

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

November 5-6, 2015

BOARD STUDY SESSION - November 5, 2015

A study session of the Utah State Board of Education was held November 5, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 3:30 p.m.

Board members present included Chair David Crandall, First Vice Chair David Thomas, Second Vice Chair Jennifer Johnson, and Members Dixie Allen, Laura Belnap, Leslie Castle, Brittney Cummins, Linda Hansen, Mark Huntsman, Spencer Stokes, Terryl Warner, and Joel Wright. Executive and Board staff present included Superintendent Brad Smith and Associate Superintendents Rich Nye, Angie Stallings, Scott Jones, and Lorraine Austin, Emilie Wheeler, and Debbie Davis.

Others present included Alan Shakespear, Box Elder School District; Tracey Watson, Lisa Nentl-Bloom, Jay Blain—Utah Education Association; Trish Trammel, Academica West; Nathan Andelin, OnePoint SIS; Craig Frank, Utah Charter Network/ECA; Jo-Ann Wong, ZeMin Xia, Edie Park—Coalition of Minorities Advisory Council; Cory Kanth, USOE; Sarah Meier, Utah School Boards Association.

Utah State Board of Education Strategic Plan

Superintendent Brad Smith distributed an updated draft of the Board Strategic Plan. He proposed a 3-, 3-, and 4-year implementation plan, implementing the current legislative priorities for three years, then evaluating the plan and having a second tier of implementation for the next three years, and finally, creating a new strategic plan for the last four years.

The Board reviewed the plan and Superintendent Smith provided clarification.

Member Wright requested that a fourth point under the Engagement section titled “Humility” be added, with language that the Board appreciates that many of the best ideas and innovations will come from the many talented teachers, administrators, students, and we look forward to making adjustments and improvements based on their experience of teaching Utah students. He feels ending it in that tone would invite a partnership.

Vice Chair Thomas questioned whether item II-3d—review and revise licensure

policies—should be removed so the Board isn't directing itself. Superintendent Smith suggested that it be reworded as a review of teacher licensure to ensure that entry provisions for the profession are being established at the level the Board wants to address. It could also include a reform of the alternative routes to licensure process.

Member Allen recommended that as the Board goes through the process of sending out an RFP for an assessment system when the current contract expires, the Board meet with principals that piloted the program with NWEA.

Member Cummins questioned what the timeline is to make the document final. Superintendent Smith responded that it is up to the Board and suggested it would be useful to begin to adopt at least some portions of the plan. Member Cummins reminded the Board that in its last meeting the Board passed a motion to assign the Strategic Plan to a Committee for further work. Superintendent Smith responded that the Standards and Assessment Committee has been assigned the work and the Committee will move forward with finalizing the plan.

Member Hansen asked if there is agreement on who the Board's partners are. Member Castle also asked for the partners to be identified.

Vice Chair Thomas suggested strengthening the section on page 2 about establishing valid and reliable assessments to indicate continual upgrading of both standards and the assessments in support of the standards.

Vice Chair Johnson suggested that in section I-F perhaps instead of talking about assessment, talk about accountability toward mastery of proficiency based education. She also requested that a different measure for accountability than graduation rate be considered, such as ACT.

Member Belnap discussed that there are two pieces to the plan—the first is identifying the legislative priorities for this year, and the second is looking long term.

Chair Crandall clarified that the Strategic Plan is coming before the Board now for input, but will go to the Standards and Assessment Committee for further discussion and refinement. The Committee will make a recommendation to the Board for approval, but the document will continue to be fluid.

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board send the draft Strategic Plan to the Standards and Assessment Committee for further

work.

Motion carried.

Discussion with Utah Legislators

Senator Howard Stephenson and Representative Steve Eliason, Co-chairs of the Education Appropriations Subcommittee, were welcomed to the meeting.

Senator Stephenson expressed how good he feels about the Board and the job they're doing. Representative Eliason thanked Board members for their service. He congratulated the USOE and Board for the work being done on the SAGE system, and particularly the data gateway. As more information is now available he looks forward to working with the Board on initiatives to improve student achievement, particularly for at risk populations. He has suggested to the Governor's office that he and Senator Stephenson meet with the Governor and Board leadership to talk about priorities for public education.

Senator Stephenson gave an update on the pre-kindergarten bill and discussed the importance of having the same measure for all the pre-K programs. He also discussed the need to ensure that as the master plan for personalized learning and digital tools moves forward, the LEA plans contain all the elements of fidelity.

Senator Stephenson expressed hope that the Board would help craft legislation on a mastery-based instruction and assessment pilot for schools to go on a modified schedule. He is hoping for a pilot that will pay teachers 50 percent more because they are teaching 50 percent more.

Representative Eliason mentioned that he has talked with Board leadership about the Board's proposed funding priorities, and he is committed to the Board's first two priorities. One thing he cautioned is trying to force all districts to switch their total systems over to one platform. He suggested, instead, looking at a statewide crosswalk where all districts would use their own chart of accounts, but the information could be regularly converted to a statewide database so things could be queried and reports could be run.

Representative Eliason reported that he has opened a bill file for legislation that would allow the Board to appoint a member to the Transparency Committee. He also has a bill that would create incentives for teachers to become National Board Certified teachers. According

to research from the National Council of State Legislatures, those teachers can move the needle for students who are struggling.

Representative Eliason thanked the Board for its efforts on suicide prevention in schools. Progress is being made and the efforts are starting to make a tremendous difference.

