

Utah State Charter School Board Meeting
Minutes
August 13, 2009
Law & Justice Center

APPROVED

Members present: Julie Adamic, Brian Allen, Tim Beagley, Yolanda Francisco-Nez, John Pingree, Scott Smith

Members excused: Tom Morgan

Staff present: Marlies Burns, Paul Crawford, Cory Kanth, Jami-Jon Pearson, Jeannie Rowland, Jo Schmitt

Others present: Janet Cannon, Superintendent Larry Shumway, Deputy Superintendent Martell Menlove, Linda Hansen, Alan Shino, Michael Smith, Kim Coleman, Mike Westover, Bryan Christiansen, Janene Bowen, Kevin Abraham, John Hook, John Thorn, David Mortensen, Jamie Johnson, Judy Farris, Rob Hyatt, Chris Anderson, Steve Winitzky, Kim Dohrer, Deborah Swensen, Greta Betts, Merry Fusselman, Cindy Dale, Amy Trombetti, Julie Walker, Jake Hunt, Joel Wright, Roberta Hardy, Kim Frank

Call to Order

Chair Brian Allen called the meeting to order at 8:45 a.m.

Report from Independent Committee regarding Monticello Academy

Chair Brian Allen informed the SCSB that Mark Cluff, Kim Frank and Roberta Hardy comprised the independent committee that had been asked by the SCSB to work with Monticello Academy regarding the school's governing structure. Kim Frank and Roberta Hardy were present at the SCSB meeting to report on their findings. Roberta Hardy informed the SCSB that because of the length of time it took to meet, Monticello Academy had conducted their parent election without the independent committee present. Ms. Hardy informed the SCSB that she, Kim Frank and Mark Cluff met with Monticello Academy's parents, and reported she felt they had a productive meeting with the parents of the school. Ms. Hardy informed the SCSB that the committee's suggestion for Monticello Academy's Board was to define the responsibilities of those that had been elected, and to define the governance structure of the school. Kim Frank informed the SCSB that Monticello Academy was in the process of writing by-laws for the school.

Chair Brian Allen stated while he felt the State Charter School Board does not believe that it violated the open public meetings law, in the interest of putting litigation behind them, and making the Board actions and positions clear and public, he made the motion to resend the SCSB motion following the January 15, 2009 and January 21, 2009 executive sessions involving Kim Coleman. The motion was seconded by Member Tim Beagley.

Member Scoot Smith suggested deferring any action on the motion until after the executive session.

Executive Session

Motion was made by Member Brian Allen and seconded by Member Tim Beagley to move into an executive session for the purpose of discussing pending litigation between Kim Coleman, the Utah State Office of Education and the Utah State Charter School Board. The SCSB was polled and by unanimous consent of those present the Board moved into an executive session at 9:00 a.m.

Motion was made by Member Julie Adamic and seconded by Member Scott Smith to reconvene into open meeting. Motion carried with Members Brian Allen, Tim Beagley, John Pingree, Scott Smith Julie Adamic, Yolanda Francisco-Nez voting in favor; Members Tom Morgan absent. The board reconvened at 9:50 a.m.

Chair Brian Allen stated that prior going into executive session there was a motion acknowledging no wrong doing; the SCSB would void its final actions that were decided at the SCSB meeting January 15 and January 21, 2009, concerning Kim Coleman and Monticello Academy. The motion was carried unanimously.

Motion was made by Member Julie Adamic and seconded by Member Scott Smith to move into an executive session for the purpose of discussing the character, professional competence of the board of trustees and members of Monticello Academy Board, and any other character and professional competence regarding charter schools. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 9: 55 a.m.

Motion was made by Member Tim Beagley and seconded by Member Scott Smith to reconvene into open meeting. Motion carried with Members Brian Allen, Tim Beagley, John Pingree, Scott Smith Julie Adamic, Yolanda Francisco-Nez voting in favor; Members Tom Morgan absent.

Member John Pingree in the form of a motion stated the State Charter School Board finds sufficient merit in the evidence it has reviewed regarding Monticello Academy and outlines the following recommendations and findings:

- That there are allegations that the Monticello Board has misspent funds collected and earmarked for specific activities or items; the State Charter School Board requires that the Monticello Board must submit a full financial audit to verify that school funds have been used appropriately and that expenses are in line with current budget projections and that the school is financially sound no later than October 1, 2009;
- 2) That Monticello Academy board member, Joel Coleman, acted in violation of Section 53A-1a-518(2) in that Mr. Coleman, as spouse of the candidate for executive director of Monticello Academy, should have recused himself from the Monticello Academy board meeting and vote when the director decision was made by the Monticello Academy board; the State Carter School Board finds that Mr. Coleman was in violation of state law and would be appropriately removed from the Monticello Academy Board of Trustees;
- 3) That Kim Coleman, Monticello Academy executive director during the time period of the Utah State Office of Education special education compliance investigation (November 2008-January 2009), was directly and unilaterally responsible for intimidating and/or directly instructing at least one Monticello Academy employee to deny special education services to Monticello Academy students as required under the IDEA; the State Charter School Board finds that Mrs. Coleman acted in violation of state law and educator ethics and should be precluded from school or board leadership positions and from other positions which would intimidate or threaten school employees and/or result in the denial of appropriate services to students. The motion was seconded by Member Scott Smith.

Member Tim Beagley called for a division on the motion. Item one, the motion was carried unanimously. Item two, Member Tim Beagley finds the minutes of Monticello Academy's board meeting unclear and feels there needs to be more clarification. Motion was made by Member Tim Beagley and seconded by Scott Smith to table any action until clearer board minutes are received. Item three, the motion was carried with Chair Brian Allen, Members Julie Adamic, John Pingree, Scott Smith, Yolanda Francisco-Nez voting in favor with one opposing vote by Member Tim Beagley.

Motion was made by Chair Brian Allen and seconded by Member Scott Smith for the State Charter School Board to accept the copy of Monticello Academy's charter provided by the school's attorney as Exhibit B as the official charter that the school has been operating under, and incorporate any amendments made to that charter;

and that charter will be the official record at the Utah State Office of Education for ratification. The motion was carried unanimously.

Public Comment

Public Comment was made by the following: David Mortensen and Mike Westover representing Monticello Academy; Kim Coleman, Alan Shino, and Cindy Dale representing themselves; Lincoln Fillmore, representing Providence Hall regarding the Revolving Loan.

Approval of Minutes

Motion was made by Member Tim Beagley and seconded by Member Scott Smith to approve the minutes from the June 11, 2009 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Chair Brian Allen stated that some members of the State Charter School Board and Charter School Staff had an opportunity to attend the 9th Annual Charter School Conference in Washington, DC. in June. Chair Allen stated he felt the resounding theme of the conference was being accountable towards the results of the schools, and he stressed that theme should be embraced by the SCSB. Charter Schools are schools of choice, and they exist so that parents have opportunities to find solutions that work for their children. We have a responsibility to hold ourselves up to high standards and if we make promises in our charter that we are going to achieve results, we should be achieving those results. Parents of those students rely on those promises when then make decisions to attend charter schools. Chair Allen stated the SCSB will be looking at ways they can better measure the outcome of our charter schools, how they are performing to their own goals and how information can better be disseminated to the public so they can make conscience choices about the schools that their children are attending. The SCSB will be holding charters more accountable for the promises that schools make to the SCSB. The Charter School applications are approved based on promises and the SCSB needs to hold people accountable to those promises.

Information Items

Superintendent's comments: Larry Shumway

Superintendent Shumway distributed a document entitled "Promises to Keep: The Vision and Mission of Utah Public Education". Superintendent Shumway stated that "Promises to Keep" is a statement of vision and mission for Utah's system of public education. The statement relies on the language of the Utah Constitution for its central premise. It is intended to provide focus to the work of the State Board of Education, the Utah State Office of Education, and all school districts, local boards of education, and charter schools under the general control and supervision of the Board. He went on to say the premise of Promises to Keep is that there are essential core "promises" that leaders in the public education system should be clear about with citizens of Utah; that these "promises" are made as part of the civic compact at work as the citizens of Utah give into our hands resources for the public education system; that citizens should have high expectations regarding our success in the essential "promised" work of public education.

Bonding presentation

Because of the lateness of the meeting, the bonding presentation is postponed until the October SCSB Meeting.

Legislative discussion

Because of the lateness of the meeting, the legislative discussion is postponed until the October SCSB Meeting.

Action Items

Board Standing Committee Reports

- Rule Committee-Director Marlies Burns reported to the SCSB of the actions taken by the USBE regarding the charter school rule, 277-470. Ms. Burns reminded the SCSB that they had made recommended changes and the majority of those changes were adopted “as is” on both first and second reading with the exception of the section of the rule that talks specifically of charters that never meet their enrollment goals and being able to recapture students. Otherwise the rule will go to the USBE meeting in September and will most likely be on their consent calendar.
- Annual Report Committee-Member Scott Smith informed the SCSB that the Legislative commissioned Annual Report is in progress and that most schools have responded to the request that was sent to them in June. In August there was an additional letter sent to schools that are not in compliance. Mr. Smith named the schools that are not in compliance; those schools are American Leadership Academy, Beehive Science and Technology, Canyon Rim, City Academy, Legacy Academy, Liberty Academy, Open Classroom of Utah, Pinnacle Canyon Academy, School Lake School for the Performing Arts. Mr. Smith stressed that this is not something the SCSB is requesting, but the legislature is requiring this report.

Weilenmann School of Discovery-land purchase plan

Rob Hyatt, representing Weilenmann School of Discovery, addressed concerns that the SCSB has with Weilenmann School of Discovery board members having direct economic interest in the property the school will be located. The school was cautioned to be aware the financial gain needed to be very transparent. Joel Wright, counsel for Weilenmann School of Discovery, distributed a plan for the transfer of the property.

Motion was made by Member Scott Smith and seconded by Member Tim Beagley to approve the land purchase plan for Weilenmann School of Discovery as presented. The motion was carried unanimously.

Amendment Request: NUAMES-changes to charter agreement

Director Marlies Burns informed the SCSB that NUAMES is requesting changes in their governance composition. After much discussion, no decision was made regarding the amendment request.

Motion was made by Member Julie Adamic and seconded by Member Yolanda Francisco-Nez to move to the next item on the agenda. The motion was carried unanimously.

Amendment Request: Utah Virtual Academy-increase enrollment in 2009-2010

Director Marlies Burns informed the SCSB that Utah Virtual Academy is requesting a waiver to the April 1 deadline for requesting an increase to the school’s cap. Also, requesting a waiver to allow to add 1000 students for the 2009-2010 school year. Because of no students available for the 2009-2010 school year there was no action taken.

Amendment Request: Excelsior Academy-changes to charter agreement

Director Marlies Burns informed the SCSB that Excelsior Academy’s amendment request includes changes to their Board of Trustees, the number of officers and qualifications, election and term of office of Board Officers and Duties of the Officers.

Motion was made by Member Julie Adamic and seconded by Member Tim Beagley to approve the amendment request to the school’s agreement. The motion was carried unanimously.

Amendment Request: Navigator Pointe Academy-changes to charter agreement

Director Marlies Burns informed the SCSB that Navigator Pointe Academy is seeking to amend its 2007 charter amendment required to comply with State Board of Education Administrative Rule requiring charter schools to require one elected board member. Navigator Pointe Academy desires to return to its original board structure process found in the original charter to determine board membership.

Motion was made by Member Scott Smith and seconded by Member Yolanda Francisco-Nez to approve the amendment request to the school's agreement. The motion was carried unanimously.

Amendment Requests for 2011-2012

Decision was made by the SCSB to hear all requested amendments before making recommendations to the USBE.

The following requests were made by existing charter schools:

- DaVinci Academy-Increase enrollment by 300 for 800 students total for 2010-2011 school year.
- George Washington Academy-Add grade 9, increase enrollment by 450 for 1025 students total for 2010-2011 school year.
- Hawthorn Academy-Increase enrollment by 60 for 810 students total for 2010-2011 school year.
- Lincoln Academy-Increase enrollment by 50 for 640 students total for 2010-2011 school year.
- North Davis Preparatory Academy-Increase enrollment by 108 for 1108 students total for 2010-2011 school year.
- Open High School of Utah-Accelerate grades served to 9 – 12 beginning in 2009-2010. Increase enrollment by 1000 for 1500 students by the 2013-2014 school year, 600 students in 2011-2012, 1000 students in 2012-2013, 1500 students in 2013-2014.

Motion was made by Member Scott Smith and seconded by Member Julie Adamic to authorize the additional grades for Open High School of Utah. The motion was carried unanimously.

- Oquirrh Mountain Charter School-Increase enrollment by 60 for 756 students for 2010-2011 school year (780 students total).
- Quest Academy-Increase enrollment by 298 for 1048 students total for 2011-2012 school year.
- Renaissance Academy-Increase enrollment by 105 for 780 students total for 2010-2011 school year.
- Salt Lake Center for Science Education-Add grades 10-12, increase enrollment by 180 for 420 students total for 2010-2011 school year.
- Walden School of Liberal Arts-Increase enrollment by 380 for 680 students total for 2011-2012 school year.

Motion was made by Member Scott Smith and seconded by Member Yolanda Francisco-Nez to approve for recommendation to the USBE the amendment requests as presented with the understanding that if the schools do not use the numbers requested, within three years of the approved year, the school would give back the students upon request of the SCSB.

Motion was made by Member Julie Adamic to divide the motion, and to address Quest Academy's request separate from the other amendment requests.

The motion to approve for recommendation all schools' amendment requests, excluding Quest Academy, to the USBE was carried unanimously

Member Julie Adamic expressed her concerns regarding the student turnover rate at Quest Academy. The SCSB was reminded that Quest Academy was requesting their enrollment increase for school year 2011-2012 and not 2010-2011. Motion was made and seconded to approve for recommendation Quest Academy's amendment request. The motion was carried unanimously.

Chair Brian Allen informed the SCSB that Hawthorn Academy and Early Light Academy have contacted the SCSB regarding moving their start date back one week, to give their teachers additional time to set up classrooms.

Adjourn

Motion was made to adjourn at 2:45 p.m. by Member Scott Smith.