

MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING

Thursday, March 14, 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 Michelle Smith
Member Erik Olson (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

Others Present:

Matt Hymas (USBE)
Assistant Attorney General David Jones (online)
John Bejarano
Shanelle DeRieux (online)
Lynne Herring (Freedom Prep)
Buddy Ivie (Freedom Prep)
Chris Helvey (Freedom Prep)
Matt Fullmer (Freedom Prep)
Keith Powers (Freedom Prep)
Amanda Gabbitas (Freedom Prep)

Janelle Dodson (Student – Freedom Prep)
Tyler Brooding (Student – Freedom Prep)
Natalie Gutierrez (Student – Freedom Prep)
Josh Daniels (Board Chair – Canyon Grove)
Kim Goates (Executive Director – Canyon Grove)
Alan Howard (online – Canyon Grove)

Call to Order

Meeting began at 10:11am

Public Comment

Jonathan Bejarano spoke on his concern diversity in charter school boards.

Shanelle DeRieux spoke on her perspective of the events occurring at Vanguard.

Board Member Thought

Board Chair Tonks spoke about how and why various assessment tools are used to best serve the various students in the SCSB charter schools. Chair Tonks related this to spirit animals and how allowing another to articulate their perspective might help to bring their strengths into focus within our own perspectives.

Board Chair Report

Board Chair Tonks updated the board on what the Board Meetings of May and June will entail. Director Lambert expounded on the Board Elections that would be taking place in May and introduced the celebration that will be occurring in June with the Board Meeting. Performance Coordinator Evans elaborated a little more on the June Board Meeting/Charter School Performance Event.

Executive Director Report

Director Lambert introduced the most recent metrics on trainings and highlighted which ones were produced in-house. Director Lambert also revealed the Oversight metrics and the number of visits taken. Director Lambert then recognized Kelli Booth of NUAMES for the Governor's Medal she received and directed everyone's attention to Tucker Dengin's art piece that had been purchased by USBE.

Consent Calendar

Member Smith: "I'll move to approve the Consent Calendar."

Member Bassett: "I'll second that."

Motion passes unanimously.

Spotlight – Freedom Prep Academy: Graduation Rate

Performance Coordinator Evans introduced elements involved in the calculation of the graduation rate as well as the stats of the LEA. Executive Director Lynne Herring introduced COO Buddy Ivie who spoke about the school and introduced the students. Keith Powers spoke about the community they create. Student Janelle Dodson spoke about her experiences on the student council. Tyler Brooding spoke about how being part of the National Honor Society has impacted him. Natalie Gutierrez spoke about how being in Latinos in Action has empowered her. All students emphasized how their leadership groups emphasized contributing to their communities. Chair Tonks inquired about the graduation metrics of students who are not with the school for the full 4 years. Director Lambert, Chair Tonks, and the rest of the Board Members indicated how impressed they were with the students. Vice Chair Bowles commended the faculty of Freedom Prep Academy.

Policy Review – Communications Policy

Chair Tonks identified why the practice of reviewing policies was important and why this policy was enacted in the first place. Member Phillips expressed that no Member of this Board has spoken to the press, suggested a statement of expectations be added to the Communications Policy, and expressed concern about a specific line within the policy. Vice Chair Bowles suggested a strategy for alleviating such concerns. Vice Chair Bowles indicated why deferring to Director Lambert and the staff provided a clearer, more comprehensive statement to the schools. Chair Tonks identified why having that single voice was important in terms of consistency and fairness. Director Lambert indicated that the only contact information published on the SCSB website is the schools.utah.gov email of each Board Member. Member Hymas proposed additional language. Member Phillips articulated the ways in which the word “informational” was problematic. Chair Tonks expressed understanding and suggested a strategy that could help schools stay in process and maintain consistency and fairness in working with schools. Member Phillips, Chair Tonks, and Member Hymas continued to discuss possible added language. Member Smith introduced the idea that Board Members should always be free to voice their own opinion regardless of whether or not it aligned with the official position of the Board. Vice Chair Bowles disagreed with Member Smith and introduced the function of Members within a Body Politic. Chair Tonks clarified that the vote is the public way the Board communicates. Member Phillips identified the word “handled” as the word to be changed to “directed.” Member Smith reiterated the need for Board Members to be able to express their opinion to those who ask for it. Member Speicher expressed appreciation for this conversation as someone who is relatively new to the Board. Director Lambert gave an example of when a school board attributed a statement to the SCSB that had not been made by a member of the SCSB at all. Chair Tonks identified the change suggested by Member Phillips. Member Phillips introduced the idea of adding language from the Culture Document.

