phillips continued with her report by recommending that the Board support SB114 (Substitute) addressing transparency in curriculum. Member Phillips addressed several concerns different stakeholders might have and highlighted the benefits it has over some other proposed bills that address the same issue.

#### **Motion:**

*Member Phillips: "I'd like to move that we support SB114, the substitute currently on the table, and any substitutes that capture that form of flexibility and local control related to transparency."*

*Member Smith: "I'll second."*

Discussion:

Member Smith began by appreciating transparency and guidelines. Member Speicher began discussion on the definition of curriculum, the review/revision process, and the inevitability of the passage of a bill addressing curriculum transparency. Chair Tonks voiced concerns regarding the timelines required between proposing a change to the curriculum, being able to implement the change, and who sets those timelines prompting discussions regarding the Guidance provisions in the Bill. Chair Tonks questioned how this process would differ from the processes currently in place. Member Phillips discussed how the bill codifies this best practice that would make the process more transparent. Chair Tonks introduced discussion regarding whether or not a fiscal note was attached to the bill. Chair Tonks also began discussion asking about the input of schools with respect to the creation of this bill. Vice Chair Bowles indicated how the transparency the bill appears to advocate is aimed at assisting parents who choose schools according to curriculum in the first place. Vice Chair Bowles expressed concerns about language in the bill that does prohibit on inhibit teachers from making the kinds of changes that need to happen within a classroom period and began a conversation around what consequences there might be if a teacher does change a method within a class period. Member Speicher commented on her mixed feelings about the bill. Member Phillips emphasized how this bill could protect the practices of in-class changes and how this bill offers guardrails where other bills would impose other things.

*Motion passes unanimously*

Member Speicher suggested that, if this bill passes, workshops or trainings should be offered to educators and school board members on supplemental policy drafting.

Member Phillips continued with her report by recommending that the Board support SB191. Member Phillips described how the bill supported the Board's Innovate Goal. Member Phillips also described how the bill would assist schools who would like to adopt an innovative model for pilot programs even if the district the school is not as supportive as it could be as long as the innovation plan is based on some research. Member Phillips further stated that the legislative message the bill sends would push the USBE to grant waivers and would ask the SCSB to be patient in seeing if specific models worked. Member Phillips expounded on the significance of the support voiced by USBE staff for this bill.

**Motion:**

*Member Phillips: I'd like to move that we support SB191 Innovation Schools Bill which supports our own innovation goal.*

*Member Bassett: I second that motion.*

*Motion passes unanimously.*

Member Phillips continued with summaries of bills with the opportunity for members to voice their approval or non-approval. Member Tonks allowed Royce VanTassel to address the Board. Mr. VanTassel reported on some recommendations and suggestions regarding how to spend

some of the one-time funds available in education. Mr. VanTassel expressed concerns regarding Sen Milner's literacy bill and explained a major difference adopted in Sub 2. Mr. VanTassel reiterated school opposition to HB265 citing the passage of HB242 (two years ago) HB313 (4 years ago) as sufficient oversight that has not yet been allowed to be fully realized.

Vice Chair Bowles introduced his perspective on the spending of one-time funds on all-day kindergarten initiatives. Member Speicher began discussion on whether or not any COVID-related mental health initiatives were considered as recipients for the one-time funds. Member Phillips requested discussion on the plans for Administrative Base Funding for this year and what the plan is to make it more equitable for charters going forward. Vice Chair Bowles wondered at the possibility of having access to some one-time money in addition to the equitable distribution of the base funding for schools who wanted to attempt a truly innovative school model that could be accessible via grant. Member Phillips began discussion on a change in the formula used to fund charter schools.

Member Phillips continued to update the Board on the school fee amendments, HB114 regarding nursing services, HB162 regarding period products in schools, HB170 regarding SROs in district schools and possibly also for charters should the bill pass, SB103 & SB118 regarding Special Education licensing and learning initiatives, SB134 amendments regarding terms used to define programs, and HB193 regarding full-day Kindergarten. Member Phillips suggested that she would seek a motion to support HB193 because it addresses the monies necessary to provide parents with the option to send their kids to full-day Kindergarten. Member Phillips then made the Board aware of 2 oppressive bills: HB339 and SB15.

