

**UTAH STATE BOARD OF EDUCATION
LEGISLATIVE MEETING**

March 21, 2014

A legislative meeting of the Utah State Board of Education was held March 21, 2014 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted.

Board Members present:

Chair David L. Crandall
Member Keith M. Buswell
Member Leslie B. Castle
Member Barbara W. Corry
Member Heather Groom

Member Michael Jensen
Member Jennifer A. Johnson
Member Jefferson Moss
Member Terryl Warner

Board Members participating by phone:

Member Kim R. Burningham
Member Freddie Cooper (non-voting)
Member Debra G. Roberts

Board Members excused:

Member Dixie L. Allen
Member Kristin Elinkowski (non-voting)
Member Marlin Jensen (non-voting)
Member C. Mark Openshaw

Member R. Dean Rowley (non-voting)
Member Teresa L. Theurer (non-voting)
Vice Chair David L. Thomas

Executive staff present:

Martell Menlove, State Supt.
Brenda Hales, Deputy Supt.
Judy Park, Associate Supt.

Bruce Williams, Associate Supt.
Lorraine Austin, Board Secretary

Others present:

Linda Hansen, Instructional Materials Commission; Jan Ferré; LCPD; Susan Edwards, CSD;
Emilie Wheeler, USBE; Roxana Orellana, USOE

Call to Order

Chair David Crandall called the meeting to order at 12:10 p.m.

Swearing in of Terryl Warner

Chair David Crandall administered the Oath of Office to Terryl Warner, who was sworn in as the Utah State Board of Education member representing District 1, for the remainder of the term through December 2014. Ms. Warner was appointed by the Governor and ratified by the Senate to fill the seat vacated by Tami Pyfer.

Veto Requests

Superintendent Martell Menlove presented three bills to the Board for consideration of requesting a veto by the Governor: 1) HB 342 *Powers and Duties of the State Board of Education*; 2) SB 122 S2 *Parental Rights in Public Education*; and 3) SB 257 *Parent Review of Instructional Materials and Curriculum*.

MOTION was made by Member Castle and seconded by Member Corry that the Board request the Governor to veto HB 324 *Powers and Duties of the State Board of Education*.

Member Moss expressed concern with requesting a veto because he believes there are good things in the bill, including having a formalized process of public notice and participation in the curriculum review process. Also, if a veto is requested, there could be the perception that the Board does not want to have more inclusion in the process.

Others voiced that the bill puts into law what is already in practice, and could easily be formalized in Board rule. It also oversteps the Board's authority. Superintendent Menlove recommended that if the Board requests a veto, the Board agree to establish the process for seeking public input in Board rule, with a provision to report to the legislature. A message is needed that the Board will seek increased public input.

Motion failed, with Member Roberts in favor, and Members Buswell, Castle, Corry, Crandall, Groom, Jensen, Johnson, Moss and Warner opposed; Member Burningham abstained.

Superintendent Menlove reviewed SB 122 S2 *Parental Rights in Public Education* and explained his concern with section 53A-15-1503(9). The bill requires that when a parent opts a student out of a test, "neither an LEA nor its employees are negatively impacted through school grading or employee evaluation due to a student not taking a test . . ."

The current State Office of Education policy is that when a parent opts a student out of a test, the student is not counted against the teacher, the school or the district as far as participation is concerned. However, that student is given a proficiency score of “not proficient.” The problem with the legislation is that as a student opts out and is classified as “not proficient,” the calculation of the school grade is impacted and it could reflect on the evaluation of the teacher. By law, student achievement has to be considered in evaluating teachers, therefore, a student being opted out of a test may have a negative impact on grading and on the evaluation of the teacher. If the legislation is signed, the policy implementation will be in conflict with the law.

Dr. Menlove reported that Senator Osmond recognizes the issue and agrees it is problematic. He may ask for the bill to be on a special session in the future.

It was also noted that federal Title 1 and Title III programs require that every student is held accountable for testing, and federal funding could potentially be in jeopardy if 95 percent of students are not tested. Information was also given that typically the numbers opting out are very low, but it is anticipated the number will increase this year.

MOTION was made by Member Moss and seconded by Member Johnson that the Board not forward a request to veto SB 122 S2 *Parental Rights in Public Education*, but that the Board hold a discussion to re-evaluate the assessment opt-out policy.

Motion carried, with Member Roberts opposed.

MOTION was made by Member Buswell and seconded by Member Jensen that the Board request the Governor to veto SB 257 *Parent Review of Instructional Materials and Curriculum*.

It was reported that members of the Assessment Item Parent Review Committee are not supportive of the bill, as it expands the role for which they were appointed, and have requested that the Governor veto the bill.

It was clarified that the Utah Instructional Materials Commission reviews curriculum materials and makes recommendations on how the materials align with the Core. The Commission does not approve curriculum materials, nor are districts required to use any of the recommended materials. A concern was expressed that there is a communication breakdown

with parents regarding curriculum materials.

Motion carried, with Member Johnson opposed.

MOTION was made by Member Moss and seconded by Member Corry that the Board have a follow up discussion relating to issues outlined in the bill.

MOTION TO AMEND was made by Member Corry and seconded by Member Johnson that the Board have a follow up discussion relating to issues in the bill and other areas for which the Board feels better communication may be needed.

Motion to amend carried unanimously.

Amended motion carried unanimously. It was suggested the Board hold the discussion as part of its upcoming retreat.

Board Member Closing Comments

Member Johnson offered to set up a tour of Palmer Court, a facility that provides housing for those experiencing long-term homelessness. There is a Head Start program on site.

Adjournment

MOTION was made by Member Jensen and seconded by Member Johnson that the meeting adjourn.

Motion carried. The meeting adjourned at 1:15 p.m.

Lorraine Austin, Board Secretary
Minutes approved April 4, 2014