Vice Chair Bowles: “May I make a motion to... ‘All inquiries whether informational statement’ remains. Everything from ‘should not be handled’ to ‘inquiries, including requests for information,’ we strike. Therefore, the sentence goes, ‘...should be directed to the Executive Director of the State Charter School Board...’ My motion is to strike those words.”

Member Phillips: "I will second that motion"

Discussion:

Member Speicher agrees with the culture document being the document that governs the actions of all Board Members and thanked Member Phillips for the reminder of the document.

Motion passes unanimously.

Review Board Goals and Possible Action

Chair Tonks provided context for this discussion as the Executive Committee recognized that the staff has a finite amount of time to work on what is asked of them. Director Lambert crystalized the question, “Is this what you really want us to spend our time on” as challenges to one of the goals were encountered. Authorization and Support Specialist Steffensen presented on the possibility of combining the Innovations and Support Goal with the suggestion of creating a micro-credentialing system for School Boards. Member Speicher and Chair Tonks expressed support for the micro-credentialing system. Member Bassett suggested eliminating the term “badging” and requested more information on what some of the initial micro-credentials might be. Director Lambert updated the Board with where Authorization and Support Specialist Steffensen was in her progress in beginning this task. Director Lambert indicated that the first badges would be centered around “capacity.” Member Phillips wondered if one of the early badges could target the idea of innovation itself. Suggested a list of the types of innovations that the Board would like to see. Director Lambert indicated that the Authorizing Committee had already begun to go down that road, articulated some of the challenges they have come across in the process, and noted that there were some suggestions that were made. Member Phillips suggested that other models should still be encouraged. Chair Tonks suggested that existing schools could also look at the list of suggestions and innovate from there.

Vice Chair Bowles: "I'll be happy to make the motion that we accept the Innovation Support Goal that we see displayed with the changes in wording...in this case 'badging or badges' being replaced with 'micro-credentialling.'"

Member Smith: Chair Tonks indicated that Member Smith seconded.

Motion passes unanimously

Financial Compliance Manager Okobia presented on the Monitor Goal regarding Policies: presented the challenges encountered and presented 3 different options that can be used to accomplish this goal. Financial Compliance Manager Okobia requested Board Guidance in which direction to take. Member Phillips expressed support for Option 3 on the grounds of cost/benefit analysis and wondered if SCSB would have access to the assurances that have links to the essential policies and have Staff review those links. Chair Tonks supported that idea. Vice Chair Bowles echoed appreciation that the responsibility lives in the correct place. Director Lambert suggested a motion.

Member Phillips: "I'd like to move that the Board direct Staff through this motion wordsmith option number 3 and bring it back on a Consent Agenda for May's meeting."

Member Bassett: I'll second that"

Motion passes unanimously.

Vanguard Academy

Financial Compliance Manager Okobia presented an update on the school's Warning Status. Vanguard Academy was not in compliance with their charter due to the number of Board Members. The only communication with the school was when Director Lambert articulated what would need to happen for the school to be taken off warning. Financial Compliance Manager itemized the changes that had taken place and revealed a recent complaint that had been filed with the SCSB about a meeting the school held that had not been properly noticed.