*Member Phillips: "I'd like to move that we support HB193 that provides, over a transition period, full-day Kindergarten and the funds to support that with the understanding that we expect there to be sensitivity to parental choice and school contexts.*

*Member Smith: "I'll second."*

*Motion passes unanimously.*

*Member Phillips: "I would like to move that this Board direct leadership to represent, on our behalf, our opposition or support of bills going forward in the legislation based on our discussions today."*

*Vice Chair Bowles: "I second."*

Discussion:

Member Smith expressed her inability to support the motion in light of the differences of opinion among the Members regarding HB265. Member Phillips suggested discussing the bill before voting on the motion.

*Motion fails.*

Discussion:

Member Smith read text messages from Kim Frank, Director of Utah Charter Network, voicing her opposition to HB265. Member Speicher voiced her concern over how the fear-based reactions to the bill might be preventing the stakeholders from seeing ways to make Utah's charter schools better. Member Speicher acknowledged the need for the bill but voiced uncertainty about the timing of it. Chair Tonks provided the context of the Legislative Audit and the recommendations made which prompted the creation of the bill. Chair Tonks voiced her concern that, if there is not a solution specifically addressing the evergreen nature of the charters – as specified in the Legislative Audit – one would be imposed upon Utah's Charter Schools. Member Phillips spoke about collaborating with Rep. Snow and other stakeholders regarding the language of the bill. Director Lambert publicly thanked Rep. Snow for adjusting the language in the original draft that would have been unhelpful. Director Lambert presented her perspective of the bill. Chair Tonks echoed Director Lambert's sentiments and added information regarding the implementation time during which communication and support between the Board and schools could be reinvented. Chair Tonks reiterated her request that the Board support the bill. Vice Chair Bowles re-framed the reasons why the audit happened, why the recommendations targeted a specific practice, and what this bill is attempting to address as a result of these events. Chair Tonks expounded on the Substitute to this bill that had been voted on. Member Smith voiced her opposition. Member Smith proposed alternative ways in which the concerns presented by the Legislative Audit could be addressed. Chair Tonks reiterated the intent behind the legislation is not to cause anxiety. Member Phillips introduced discussion regarding the power of the message that the lack of consensus in this matter might relay.

*Member Phillips: "I would like to move that the State Charter School Board support HB265 with the understanding that, during the two-year phase-in period, there would be an enormous amount of stakeholder input and adjustment as needed that we would even seek at the legislative level if the process was going in the wrong direction."*

*Chair Tonks: "Vice Chair Bowles seconded."*

Discussion:

Member Smith voiced her opposition to the passing of the bill and stated that she would not support the motion. Member Phillips asked if further discussion was possible in hopes of finding consensus. Chair Tonks described the legislative process. Director Lambert suggested a request of the Sponsor be made to add language to address concerns in the charter community. Member Phillips voiced concern about the unilateral feel of the bill. Director Lambert clarified the proposed process and emphasized staff's need to communicate better. Member Smith offered the idea of a pathway to automatic renewal for schools in good standing. Chair Tonks indicated that such action would be found in the administrative rules of the bill. Member Bassett cited the Oversight Meeting where the evergreen charter reality inserted itself into language used to describe the concerns staff has seen and introduced discussion about the kinds of words used when a concept is revisited. Member Phillips introduced discussion regarding possibly asking that language about a pathway to automatic renewals be introduced into the piece of legislation.

Member Smith expressed concern about possible language coming out of USBE rule regarding automatic renewal. Chair Tonks liked the idea of differentiating between the number of years between charter renewals, and she like the possible automaticity of the renewal process.

*Member Phillips: "I'd like to amend the previous motion. I suggest that we support HB265 as in the original motion but under the condition that language be added that authorizers provide an automatic renewal process based on performance."*

*Vice Chair Bowles: "I second"*

*Amendment passes.*

*Amended motion passes with Member Smith opposed.*

Chair Tonks stated that these motions will be taken to Representative Snow.

*Member Phillips: "I'd like to move that the Board direct leadership to represent the SCSB's interests, not only relative to the bills where we've made a specific motion that has been passed today, but also, given our general discussion on those bills that may have substitutes or that may be numbered and come up during the next several weeks of the Legislative Session."*

*Chair Tonks: "Second by Vice Chair Bowles"*

*Motion passes with Member Smith opposed.*

### **Board Training – The Five Whys**

Director Lambert gave an overview of the training.

Chair Tonks asked that this training be moved to the next Board Meeting.

*Member Bassett: "I move to adjourn."*