

MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING

Wednesday, November 10, 2021

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 Michelle Smith
Member Stephanie Speicher
Member Erik Olson

Staff Present:

Jennifer Lambert
William Evans
Stewart Okobia
Greg Connell
Marie Steffensen
Jenna Magnetti
Smriti Dhakal
Joanne Castillo
Liz Bunker
Amber Hellstrom
Andrew Vardas-Doane
Assistant Attorney General David Jones

Others Present:

Matt Hymas (USBE), Angie Stallings (USBE)
Ben Hyink (Athlos Academy)
Melanie Kirk (Director, Thomas Edison – South)
Brad Larsen (Assistant Director, Thomas Edison – South)

Call to Order

Chair Tonks called the meeting to order at 10:41

Public Comment

Athlos Board Chair Ben Hyink expressed his disappointment with the school being escalated to Warning status and requested that the Board table the action on the current Consent Calendar.

Board Member Thought – Member Olson

Member Olson first shared excerpts from some of his favorite speeches: JFK's Speech at Arlington National Cemetery 60 years ago for Veteran's Day and President Lincoln's Second Inaugural Address. Member Olson expressed his hope that we celebrate Veteran's Day with a sense of appreciation and an understanding of our obligation to bind up the wounds of the nation.

Board Chair Report

In light of USBE's COVID- related learning loss metrics, Board Chair DeLaina Tonks wanted to recognize Charter schools across the State for the work they did during COVID to step into those gaps to assist students recoup some of that learning loss.

Executive Director Report

Director Lambert gave updated statistics for October. Board Chair Tonks asked Director Lambert to explain the recently-approved changes to the way schools are given Notices of Concern and how they are moved to Warning status. The goals are:

1. To assist schools by giving them more time to address concerns earlier
2. To de-escalate the weight of the Notice of Concern
3. To better-differentiate between the statuses of Warning and Probation

There was a discussion regarding the more pronounced differentiation between Notices of Concern and Warning notices, how the new process was affecting schools, and how the staff was implementing the new Board-approved process.

Director Lambert defined the term "Campaign" as a targeted group of trainings and information on a specific policy within a given timeframe followed by deadline by which schools are expected to implement what was learned. Staff processes were discussed.

Good News – Three Charter Schools were selected for National History Day Program: Mountain Heights Academy's Jennifer Klein, Syracuse Arts Academy Junior High's Heidi Stone, and Providence Hall Junior High's Julia Winslow. Two Charter School Students made it to the Student Advisory Council: one from Summit Academy High School and Karl Maeser Prep.

Director Lambert stated that school applications have arrived, and the schools will present in January.

Jenna Magnetti was recognized as the Employee of the Quarter.

Consent Calendar

A) October 14, 2021 Minutes, B) Monthly Budget Report, C) Revolving Loans, D) Amendment to Exhibit A: Uintah River High School, E) Letter of Warning Update: Canyon Grove Academy, F) Letter of Warning: Athlos Academy, G) Internal Financial Policy, H) Certification for Charter Schools Seeking Credit Enhancement Policy

Motion:

*Motion by Member Smith: "I move to adopt the Consent Agenda"
Member Phillips seconds the motion*

Motion passes unanimously

Discussion:

Member Smith wanted to ask a question after the motion was passed. Assistant Attorney General David Jones indicated that the following discussion would have no bearing on the status of the motion as it had already been passed. Member Smith questioned the fairness of passing the Consent Calendar which includes an element that will be investigated further. Chair Tonks stated that the current process has been approved by the Board and cautioned that *"we want to stay on this side of the governance side of things versus the management side...there isn't anything that precludes this from being removed from the Consent Calendar."*

Retention Rate Report

Director Lambert stepped in for Data Specialist Robert Kohutek to give the Retention Rate Report which is related to last month's Transfer Rate Report.

Discussion:

Chair Tonks particularly appreciated the "by county" breakdown

School Spotlight

Oversight Coordinator Dr. William Evans presented Thomas Edison – South, their Director Melani Kirk, and their Assistant Director Brad Larsen as this month's Spotlight School for their outstanding Retention Rate.

Review Board Bylaws, Sections I-IV

Discussion:

Outside of grammatical and spacing adjustments, the Board Members identified that having an articulated New Board Member Orientation in a Board Culture document, and specific Board Member duties needed to be written into the Bylaws. Staff had no major recommendations of any needed changes. Discussion ensued regarding the language

about Board committees. Vice Chair Bowles suggested that IV.A and III.B.9. be removed. Member Phillips suggested changing IV to “*election and duties of officers*” and changing IV.C.4 to “*appoints members to serve on committees requiring SCSB participation*” with the understanding that the committees mentioned are external committees like State, Local, or Municipal committees.

Motion:

Member Phillips: “I move that the Utah State Charter School Board Bylaws be amended as follows:

- 1) Fixing typos, spacing, and alignment as needed*
- 2) Striking language from II.E as redlined*
- 3) Striking language from III.B.9*
- 4) Section IV be retitled “Selection and Duties of Officers” with point IV.A being stricken*
- 5) Section IV.C.4 have the first phrase stricken.*

Member Smith: “I’ll second that motion.”

Motion passes unanimously

Former SCSB Chair Kirstin Elinkowski and Former Board Member Jim Moss were recognized for their service and given plaques.

Legislative Discussion and Consideration of 2022 Session

Royce Van Tassel from UAPC presented Funding and Policy Issues. He updated the Board on expected increases in WPU values, current legislation, and possible future bills. The Licensing Department discovered that some Charter Schools have Special Ed Directors that do not have the appropriate Licensing under IEA. The language in a proposed bill will include language mandating that Special Education Directors have an appropriate license. A rule will be deliberated next Spring and Summer to determine what such licensing looks like.

Discussion:

Member Phillips began a discussion regarding Federal Statute, State Statute, and Board Rule regarding Charter Schools, Special Education Directors, and the requirement for specific licensure. Deputy Superintendent Stallings indicated that an exemption from USBE’s Rule regarding Areas of Concentration would be extended to Directors and Administrators of Charter Schools and indicated that the language in a proposed bill will specify something to the effect of “*with the exception of special ed directors*” or “*licensing requirements related to oversight of special education programs.*” Deputy Superintendent Stallings added that any new licensing requirements will not be

implemented until July 1, 2023, to allow affected directors to move towards obtaining the necessary licenses. USBE is in the process of creating modules/paths for individuals to obtain Special Education Certifications without having to go through a traditional institution.

Enrollment Metrics, Trends, and Concerns

SCSB Staff Auditor Stewart Okobia presented on both recent numbers and near-recent trends in enrollment. Director Lambert emphasized that, while we look at this year's numbers, we focus a lot on trends and other data points. Director Lambert posed a number of potential questions for discussion.

Discussion:

Members expressed concern for schools whose energies were diverted from the work of teaching and focused on raising funds for basic operations. There was a discussion on the legality of fundraising and what fundraising in charter schools could look like.

There was another discussion of reasons enrollment might be dropping at schools which might have not been addressed in the presentation. Director Lambert asked the Board if the 10% drop is the ideal metric to trigger a review of the school. Chair Tonks suggested that the staff play with previous years' data and try drops at different percentages to try to find a metric that might work better. The Board indicated that they would be receptive to a report revealing that research. Vice Chair Bowles acknowledged and appreciated the trend data.

Member Spicher: "I move that we close this meeting for today."

Possible Closed Session in Accordance with The Utah Open and Public Meetings Act: