

MINUTES OF THE
UTAH STATE CHARTER SCHOOL BOARD MEETING

Wednesday, January 12, 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

Staff Present:

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

Others Present:

Matt Hymas (USBE)
Scott Jones (USBE)
Dallin Peugnet (online)
Gavin Patrick (online) – Outside Reader
Christina Guevara (online) – Outside Reader
Marlene Drake – Summit Place Board President
Brad Gunnell – Summit Place Board Member
Jesse Christopher – Summit Place Board Member

Mike Weight – Summit Place Board Member
Todd Hepworth – Summit Place Board Secretary
Amy Edwards – Quest Prep Academy Board Chair
Robert Marx – Quest Prep Academy Treasurer
Mary Kavanaugh – Quest Prep Academy Board Member
Tyler Nelson – Quest Prep Academy Board Member
Cameron Curry (online)– Quest Prep Academy Board Member
Jessica Ellis – Quest Prep Academy Board Secretary
Brandon Clark – Excelsior Academy Board Chair
Lori Dowgielewicz – Excelsior Academy Board Member
Stephanie Eccles – Excelsior Academy Executive Director
Jen Martin – Excelsior Academy Business Manager
Michael Jones (online) – Excelsior Academy Board Member
Amy Lear (online) – Excelsior Academy Treasurer
Danelle Robins (online) – Excelsior Academy Board Member
Kim Frank – John Hancock Charter School Board Chair
Julie Adamic – John Hancock Director
Kyle Tippets – John Hancock Board Member
Joe Spencer – John Hancock Board Member
Melissa Hepler – John Hancock Board Member
Alison Clinger – John Hancock Board Member
McKay Ballard (online)– John Hancock Board Member
Craig Frank – John Hancock Business Administrator
Wendy Morgan (online) – John Hancock Board Member
Wendy Tibbetts – Wasatch Peak Academy Board Member
Becca Hubrich – Wasatch Peak Academy Board Member
Megan Triplett – Wasatch Peak Academy Board Chair
Amy Pilkington – Wasatch Peak Academy Principal
Lant Webb – Wasatch Peak Academy Board Financial Coordinator
Lani Rounds – Wasatch Peak Academy Board Member
Brad Blanchard – APA Board Member
Stephanie Henderson – APA Board Member
Thomas Young – APA Board Member
Caroline Sherette – Executive Director
Casey Crellin – APA Chief Financial Officer
David Mortensen – Attorney representing APA
David Sherette – APA Business Developer

Call to Order

Chair Tonks called the meeting to order at 8:37

Public Comment

Joshua Maher (online) – Spoke in favor of American Preparatory Academy. Thanked the school for their efforts to get a charter school into Iron County. He asked the Board to grant APA the satellite in Iron County.

Christin Maher (online) – Spoke in favor of American Preparatory Academy. Compared APA to Canyon View Middle School and asked the Board to approve the Satellite in Iron County.

Dave Staheli (online) – Member of the Iron County School Board speaking in favor of APA. He referenced letters of support sent to the Board from the Mayor, the County Commissioner, and the Superintendent in favor of APA.

James Thelin (online) – He had his daughters give their experiences with APA. Asked for students in Iron County to have access to this kind of learning.

Karen Thelin (online) – She had been an APA employee for 7 years, and she shared her son's experience with APA.

David Sharette (online) – He is APA's Director. He focused on how much he and his team are focused on compliance.

Shannon Seright (online) – Shared what she saw and admired when she visited an APA campus.

Kami Merrill (online) – She reminded the Board of its duties to provide educational opportunities and increase choice of learning opportunities to all of Utah's communities.

Board Member Thought – Vice Chair Bowles

Vice Chair Bowles used his experience as an actor at a local playhouse to emphasize the idea that, where one thing exists, another cannot. He used the Dr. Martin Luther King, Jr. quote, "Darkness cannot drive out darkness. Only light can do that. Hate cannot drive out hate. Only love can do that." He suggested that we focus on kindness, civility, and caring for one another this holiday weekend.

Board Chair Report

Board Chair DeLaina Tonks excused Member Smith from the meeting. Chair Tonks offered her congratulations to the many charter schools who made the US News and World Report rankings list. Chair Tonks also reminded the Board that the Legislative Session would begin on Tuesday, January 18.

Executive Director Report

Executive Director Lambert reported on Trainings and the value of placing these trainings online. Director Lambert also reported on the current Oversight situation emphasizing how the recent OPMA campaign impacted the current numbers. Director Lambert updated the Board on the number of in-person and virtual site visits. The progress on the goals set by the Board was also given by Director Lambert. Director Lambert also updated the Board regarding OPMA Campaign changes and Required Policies and their conditions. Regarding increasing the number of schools in the top 100 schools in the state, Director Lambert suggested that the staff look at other metrics to identify schools that the Staff might be able to work with a little more directly. Director Lambert introduced new Portfolio Manager Brendan McGinn.

Discussion: Member Phillips questioned if this Board meeting would be the venue to either set new goals or re-up the current goals. Director Lambert responded by stating that such discussions were not in the agenda, but it could be addressed at a later time.

Consent Calendar

A) December 9, 2021, Minutes, B) Monthly Financial Report, C) Changes in the Bylaws, D) Supportive Oversight Campaign Policy, E) Warning Status for Merit Preparatory Academy, F) Letter of Warning for Treeside Charter School

Motion:

Member Speicher: "I make a motion to accept our Consent Calendar"

Member Bassett: "I will second that motion."

Motion passes unanimously

New School Application Reader and Staff Reports

Educational Specialist Marie Steffensen introduced the Application Report and the applicants who would be presenting with the intent to open a new school. Specialist Steffensen indicated that one of the schools had withdrawn from consideration for this session. Specialist Steffensen introduced external readers, Christina Guevara and Patrick Gavin. Ms. Guevara offered the readers' report on Summit Place School. Mr. Gavin presented the readers' report for Quest Preparatory Academy. It was the opinion of both readers that neither school be granted the ability to open at this time. Educational Specialist Marie Steffensen presented the reports reflecting the perspectives of the readers from USBE and SCSB for each school.

Member Phillips began a discussion on why the market research conducted by Summit Place School was a point of concern to the readers.

New School Application Review and Interview – Summit Place School

Vice Chair Bowles asked if any board members or anyone who worked on the application has any financial interest in the application or if any board members planned to seek employment with the school. Board Secretary Hepworth announced his intention to apply to be the school's first Director. Member Bassett began a discussion on what each board member's experience with charter schools has been. Chair Tonks initiated a discussion resulting in a narrative on how the board came together for this application. USBE Board Member Hymas initiated a discussion regarding what gaps exist in their board's current composition and how they are addressing those gaps. Member Phillips asked how the board decided on Summit's model of teaching, requested some examples, and what they intend to do going forward from the initial years of teaching. Board President Drake vehemently disagreed with the readers' assessment of the lack of curriculum definition. Member Speicher asked the board members to describe what a day in the life of a student would look like with as much specificity as possible. The description led to discussions on Summit's relationship to the Teton Science School, curriculum choices, and UEN. Member Olson led a discussion on the risks of opening and operating the school by asking

the board to identify those risks and focusing on the gameplan to address those risks with an emphasis on the marketing/recruitment/enrollment concerns raised by the readers. Vice Chair Bowles led a discussion on the board's plan for the transportation of students to the various place-based activities. Vice Chair Bowles requested an explanation regarding the discrepancy between the titles of "Summit Place School" in the application and "Santaquin Science School" in the video. Vice Chair Bowles also asked to be reminded of the curriculum that they intended to use to help kids learn to read. Member Bassett asked how the urbanization of the area will positively and negatively impact the school's place-based learning model. Member Speicher introduced discussion around how the board plans to address assessment in the place-based learning model. USBE Board Member Hymas expressed concern over the kind of education that was taking place during the 180 days that the students were not going to be on field trips out in the community. Member Phillips opened a discussion about the concern readers had about the unrealistic pay rates being offered and the lack within the budget for a Special Education Director or Coordinator.

New School Application and Review – Quest Prep Academy

Board Chair Tonks disclosed that she is the principal of the online school Mountain Heights Academy and was chosen to be on the Board mainly for her expertise in online education. The Board expressed no questions or concerns regarding any conflict of interest. Vice Chair Bowles asked the Quest Prep board members to disclose whether they or anyone who worked on the application had any financial interest in the application or if they planned to seek employment at the school. Member Bassett requested each board member to disclose their experience with charter schools. Chair Tonks began a discussion regarding how the Quest Prep board came to their current composition. USBE Board Member Hymas introduced the topic of gaps in board composition, and he asked the Quest Prep board to identify gaps in their current board composition and how they planned to address those gaps. Member Phillips began a discussion of the reader concerns regarding the closeness of the proposed model to that of a homeschooling type of model which would run afoul of both Statute and Board Rule. There was an additional request for information regarding the process by which this model was chosen or formulated and how this model fits withing Utah Statute and Board Rule. Member Phillips also introduced conversation on the board member's conception of what the curriculum will be and what it will look like. Member Speicher asked the board to describe a day in the life of a younger student, and what kind of level of support they would need in the house to participate in the program. Member Olson asked the board to identify the risks of opening and operating this type of school in Utah and to address some of the legal issues raised related to the operation of the school: specifically FERPA compliance with student records, whether they have begun to take the steps to become an online educator in Utah, whether or not the California independent study model used was legal in Utah, and the student-directed use of school funds for extra-curricular activities. Vice Chair Bowles asked the board to describe how they would find and recruit the underserved populations their application indicated they valued – specifically students with special needs. Vice Chair Bowles followed up by beginning a discussion around how the school would handle the requirements of State testing. Member Bassett began a discussion centered around how the board would measure student success if a parent or guardian was not available to

work with a student. Member Speicher introduced conversation about the differences, either in certification or competency, between a classroom teacher and an education coordinator with an emphasis on whether or not the teachers teaching the classes are certified teachers and not teaching aides. Member Phillips requested clarification around how the school would address issues of equity and how the school would support parents who are unable to be home, and their younger student wants to participate in this school. Member Phillips followed up by asking whether or not the school has considered paying for hotspots, WiFi Boosters, and satellite for students who might need it.

New Satellite Application Staff Report

Chair Tonks explained the different steps that schools needed to take in order to be approved for a new satellite. Education Specialist Marie Steffensen presented the staff reports on the three schools who met the minimum requirements to be considered.

New Satellite Application Review and Interview – Excelsior Academy

Chair Tonks asked that the Director of the School confirm that all school board members were present. Board Chair Brandon Clark asked that one member be excused as he was a healthcare professional and could not be at the meeting. Board Chair Clark also asked that another board member be excused because they are affected by COVID. Vice Chair Bowles began a discussion on whether or not they or anyone who worked on the application had any financial interest in it. Member Bassett began discussions on each board member's experience with Excelsior Academy. Chair Tonks introduced the topic of why the school chose to seek a satellite school at this time. Director Lambert introduced clarifying questions regarding schools, buildings, and campuses. USBE Board Member Hymas began a conversation on gaps identified in the school's board skills and expertise and how the board plans to address those gaps. Member Phillips began discussions on how a successful K-8 model will look as it transitions into a high school level with an emphasis on how they plan to keep critical elements from the original charter that made it so successful in the first place. Member Speicher asked board members to explain how they envisioned what a day in the life of a high school student would look like. Member Olson began discussions on the risks the board perceived regarding proceeding with the application, the plan the board has to deal with the risks, and explanations on the enrollment projections numbers provided. Vice Chair Bowles asked about offering additional electives in the proposed high school.

New Satellite Application Review and Interview – John Hancock Charter School

Vice Chair Bowles began a discussion on whether any of the board members or anyone who worked on the application has a financial interest in the application. Member Bassett initiated conversation regarding each board member's experience with John Hancock Charter School. Chair Tonks introduced a discussion on why the board chose to seek to open a satellite school at this time. USBE Board Member Hymas asked the board to discuss what gaps currently exist in the board's skills and expertise and how they plan to address those gaps. Member Phillips asked the board members to discuss a set of strategies they intend to use to maintain the current successful school culture as they expand. Member Olson initiated discussions on what risks the

board identified with opening a satellite at this time and how the board was prepared to address them. Member Speicher asked the board to expound on what a day in the life of a student in the proposed expanded school might look like. Vice Chair Bowles requested clarification on how the board got to the projected enrollment numbers they placed in the application, what the physical changes to their current location (or new location) would look like, and how the hub/spoke or “houses” related to those physical changes. Vice Chair Bowles asked about administrative structure and the physical structures planned to accommodate the new model. Member Bassett requested a discussion on what concerns the board has on the magnitude of the proposed growth. Member Bassett asked the board to expound on the teacher training and support program. Member Olson introduced discussion regarding why the board chose to launch 4 satellites simultaneously instead of launching satellites one at a time. Director Lambert clarified that the application was for 1 satellite and not for 4 satellites – the single satellite could be larger to accommodate the proposed school model. Chair Tonks requested clarification regarding the request for flexibility in the building or buildings in the proposal. Chair Tonks asked the board if their application was in anyway dependent on whether Alpine School District bonded and built more schools. Vice Chair Bowles asked the board to confirm that the developer they worked with had already set aside land for them.

New Satellite Application Review and Interview – Wasatch Peak Academy

Chair Tonks began the discussion by asking the school to confirm that all board members and the director of the school were present. Wasatch Peak board chair asked that Board Member Paul Franzen be excused for a work obligation he could not get out of. Vice Chair Bowles began a discussion on whether they or anyone who worked on the application has any financial interest in the application. Member Bassett asked that each Board Member describe their experience with this charter school. Chair Tonks began a discussion expounding on why the board decided to seek a satellite school at this time. USBE Board Member Hymas asked the Board to discuss the gaps that exist in their composition and expertise and how they plan to address those gaps. USBE Member Hymas followed up with a question on curriculum. Member Phillips asked the board members to discuss the strategies with which the board intends to maintain the school’s culture and achievements as they move into the satellite phase. Member Phillips requested a clarifying discussion on the point that some of the existing staff would be placed in the new school. Member Speicher introduced a discussion on what a day in the life of a student would like and how they would ensure that the new campus would not negatively impact the new campus. Member Olson asked the board to discuss the risks they perceive in opening this satellite and how they plan to address those risks. Vice Chair Bowles wanted to know where exactly the new school would be located. Chair Tonks began a discussion on what their new Organizational Chart would look like.

Discussion and Vote on New School and Satellite Applications

Board Chair opened the floor to entertain motions and discussion.

Vice Chair Bowles: I make a motion approving the satellite request for Wasatch Peak Academy.

Member Phillips: I'll second that motion.

Discussion: Member Olson commented on the intentionality and how well everything was thought out. Member Bassett agreed that proximity, growth, and timing of the application added to her confidence in the team.

Motion passes unanimously.

Vice Chair Bowles: I make a motion to approve the satellite request for Excelsior Academy.

Member Phillips: I'd like to second that motion

Discussion: Member Olson expressed appreciation for the work the board did on their application and presentation as well as confidence in the board to launch a successful satellite. Member Bassett appreciated the logical intentional expansion and supported the approval of the satellite. Dr. Speicher expressed appreciation for the thoughtfulness and the care with which the application and presentation were constructed. Director Lambert clarified with the school and the Board that this request is for two satellite schools and would create three schools total under the Excelsior Academy LEA, elementary, middle, and high.

Motion passes unanimously.

Vice Chair Bowles: I make a motion for John Hancock to return next month and present what they are requesting of the Board more clearly.

Member Speicher: I'll second.

Discussion: Member Phillips indicated why she was inclined to approve that day. Vice Chair Bowles clarified the reason for his reluctance to approve. Director Lambert further clarified the request as indicated by the application in terms of enrollment. A discussion of what the school was requesting began. Member Olson contributed to the discussion and expressed the inclination to approve that day. Vice Chair Bowles clarified his hesitation. Chair Tonks invited a member of the John Hancock Board to clarify what they were requesting.

Motion does not pass.

Vice Chair Bowles: I make a motion that we approve the satellite request for John Hancock Charter School

Member Olson: I'll second that.

Motion passes unanimously.

Vice Chair Bowles: I make a motion not to approve Quest Prep Academy new school application.

Member Bassett – I'll second that motion.

Discussion: Member Olson commented on how what was said by school leadership contrasted with what was indicated by all readers, and he expressed support for the motion. Member Phillips identified what she liked about the model and indicated that, with some changes, the application might be something that the Board could approve in the future.

Motion passes unanimously.

Chair Tonks stated that any applicant is welcome to revise their applications and present with a future cohort. Vice Chair Bowles commented on some of the equities and inequities of the model.

Vice Chair Bowles: I am making a motion not to approve Summit Place School's application today.

Member Bassett: I will second that motion.

Discussion: Vice Chair Bowles expressed disappointment in Summit Place's neglect in addressing some of the elements the Board identified in a previous year's application and expressed skepticism regarding some of the numbers presented in the application. He did find the model interesting. Member Phillips indicated her inclination to approve the application and the reasons for it. Member Olson expressed concern over teacher availability and pay as well as staff concerns on the gaps in the application. Member Speicher spoke that she was in favor of the model but was concerned over the ability to make it happen – specifically regarding transportation. Member Bassett expressed concern regarding the viability of getting teachers and students into this specific place. Chair Tonks commented on her disappointment that the school did not follow the specific direction that was given the previous year, and it appeared that there was not much course correction to address the concerns that were expressed last year. Member Phillips spoke towards schools being successful in inconvenient places. Member Olson read what the staff wrote as a portion of the overall summary as something that needs to be considered. Director Lambert clarified that the staff statement was reflective of all three reader groups. Member Speicher expressed thankfulness for the reading of the readers' statement because it helped her articulate where she stood. Member Phillips stated that innovative models will have parts where the board will not know what something will look like.

Vote passes with a 4-2 vote with Vice Chair Bowles, Member Bassett, Member Olsen and Chair Tonks voting for the motion and Member Phillips and Member Speicher voting against.

Chair Tonks wondered if allowing schools to come before the Board without going through the proposal process might actually be doing a disservice to the schools. Chair Tonks indicated that this allowance might need to be re-thought.

Chair Tonks gave the floor to Member Phillips for a statement to be placed on the record. Member Phillips clarified how many students were in the application for John Hancock's satellite school.

Requested Review and Reconsideration of Staff Determination Regarding Satellite Application – American Preparatory Academy

Member Olson indicated that he would be abstaining from the discussion and vote due to a previously disclosed potential personal conflict. USBE Member Hymas disclosed that he is an employee of American Preparatory Academy and a non-voting participant in the Board discussions. He indicated that, if any questions arise, AAG David Jones would advise him.

Chair Tonks explained the differences between the applications that met the requirements for consideration that the Board looked at earlier in the day and applications such as American Preparatory Academy's which did not meet those minimum requirements. Assistant Attorney General Jones provided an overview and background and the legal pieces to consider. Director Lambert spoke to the 2 different academic requirements for consideration and approval.

Member Phillips began a discussion with Director Lambert regarding how staff considered APA's academic data in light of the applications that were deemed viable for consideration. Member Phillips asked AAG Jones for clarification regarding the USBE Special Education compliance issue. Member Phillips spoke to APA's school culture.

Chair Tonks provided APA the opportunity to state their position and asked the school representatives to stick to what AAG Jones gave them and only speak to a) and c) as those are the only issues before the Board at that time.

One of the representatives of APA stated their position regarding the USBE Corrective Action Plan. Attorney Mortensen stated their opinion regarding APA's compliance with the USBE Rule. One of the APA representatives expressed hope that one of the results from the lawsuit APA has filed against USBE is that the Rule in question would be clarified. Board Chair Tonks began a discussion regarding the relationship between USBE and SCSB with respect to identifying schools that qualified for Board consideration. Chair Tonks initiated a discussion regarding who monitors and oversees Special Education Programs in Charter Schools. David Sharette shared APA's position on the academic metrics used to determine APA's qualification for Board Consideration. Chair Tonks asked that Director Lambert speak about the schools that were approved for satellites today in light of what was indicated by Mr. Sharrett's statement. An APA representative commented on the school's goals and their position on goals. Chair Tonks commented on the room for clarity in the Rule. Director Lambert explained the rationale behind SCSB requesting data.

Chair Tonks brought the discussion back to the Board, and Member Phillips began a discussion with AAG Jones on the definition of compliance. Vice Chair Bowles introduced a discussion on equality and fairness in the way the Board treats schools and the relationship between that fairness and board Rule.

Vice Chair Bowles: I make a motion that we uphold the staff's determination regarding APA's satellite application that they are not now eligible to apply for an additional satellite campus.

Member Speicher: I will second

Discussion: USBE Deputy Superintendent of Operations Scott Jones spoke about the methodology and implementation of Corrective Action Plans and its relationship to compliance. Member Speicher appreciated Vice Chair Bowles' sentiments and commented on how it was unclear to her as a newer board member just how much authority she had in a situation like this. Member Phillips expressed to Deputy Superintendent Jones an appreciation of the definition of compliance as applied to a USBE corrective action plan.

Motion passes with 4 votes and 1 abstention from Member Olson.

Member Olson: I move that we adjourn