



March 10, 2021

Tuacahn High School for the Performing Arts  
c/o Jonathan Hafen, board chair  
[jhafen@parrbrown.com](mailto:jhafen@parrbrown.com)  
1100 Tuacahn Dr,  
Ivins, UT, 84738

Re: Notice of Concern

Dear Tuacahn High School for the Performing Arts,

One of the responsibilities of the State Charter School Board (SCSB) is to hold the charter schools we authorize accountable for their performance and monitor them for compliance. Over the last few weeks, the SCSB has received multiple complaints in a number of areas. SCSB staff has reviewed those complaints and the information provided by the Tuacahn High School for the Performing Arts (THSA) governing board chair.

Regardless of why the complaints about THSA, and specifically the THSA board, were made to the SCSB, we reviewed the facts of the complaints and the response from the board. Based on this review we have some concerns. With this in mind, we are issuing this Notice of Concern to notify THSA and clarify the SCSB's concerns.

Due to the nature of these concerns, the THSA board is also notified that they are required to appear before the SCSB at its April 2021 meeting to discuss these unresolved concerns. That meeting will be held on April 8, 2021 and will most likely be over Zoom.

Currently, these are the concerns:

1. Governing Structure

- a. The THSA governing structure does not adequately protect THSA and public funds.
- b. THSA shares all but one member with TCA but act as independent boards for competing interests.
- c. THSA and TCA share the same board chair and executive committee but act as independent boards for competing interests.
- d. THSA and TCA share the same legal counsel but act as independent boards for competing interests.
- e. The SCSB questions how the current board arrangements for the THSA board and the TCA board can fairly represent themselves with no cost to one another as the same members serve two different competing boards.

2. Public Funds

- a. THSA pays both a maintenance fee as well as a rent fee to TCA even though they are part of the same 501(c)(3) which was created by the grant of \$23 million to which there are no outstanding debts.
- b. The SCSB has concerns that THSA has violated 53G-5-409(3)(a.) as THSA has entered into contract with organizations in which relatives of the THSA board have financial interests.
- c. In the current contract both boards take advisory roles in areas of contract dispute leaving decisions up to their respective directors and in some circumstances a small executive committee.



- d. The SCSB questions how contracts between the two boards could be created or adjudicated fairly as the boards are comprised of the same voting members and the contracts are created and reviewed by the same legal counsel.
3. Student Safety
  - a. Personnel without adequate background checks have unmonitored access to the school grounds and shared spaces during school hours and when students are present.
4. Violations of Utah Code 52-4 Open and Public Meetings Act.
  - a. In the July 27, 2020 meeting motions were made without the presence of a quorum of board members.
5. Enrollment/Financial Viability
  - a. The SCSB recognizes that many schools have had a drop in enrollment for SY2021. Given the overall enrollment trends for brick-and-mortar schools, that prior to SY2021 THSA had been increasing enrollment, and the "hold harmless" provisions for funding the SCSB did not have concern with the school's enrollment prior to receiving the information from the THSA board chair; however, THSA's board chair identified that this drop in enrollment will impact finances to the point of concern over THSA's continued financial viability. Given this self-identified consideration and the disruption to enrollment that may occur due to recent changes in administration, the SCSB is now concerned for the enrollment and financial viability of THSA.

Failure to rectify the above-mentioned concerns could result in further disciplinary action as stated in the Charter School Accountability Framework. Any questions regarding this Notice of Concern may be directed to Greg Connell. He can be reached at 801-538-7957 or at [Greg.Connell@schools.utah.gov](mailto:Greg.Connell@schools.utah.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Lambert".

Executive Director Jennifer Lambert  
State Charter School Board

cc:

Margaret Archibald, board member  
Andy Cox, board member  
Sue Cox, board member  
Lew Cramer, board member  
Rebecca Evans, board member  
Lisa Holm, board member  
Dave Pugsley, board member  
Stacy Shurtliff, board member  
Rob Simmons, board member  
Kelly Geary, director