Member Phillips expressed concern that Vanguard has become out of compliance with their Charter with respect to them recently amending their bylaws to have nine board members and adding at least one board members without amending their Charter Agreement, which only allows seven board members.

Member Phillips: "I would like to make a move that a board member ... be removed from Vanguard Academy's local board based on a perceived conflict as recommended by staff until such a time...as they may amend their charter agreement with the State Charter School Board.

Member Smith: "I'd love to second that."

Discussion:

Member Smith expressed support for the motion as a non-punitive measure to help the school succeed. Director Lambert asked for clarification regarding which board member was proposed for removal and who would decide that. Member Smith introduced the idea of a ranked list of conflicts or allow the school to choose. Assistant Attorney General Jones indicated that the SCSB does have the power to remove a school board member and appoint a board member. Chair Tonks asked for clarification via statute and rule as read by Director Lambert. Member Phillips suggested staff make a recommendation over the month and bring it back on Consent Agenda if the motion were to be approved. Director Lambert requested direction as the staff would likely recommend according to position. AAG Jones stated that, if the conflict with the charter was not sufficiently addressed in the allotted time, the SCSB has the power to appoint the governing board member. The question of a timeline was introduced. Member Phillips suggested that the timeline began when the Board made this communication about charter non-compliance months ago. Member Phillips suggested removing the board chair.

The motion fails.

Member Phillips: "I move that the board chair of Vanguard be removed."

Member Phillips asked for clarification on if the SCSB can remove a board member and the board member not be reinstated for up to one year. AAG Jones introduced discussion on how long a school board member may be removed and how a motion such as this might impact the school's status. For the sake of due process, Member Phillips withdrew the motion.

Chair Tonks suggested that staff be directed to inform Vanguard that they are hereby noticed of the concern. Director Lambert suggested adding this concern to the warning letter and have that be sent as written notice to Vanguard. Member Smith commented on the possible length of that timeline. AAG Jones clarified the possible items to be placed in the letter.

Member Phillips: "I move that this Board direct staff to include as part of the identified deficits in the warning status of Vanguard Academy the non-compliance with their charter agreement in having 8 members of their Board of Directors. I further move that this Board directs staff to initiate a notice and timeline related to this noncompliance of 30 days in which to become compliant with the understanding that the Board is likely to take strong measures if this is not accomplished within the timeframe given."

Member Smith: "I'll second that."

Discussion:

Member Smith suggested a shorter timeline after Chair Tonks expressed concern on where 30 days would fall with respect to the next Board Meeting. Director Lambert suggested that with the 30 day timeline, Vanguard could request an amendment and that the Board could consider that request at their regularly scheduled meeting in May.

Motion passes unanimously.

Canyon Grove Academy

Remediation Specialist Connell presented an update on Canyon Grove's Warning Status detailing what needed to be accomplished to be taken off of warning. Director Goates asked Director Goates about what was most effective about what had been changed in the systems. Member Smith asked the school representatives if there was anything else they would like for the Board to know about the data that had been presented. Chair Daniels asked about how the comparison metric was compiled, and Director Lambert responded with what factors were included in the USBE comparison tool. Member Phillips expressed admiration for bringing their model into compliance with State statute.

Member Phillips: "I move that Canyon Grove Academy be removed from Warning at this time given the record of addressing the deficiencies and the progress toward good systems that support academic achievement"

Member Smith: Chair Tonks indicated that Member Smith seconded the motion.

The motion passes unanimously.

UCAP Training

IT Analyst Hellstrom presented on the Board Meeting interface on UCAP and assisted the Members in logging onto UCAP and accessing the Board Documents.

Complaint/Compliance Report

Remediation Specialist Connell presented an Oversight Report for SY2022. Director Lambert identified between metrics and reiterated that there are no automatic triggers. Specialist Connell delineated between Complaints and R&Rs.

Member Speicher: “I make a motion to end our Board Meeting today.”