Member Castle referred him to an article published today in the *Washington Post* citing public health statistics about the mortality rate for white men and women, ages 45-54. For those with less than a college education the mortality rate has gone up two percent since 1999. It is the first time an increase in the mortality rate for any large demographic group has ever happened. Member Castle observed that it is interesting that going to college is now becoming a health issue.

Vice Chair Thomas asked for a realistic appraisal of the likelihood of the Board's digital grant program being funded. Senator Stephenson replied that it is difficult to predict. There is no growth in the General Fund and it appears sales tax is not growing as it used to. The legislature does have the capacity to move money from the school fund through higher education, and some of that will happen this year, but to what degree he is uncertain. He mentioned that this year property taxes were increased for equalization, and he views that as a two percent increase in the WPU that is distributed differently.

Representative Eliason recommended that what would be most helpful to the Appropriations Subcommittee would be to know on a scale basis how the Board would break down its funding priorities further.

Member Wright asked what would be the best way to bring ideas to the legislature that could improve public education, but don't require funding. Senator Stephenson responded that meeting together is important, and they are open as Appropriations Co-chairs to ideas for legislation, whether from individual Board members or the Board collectively. Representative Eliason suggested determining first if something can be dealt with administratively or at the Board level prior to seeking legislation. He would rather open bill files if that is the only way to address an issue. He, too, expressed willingness to meet with any Board member.

Senator Stephenson voiced his belief that the Board should have greater control over

how the money for public education is spent. He would like to see a line item for Board priorities, and invited the Board to add a line on its priorities list for Board-directed programs, with the intent that a block grant would be appropriated to the Board.

Member Allen voiced the importance of bringing minority students into the school system earlier and for extended times, and expressed hope that funding would be provided to do so. Representative Eliason replied that it is a theme we all have in common. He reported that a bill passed out of the Education Interim Committee that would allow districts to charge for extended day, and those students who can't afford it would be given fee waivers. Other bills for pre-K and extended day have also been filed.

Vice Chair Johnson pointed out that the Utah State Office of Rehabilitation (USOR) receives funding from the Education Fund, and suggested that may not be constitutional. She suggested the USOR funding come out of the General Fund, which would eliminate the constitutional conflict. Representative Eliason acknowledged that it needs to be addressed.

Member Huntsman asked if there is a process to unburden LEAs rather than continuing to pile on, both from the legislature and the Board. Representative Eliason asked the Board to give him a list of specific programs that would be beneficial to repeal, including details on the problematic sections of the Code. Senator Stephenson stated that he will take on the challenge of having a formal process to review this annually.

Senator Stephenson and Representative Eliason were thanked for their willingness to meet with the Board.

The study session ended at 5:13 p.m.

Meeting of the Utah State Board of Education acting as the Governing Board for the Utah Schools for the Deaf and the Blind

Following the study session, a meeting of the USDB Board was held. Minutes of this meeting are under separate cover.

Board Standing Committees

Following the USDB Board meeting, the Finance, Law and Licensing, and Standards and Assessment Committees met.

UTAH STATE BOARD OF EDUCATION MEETING - Friday, November 6, 2015

A regular meeting of the Utah State Board of Education was held November 6, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 8:03 a.m.

Board Members Present:

Chair David L. Crandall	Member Linda B. Hansen
1 st Vice Chair David L. Thomas	Member Mark Huntsman
2 nd Vice Chair Jennifer A. Johnson	Member Stan Lockhart
Member Dixie L. Allen	Member Jefferson Moss
Member Laura Belnap	Member Spencer F. Stokes
Member Leslie B. Castle	Member Terryl Warner
Member Barbara W. Corry	Member Joel Wright
Member Brittney Cummins	

Executive and Board Staff Present:

Brad Smith, State Superintendent	Darin Brush, USOR Executive Director
Sydnee Dickson, Deputy Superintendent	Lorraine Austin, Board Secretary
Scott Jones, Associate Supt.	Emilie Wheeler, Board Communications Specialist
Rich Nye, Associate Supt.	Debbie Davis, Internal Audit Director
Angie Stallings, Associate Supt.	Nicole Call, Assistant Attorney General
Joel Coleman, USDB Superintendent	

Others Present:

Jay Blain, Lisa Nentl-Bloom—Utah Education Association; Jo-Ann Wong, Coalition of Minorities Advisory Committee; Leah Lobato, Utah State Office of Rehabilitation; Kris Fawson, Utah Statewide Independent Living Centers and LCPD; Fawn Morgan, PALS Library; Carrie Jensen, Prevent Child Abuse Utah.

Opening Business

Chair David Crandall called the meeting to order at 8:03 a.m. Member Dixie Allen led those present in the Pledge of Allegiance.

Board Member Message

Member Mark Huntsman welcomed the Board. He observed that Board members have

many responsibilities and he finds himself sometimes wanting to rush through issues. Board members are messengers—to the taxpayers, educators, parents, students, and the entities under the Board—and many times the intent of the Board’s message is not received as well as the Board would like. He suggested that moving forward, is critical to the Board’s purpose to send the best message possible. He showed a short video illustrating the power of words.

Introduction of New Employees

H.R. Director David Rodemack introduced new employees Kristine Rasmussen, Deborah Jacobsen, Sherry Gale, and Leslie Haberkern.

Acknowledgment of Student Artwork

Cathy Jensen, Fine Arts Specialist, talked about the art work hanging in the Board Room from Horace Mann Elementary and James Madison Elementary in the Ogden School District and from Washington Elementary in Washington School District.

Public Comment

Lisa Nentl-Bloom, Executive Director, Utah Education Association - referenced Representative Eliason’s discussion yesterday about National Board Certification. Ms. Nentl-Bloom announced that UEA’s President, Sharon Gallagher Fishbaugh, has once again become a National Board Certified educator. She informed the Board that UEA has started a teacher leadership initiative to provide other leadership opportunities for teachers that don’t want to become a principal. The first cadre of teachers just finished their projects in September and four of them presented at the National Press Club last week. She indicated the teachers would be willing to visit with the Board about the initiative.

Noah Coleman, sophomore at Copper Hills High School - reported that one of his teachers has created a packet that focuses on how a student learns rather than on how he teaches. He expressed that he can’t wait to learn more, and suggested it would be a great online program. He suggested the question that should be the focus is, “What is the purpose of

a school?" True education should be focused on students, not teachers, and he believes the Board can change this in a big way. He suggested three areas that would improve education: 1) ask the legislature to fund a statewide blended learning program that is more effective than the Electronic High School; 2) require teachers to become experts in the new way of teaching and learning, and; 3) move to competency based credit instead of classroom credit.

General Consent Calendar

MOTION was made by Vice Chair Johnson and seconded by Member Allen that the Board approve the Consent Calendar.

Vice Chair Johnson requested that item B-3, the school turnaround contracts, be removed. Member Belnap requested that item G, temporary authorizations, be removed. Without objection, B-3 and G were removed from the Consent Calendar.

Motion to approve carried.

A. Minutes of Previous Meeting

Minutes of the Utah State Board of Education meeting held October 8-9, 2015 were approved.

B. Contracts

1. ARO Professional Services, \$218,139, 11/9/2015 to 8/31/2018, federal

Federal Grant Award S206A150002, Program 84.206A - Javits Gifted and Talented Students Education Grant program director.

The Board approved the contract.

2. Joan Giroux Bramble, \$60,000, 11/9/2015 to 8/31/2018, federal

Federal Grant Award S206A150002, Program 84.206A - Javits Gifted and Talented Students Education Grant program external evaluator.

The Board approved the contract.

3. School Turnaround vendors, various amounts to be paid per site, 11/3/2015 to 11/12/2020

For implementation of S.B. 235 *Education Modifications* to turn around low-performing schools. Individual turnaround schools will select from vendors listed below, awarded through an RFP process, not to exceed \$7 million.

School Improvement Network
Catapult Learning, LLC
Innovations Educational Consulting
Tetra Analytix, LLC
Education Direction

The Board pulled this item from the Consent Calendar.

C. Report of Contracts under \$100,000

The Board received the report of contracts less than \$100,000 approved by the State Superintendent or USOR Executive Director.

D. Washington Terrace TEC Meeting Report

The Board received the following information. The Community Development and Renewal Agency of the City of Washington Terrace held a TEC Committee meeting on October 5, 2015 for the purpose of a TEC vote on the extension of the Southeast Urban Renewal Area Project for an additional ten years, to change the increment terms, and cap the increment collection amount. The Board's TEC representative voted with the local school board in favor of the resolution, as directed by the Board. The vote was unanimous in favor of extension. The extension period commences at the beginning of calendar year 2016.

E. R277-705 Secondary School Completion Diplomas

In its October 9, 2015 meeting, the Board approved R277-705, as amended, on second reading. The rule was amended to make it consistent with accreditation language in R277-410 and make other technical and conforming changes.

The Board approved R277-705 *Secondary School Completion Diplomas* on third and final reading.

F. Requests for Expanded Eminence Authorization

The Board approved expanded eminence authorization for Fred Lee, Craig Hollinger, Leslie Fallis, Robinne Booth, Maria Heredia, Maren Christensen, and Julie Snarr for the 2015-2016 school year.

G. Requests for Temporary Authorizations

It was proposed that the Board approve temporary authorizations for licenses as submitted by school districts and charter schools.

The Board pulled this item from the Consent Calendar.

H. List of Educator Licenses Processed

The Board received a summary of the total number of educator licenses and license areas processed in November 2015.

B-3, School Turnaround Contracts - it was clarified that the total for all the contracts cannot exceed \$7 million. Superintendent Smith explained that once the vendors are identified, the schools will choose a vendor. If there is already a turnaround expert at the school, the school does not have to choose another one. The contracts will vary with each provider and each school. A form is being developed that will identify the process and scope of the work for the contractors. Today the Board is being asked to approve the list of vendors, not the contracts.

MOTION was made by Member Moss and seconded by Vice Chair Johnson that the Board approve item B-3, School Turnaround Contracts, from the Consent Calendar.

Motion carried; Members Castle, Lockhart and Wright absent.

Item G, temporary authorizations - it was clarified that the longest time allowed for authorizations is three years.

MOTION was made by Member Belnap and seconded by Vice Chair Johnson that the Board approve the temporary authorizations for licensure.

Motion carried; Members Castle, Lockhart and Wright absent.

Monthly Budget Report

Associate Superintendent Scott Jones presented the budget report for the month ending October 31, 2015 along with Deborah Jacobsen, USOE Budget Manager, and Kristine Rasmussen, Finance Director for Internal Accounting. Superintendent Jones informed the Board that there has been a practice by accountants of moving salary and benefits funding between the 500 series object codes and others, and reported that internal controls are now being implemented so that funds within the salary and benefits object codes cannot be moved outside of that series of object codes.

Vice Chair Thomas observed that there are several areas showing remaining balances that are in the negative. He questioned whether those are for federal programs where the money has been expended we are waiting for the match. Superintendent Jones suggested that it was not likely the case, and indicated he would come back later in the meeting to clarify.

Vice Chair Johnson reminded the Board that along with the control for not moving funds between salaries and benefits and other object codes, the Board also directed that certain controls be put in place regarding moving items between object codes. Mr. Jones reported that this control is in the process of being implemented.

USOR Executive Director's Report

Darin Brush, Utah State Office of Rehabilitation Executive Director, reported on the following items.

- Bret Gallacher, an executive with Associated Foods and Chair of the Governor's Committee on Employment of People with Disabilities, was introduced. Mr. Gallacher will be making a report as part of USOR's cycle of reporting from its advisory committees.
- In USOR's last report, the good news was provided that the Order of Selection was opened up for service to those in the Most Significantly Disabled category. That began Monday and contact was made with the first 150 clients to enroll and begin serving them. In the next twelve weeks as a matter of course, each week an

additional cohort of clients will be brought off that Most Significantly Disabled category until it is open. They intend to keep it open and are excited about that.

- USOR has switched to a new case management system called Aware, which replaces the old system. The implementation has gone remarkably well through the third full week of implementation and the old system has been shut down.
- One of the four areas of concern in USOR's Agency Plan is that the agency lacked a sufficient compliance structure. A compliance office, Shane Young, has just been hired and will begin a week from Monday.

Governor's Committee on Employment of People with Disabilities

Bret Gallacher, Chairman of the Governor's Committee on Employment of People with Disabilities, reported that the Committee has been leading the way nationally with what it has been able to do. He acknowledged Leah Lobato, Executive Director for the Committee, for her work.

Mr. Gallacher distributed information and gave a presentation about the work of the Committee. He reviewed the three objectives of the Committee and informed how those objectives are being implemented: 1) increase outreach and education level of ASAP—Alternative State Application Program; 2) help private businesses who have 503 contracts to understand the federal regulations; 3) improve upon existing campaigns, create new programs where needed and eliminate antiquated operations.

He reported that the Committee created a campaign this year to celebrate the 25th anniversary of the Americans with Disabilities Act, and recently held the Golden Key Awards as part of the events. He also informed about two disability mentoring events the group held, bringing in Utah high schools seniors.

Member Hansen informed that she is a mother with two boys with developmental disabilities. She commented that there are many children that are autistic or have other disabilities that have untapped potential, but the challenge is in getting employers to tap into that potential and train them when they are young. Mr. Gallacher committed to having the

Committee discuss this at its next meeting.

Vice Chair Johnson asked about USOR's coordination with students with disabilities in the public education system that will need to seek employment. Mr. Brush reported that he just spent several days with his peers around the nation where the entire conversation was pre-employment transition for youth. A key will be working with local education agencies and connecting to STEM.

Executive Director Brush lauded the Governor's Committee, calling them an anchor point. He expressed how pleased he is with the inroads the Committee has made with employers. He also thanked Leah Lobato, Executive Director of the Committee.

Student Privacy Study

Associate Superintendent Rich Nye reported that H.B. 68 *Student Privacy Study* was passed in the 2015 legislative session. He recognized Representative Anderegg, sponsor of the legislation, in the audience.

The legislation requires USOE to hire a chief privacy officer and conduct a student privacy study, and on or before January 1, 2016, the USOE and the chief privacy officer need to make recommendations to the Public Education Appropriations Subcommittee. Funding from H.B. 68 has been utilized to contract with a nationally-recognized expert in student privacy, ESP Solutions Group, to help draft recommendations for possible legislation as well as possible student privacy laws. Dr. Glynn Ligon from ESP Solutions Group was welcomed to the meeting. The document, *Recommendations and Funding Proposal to Further Improve or Enact High-Quality Practices and Supports to Safeguard Student Personally Identifiable Information*, was distributed to the Board.

Dr. Ligon reviewed the findings in the report. The major recommendations have been summarized into three high level categories: 1) Development of a Data Governance Plan (including a security plan) for the USOE and each local education agency (LEA); 2) creation of data management roles at USOE and at each LEA with specific responsibilities related to stewardship of personally identifiable information, and; 3) funding.

Dr. Ligon reported that one of the aspects that has received the most discussion is defining what data are collected and reported. He reviewed the definition of categories of data to be collected in page seven of the document. Member Castle asked if medical or dental records are required for students with disabilities. Dr. Ligon replied that they are. Member Castle pointed out that sometimes criminal records are embedded in medical records. Dr. Ligon responded that it is recommended that once a year the legislature review and approve the list of what is not allowed to be collected by LEAs and reported to the USOE. A policy advisory group would make recommendations to the legislature on what those elements should be. It would be similar to what happens at federal level, where the Office of Management and Budget has to approve all data collected by all of the agencies.

Vice Chair Johnson asked what “data collected through effective computing” means. Dr. Ligon explained that it refers to applications or systems that ask students to talk about their feelings. Vice Chair Johnson asked if there would be more guidance regarding data collected in extreme situations, such as in identifying sexual abuse or suicidal behavior. Dr. Ligon responded that there needs to be. What is referred to in the document is systematically collected data on all students, not data collected to help individual students. Vice Chair Johnson also noted that with some home computing software there are auto logs that are created. She asked if the implication is that schools explicitly have to make sure information being accessed from home computers is not being logged. Dr. Ligon didn’t have an answer, but indicated he will add it to the list of things to consider.

Member Wright reported that school business officials are worried about the extremes. He cited examples such as publishing height and weight of football players, newspapers reporting on students, and students publishing selfies with personally identifiable information. It is implied in the report that it could mean jail time and financial penalties. This is a huge paradigm change and there are not a lot of specifics.

Dr. Ligon acknowledged that these are legitimate concerns. The examples Member Wright used are not covered under FERPA (Federal Education Rights and Privacy Act), therefore would not be a violation under plan because they were not examples of staff members or

employees of schools districts. Things such as the heights and weights of athletes are typically covered under directory information, and if parents give their permission, that would be allowed. The good news is when the plan is formalized it will give educators protection and guidance so they can be comfortable about what data they can use. He also noted that the amount of the fine is in HIPPA law.

Representative Anderegg addressed that the reason the year was given to implement a plan was because the legislature realized this will be a paradigm shift that will need to take some time. He came before the Board multiple times last year to discuss the legislation. He stated he is not trying to create fear, but give some guidelines and protections to LEAs. He has met with representatives from the Utah School Superintendents Association and other groups to try and figure out how to put the guardrails up without hamstringing educators. He indicated he open to further discussion and asked that the Board continue moving through the process.

Superintendent Nye informed that the Board has until January 31 to make recommendations to the interim committee. In December, specific recommendations will be brought before the Board.

Electronic High School

Deputy Superintendent Sydney Dickson reminded the Board of the brief conversation that was held last month about the Electronic High School (EHS), and indicated that conversations have taken place since then focusing on what the role of the EHS is with the State Office of Education and the Board.

Diana Suddreth, Director of Teaching and Learning, gave a presentation about the Electronic High School. She pointed out that the EHS is unique from other online programs in the state, primarily because it is open-entry, open-exit. In addition, it is a lower cost than other alternatives. She addressed the question of completion rates for EHS students. Because of the open-entry, open- exit nature, whenever completion rates are considered there will always be students who are in the middle of their courses.

Dr. Suddreth responded to a question from Member Belnap, indicating that there are caps on the number of students. She also clarified that EHS credits are accepted by the NCAA and the Regents Scholarship.

Vice Chair Johnson questioned whether between original credit earned and credit recovery there is one population uniquely served by EHS. Dr. Suddreth indicated it is probably unique for credit recovery outside of a student's school. She also informed that there are no courses unique to EHS.

Member Castle asked for a breakdown about who is using the system. Dr. Suddreth indicated she could get the information. Member Castle suggested that English language learners should be the focus for these kinds of programs.

Vice Chair Johnson asked what the line item appropriation is for EHS. Superintendent Dickson reported it is \$1.1 million, with approximately \$600,000 in carryover. She suggested that the program could probably run about a half year without additional appropriations.

Member Warner asked whether if a student has a full load of classes and wants to take classes online, they are limited to what they can take. Diana responded that it is not limited for the EHS.

Member Cummins asked if the EHS is the only option for students to take online classes over the summer. Dr. Suddreth responded that it is not the only option, but is the only one students could decide to use today and get started with immediately.

MOTION was made by Vice Chair Johnson and seconded by Member Moss that the Board recommend to the legislature that the Electronic High School not be re-appropriated for next year.

Member Corry expressed that it seems too quick to make the recommendation after such a short discussion. She commented that there has been a lot of value in the EHS and she doesn't feel the Board has enough information to decide if it is not of value any more. Vice Chair Johnson responded that her motion is not a value recognition, but is with respect to the Board asking for new money without considering giving things up. Since there are so many other online options she sees it as not as high a priority as other things.

Member Cummins expressed that the EHS does seem somewhat redundant, and asked if there is anything that EHS offers that cannot be found any other place and would cause problems for students. Superintendent Dickson informed that other online schools are subletting courses like financial literacy, fitness for life, and computer science to the EHS, because it saves them money and they don't have to hire teachers. Other online programs would have to pick up the cost of that if the EHS is not available.

Superintendent Smith questioned if there is anything intrinsic in the open-entry, open-exit aspect of the EHS that couldn't be duplicated by some other provider. Superintendent Dickson responded that she has spoken with several operators of online schools about the option and they don't operate that way. Dr. Suddreth mentioned that their systems run on a calendar year. Superintendent Smith suggested that the way the schools are funded could be the driver.

Member Stokes asked what the total cost of the EHS is, factoring in time spent in the office and paying teachers. Dr. Suddreth indicated it costs the \$1 million that is appropriated. She also informed that EHS is completely free to students. It was suggested that the \$1 million could be transferred to local education agencies to provide a similar service.

Member Hansen asked whether students would have to be offered a fee waiver if the EHS is not available and they must pay for another online program. Dr. Suddreth indicated fee waivers would have to be offered.

Member Allen reported that in rural areas, the EHS has been very advantageous for students.

Member Castle called the question. Motion carried, with Member Allen opposed.

Motion to recommend that the EHS not be re-appropriated carried, with Members Belnap, Castle, Cummins, Crandall, Hansen, Huntsman, Johnson, Moss, Stokes, Thomas, Warner and Wright in favor, and Members Allen and Corry opposed; Member Lockhart absent.

SFY 2017 Legislative Priorities

Discussion with Representative Thurston

Representative Norman Thurston was welcomed to the meeting. He distributed an outline of local funding options for public education, indicating that this is a bill he intends to bring back this year. The proposal is to have a pilot program for local education agencies who want to participate to receive their funding as a block grant. This would allow for flexibility to meet local needs and alleviate reporting burdens. The pilot would be turned over to the Board to implement. Representative Thurston outlined the key points on the handout. He indicated that for provisions in Code 53A that don't directly have an appropriation, but have implications for districts, he would prefer to give the Board the discretion to exclude. Vice Chair Johnson asked for a list to be included of what the Board would be able to waive. Representative Thurston suggested that since most of the below the line funding has strings attached, the Board could waive those strings.

In response to questions from Board members, the following points were made:

- The legislation gives the responsibility to the Board to determine how to work out funding for below the line programs where when the funding changes for one LEA, it changes the appropriations for others. The total amount to LEAs would not change.
- The intent is that districts will not be rewarded or penalized financially for participation in the pilot.
- The cost for the State Office of Education to implement and monitor the program has not been estimated, as it will depend on how the Board decides to implement the program.

Superintendent Smith stated that he loves the notion of incentivizing true innovation. He indicated the concern he might have is how the flight from accountability would be addressed, whether the policy decision would be transferred from the legislature to the Board, and what accountability would be required from the Board. Representative Thurston responded that the quid pro quo he had envisioned is if an LEA is let out of accountability with a specific program would, there would still be a need to know what happened. A balance will be needed to make the program attractive for participation and to provide learning from the

innovations.

In-House Counsel Briefing

Associate Superintendent Angie Stallings reviewed a brief she prepared at the request of Board leadership to give some background on the constitutional and statutory provisions regarding the Attorney General being the Board's legal advisor. She reviewed a lawsuit that held that attorney general authority only applies to Title VII executive officers. In 1986, the Utah Legislature passed SJR 1 which moved the State Superintendent of Public Instruction's authority and power under the Board, so now the Superintendent is no longer an Article VII executive officer of the state. Therefore, this may give the legislature the authority to allow the Board to hire its own in-house counsel.

Vice Chair Thomas noted that public education receives forty percent of the entire state budget and the Board oversees \$4 billion to \$5 billion a year. The combined budget for higher education is only about fifteen percent of the budget, yet in terms of resources, higher education has 60 attorneys including in-house counsel as well as the Attorney General's office. Until last year, public education had only one dedicated attorney. The imbalance may exist because, to a certain extent, many in-house attorneys for higher education are hired through dedicated credits. The A.G.'s office has suggested that public education could do something similar.

Board leadership has discussed the issue with the Attorney General's staff a number of times. There are real concerns about the amount of legal service public education needs. There is too much work for the two attorneys assigned to public education. There have also been concerns in the last six months about potential conflicts of interest within the Attorney General's office and how those conflicts of interest were dealt with. If the Board had its own in-house attorneys, those conflicts would not exist. Vice Chair Thomas made it clear that he is not taking away from the work the current attorneys are doing, but is expressing concern about the workload.

MOTION was made by Vice Chair Thomas and seconded by Member Moss that the

Board direct Board leadership to find a legislative sponsor to make a change in legislation to allow the Board to hire in-house counsel.

Member Stokes voiced his preference that Board leadership meet first with the Attorney General and approach the legislature with the A.G.'s blessing. Vice Chair Thomas responded that Board leadership has met with the A.G.'s staff and nothing has been done, but agreed they could try again.

MOTION TO POSTPONE INDEFINITELY was made by Vice Chair Johnson and seconded by Member Stokes.

Vice Chair Thomas stated that Board leadership has been talking with the Attorney General's office about this for the last 2-1/2 years, and he feels the Board needs to move forward. Having a bill on the table may change the discussion. Member Stokes indicated he doesn't disagree with the Board having its own counsel, but believes the Board can negotiate something with the Attorney General before moving forward.

Motion to postpone failed, with Members Castle, Cummins, Hansen, Johnson, and Stokes in favor, and Members Allen, Belnap, Corry, Crandall, Huntsman, Moss, Thomas, Warner, and Wright opposed.

MOTION TO AMEND was made by Vice Chair Thomas and seconded by Member Stokes that the Board empower its leadership to have a discussion with Attorney General Reyes about the ability of the Board to hire its own in-house counsel, and that depending upon the results of the discussion and after advising the Board, leadership could request that a bill file be opened to facilitate this option.

Motion to amend carried.

Motion as amended carried unanimously.

SFY 17 Legislative Priorities

Vice Chair Thomas reported that according to the Legislative Fiscal Analyst's office there will be \$160 million additional ongoing money in the Education Fund, while a shortfall of \$15 million is anticipated in the General Fund. There will also be \$15 million available in one-time

funds. As a result of this information, Vice Chair Thomas suggested a change to Board budget priorities.

MOTION was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the Board revise its priorities as follows:

Ongoing Funds

Expectation: Fund growth

Expectation: WPU increase of one percent (understanding that if Phase 2 of Senator Osmond's bill passes this next session, there will probably be an additional two percent WPU increase)

1. Risk mitigation - increase by \$82,200 for an executive secretary for Internal Audit
2. School Finance/Internal Audit structural imbalance - \$605,000
3. Optional Extended-day Kindergarten (OEK) - \$10 million
4. Technology grant program - change to \$50 million ongoing; \$50 million one-time
5. Career exempt option program (giving employees the choice to move out of the merit system and receive seven percent increase in salary) - \$1 million (new item)
6. Professional development grant - \$9 million ongoing

One-time Funds

1. Enterprise accounting system - \$7 million
2. Technology grant program - \$50 million non-lapsing
3. Building facilities study - \$1 million
4. Board pilot programs - \$21 million (new item)
5. Professional development grants - \$21 million non-lapsing

Member Warner expressed concern regarding the amount of work expected of staff, and asked whether more should be requested to shore up staff. Vice Chair Thomas pointed out that the risk mitigation item is for additional FTEs and should take care of most of the concerns. Member Warner noted that those FTEs are mostly in the areas of finance.

Superintendent Smith suggested that going forward, as new programs are designed, funding for additional FTEs to support the programs needs to be built into legislation or rule.

It was clarified that in the revised priorities, funding for a student services section director, contract attorney, and board attorney has been removed. Member Stokes asked for a side-by-side comparison of the current priorities and the proposed revision. He also questioned how much it will cost to implement the science standards if they are approved. Member Castle voiced her hope that cost for implementation won't be an issue in adopting the science standards next month.

Associate Superintendent Jones presented a side-by-side comparison as requested. Deputy Superintendent Dickson informed that the special education money that would be eliminated is for intensive services. As costs for those services have increased and the gap hasn't been filled, local education agencies are required to take money from their existing budgets for those services.

Without objection, the motion was divided to vote on ongoing and one-time funds separately.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Stokes that the special education and internal staffing items be added back into the revised priorities.

MOTION TO AMEND THE AMENDMENT was made by Vice Chair Johnson and seconded by Vice Chair Thomas that Optional Extended-day Kindergarten (OEK) be removed because there is a proposal for legislation for OEK that is cost neutral.

Motion to amend the amendment carried.

Motion to amend carried, with Member Belnap opposed.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Stokes that the title of #2, School Finance internal audit structural imbalance, be changed to School Finance/Internal Audit.

Without objection the change was made.

Motion as amended to approve the revised ongoing priorities passed; Member Lockhart

absent.

MOTION was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the Board approve the revised one-time funding priorities.

Member Stokes questioned where programs such as the Beverley Taylor Sorenson Arts Learning Program would fit. Vice Chair Thomas indicated the priorities can still be amended.

MOTION TO AMEND was made by Member Stokes and seconded by Member Cummins that the Board pilot programs be reduced by \$1.5 million and \$1.5 million be added for implementation of the science standards.

Member Castle asked for information regarding whether \$1.5 million will be enough for the implementation. Superintendent Smith responded that \$2 million represents an estimate of outside expenses to write new science test questions. It is believed that a portion of the present test items will transfer over; \$2 million represents the worst case scenario. Staff believes there is sufficient funding within the assessment budget presently to cover the costs, if the figures are accurate. The \$1.5 million figure would represent a placeholder. Member Castle reiterated that she would like to have good figures today, as she doesn't want this to be an issue with regards to adoption of the standards in December. Associate Superintendent Rich Nye reported that he has an itemized estimate for \$2 million, which includes professional learning. He expressed that \$1.5 million is a very reasonable placeholder.

Motion to amend carried.

MOTION TO AMEND was made by Member Moss and seconded by Member Stokes that the Board pilot program item be reduced by \$2 million and that \$2 million be added for the Beverley Taylor Sorenson Arts Learning Program.

Member Stokes questioned whether this item should wait until external requests have been submitted on the designated form. Associate Superintendent Jones reported that the form will be posted next week for external groups to submit items for Board support, with the intent that the requests will come before the Board in December and January. Member Moss indicated the item could wait. Without objection, the

amendment was pulled.

Member Huntsman asked for more information about the Board pilot programs item. Vice Chair Thomas explained the intent that instead of going to specific programs, discretionary money would be appropriated to the Board to come up with pilot programs for LEAs. Member Huntsman voiced concern that programs very relevant to public education are being removed for an unknown that is a major change. Vice Chair Thomas responded that the item was added due to the suggestion made by Senator Stephenson in last night's meeting. Member Huntsman expressed further concern that if this is funded the Board will have to allocate more time and resources to make sure those key programs are given due diligence. The Board will be taking on more responsibility and accountability and may not have the necessary resources.

Member Hansen reminded Board members that last year the Board asked for \$10 million in response to the same suggestion from Senator Stephenson, and the legislature did not address it. Member Stokes commented that the proposal is a major sea change in the philosophy of the legislature, and he is not convinced they are ready to do this. It will be the easy target if it is not tied to specific programs. Member Castle also commented that the \$21 million will not go to necessities.

MOTION TO AMEND was made by Member Belnap and seconded by Member Stokes that the Board consider the original one-time list alongside the changes suggested by Members Thomas and Stokes next month.

Motion to amend carried.

Motion carried; Member Lockhart absent.

MOTION was made by Vice Chair Johnson and seconded by Member Stokes that the Board recommend to the legislature that state funding for the Utah State Office of Rehabilitation come from the General Fund instead of the Education Fund.

Motion carried; Member Lockhart absent.

State Auditor Report - *A Performance Audit of Financial Reporting in Public Education*

State Auditor John Dougall and Auditor Chris Otto were welcomed to the meeting. A copy

of Performance Audit No. 15-03, *A Performance Audit of Financial Reporting Public Education*, and an Audit Brief, were distributed. Mr. Otto reviewed the Performance Audit, summarizing the three major findings and corresponding recommendations.

Auditor Dougall expressed appreciation for the work of the Board and commented that a better understanding of the financial resources to help track whether those resources are meeting the Board's trajectory is critical.

Member Moss questioned whether the Board will discuss the recommendations in a future meeting. Chair Crandall responded in the affirmative.

Report from the USBE Advisory Committee Review Task Force and Recommendations for Changes to the Charter School Statute

Member Linda Hansen, Chair of the Task Force, reported that the Task Force has been meeting to look at the committees that advise to the Board and come to the Board with recommendations on making them more effective and efficient. Also, legislators have asked the Board to give some recommendations regarding charter governance and the Board chair assigned the task to this Task Force.

MOTION from Committee that the Board recommend to the legislature that the Board be granted the authority to appoint and remove members of the State Charter School Board (SCSB) and select the chair of the SCSB.

Member Hansen reported that the Task Force discussed the need for the SCSB to have a better relationship, more oversight, and connection to an elected entity. They also voiced that since charter schools are in public education, the SCSB should be under the Board umbrella.

Member Allen expressed that charter schools do not receive the same help from the SCSB as districts give to their schools, and they need more support.

Vice Chair Johnson spoke in favor of the motion, pointing out the disconnect between the SCSB's actions to approve charters and the attendant burden placed on the State Office of Education. Also, the Board isn't party to the contracts and the ability to appoint would be a step forward in bringing a greater alignment between this Board and the SCSB.

Member Moss expressed concern that bringing the SCSB under the umbrella of the Board would make them more like a district. He feels the current disconnect allows for more innovation.

Member Belnap stated that the Board has the constitutional responsibility for all public schools, and she is uncomfortable with the agreements that are made with the SCSB and the charter schools.

Member Cummins reported that in the Task Force meeting the intent was not to take on more responsibility at the Board level. The SCSB would still be the charter authorizer. The change also wouldn't change the support they're providing to charter schools. There was never any intent for the Board to have more control over charters and change the ability for innovation. The intent was to create a place where the SCSB would have its own level of accountability in its function. There are already financial ties and ties through Risk Management, and this would make those ties more direct.

Member Moss asked whether feedback has been received from the SCSB. Chair Crandall was unaware of any.

Member Warner reported that she attends the SCSB meetings, and suggested the Board needs more information about the applications; if the Board had more oversight, it could facilitate getting better information.

Motion carried, with Member Moss and Wright opposed; Member Lockhart abstained as he did not hear the discussion.

Associate Superintendent Stallings reviewed a policy brief she was asked to prepare on options for charter school statutory changes. She pointed out that in the charter school voluntary school improvement process, if the Board doesn't take action upon receiving a request within 30 days, the authorizer's request to voluntarily terminate a school's charter and transfer operation automatically moves forward. Staff recommends that the timeframe shouldn't be so short because the Board may not be scheduled to meet within 30 days, and that the action should not automatically move forward in the absence of Board action.

MOTION was made by Member Hansen and seconded by Member Corry that the Board

recommend to the legislature that changes to the Voluntary School Improvement Process be made to extend the time period to 60 days for the Board to act, and that the process cannot automatically go forward without Board action.

Member Wright noted that sometimes it is an urgent process, and the 30 days was established in order to get it done quickly. He suggested changing the language from 30 days to the next time the Board meets. Superintendent Stallings suggested it could be the later of 30 days or the next meeting. Member Castle voiced that turnaround time of 30 days doesn't seem reasonable.

Motion carried, with Members Lockhart and Wright opposed.

Audit Committee Report

Internal Audit Director Debbie Davis summarized items from the Audit Committee meeting of October 15, 2015. Several external audits have been completed and the internal auditors have helped facilitate audit responses. No motions came out of the Audit Committee this time.

Ms. Davis reported that an audit tracking database is being developed and will soon be available to Board members.

Standing Committee Reports

LAW AND LICENSING COMMITTEE

Committee Chair Leslie Castle reported on the following items from the Committee.

Approval of Previous Meeting Minutes

The Committee approved the minutes of its October 8, 2015 meeting.

R277-726 Statewide Online Education Program

The Committee read R277-726 in its August meeting and directed that further changes be

made to the rule including changes to how the Statewide Online Education Program (SOEP) requires LEAs and SOEP providers to deal with certain issues. The Committee reviewed those amendments and made additional amendments. The Committee approved the amendments to R277-726, and continuation of the rule, on first reading. An updated rule was distributed to the Board.

MOTION from Committee that the Board approve R277-276 *Statewide Online Education Program*, as amended, and approve continuation of the rule, on second reading.

Motion carried.

R277-494 Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities

Rule R277-494 was amended and approved by the Board on third and final reading in its October 9, 2015 meeting. Since the rule was filed with the Division of Administrative Rules, additional issues were identified that need to be addressed.

The Committee reviewed the amendments requiring a charter or online student to pay a \$75 school participation fee, formerly paid for by the student's charter or online school. The \$75 fee is in addition to any activity specific fee the student is required to pay before participating in an extracurricular or co-curricular activity. The amendments also eliminate the need for a student to obtain approval from the student's charter or online school before the student participates in an activity.

The Committee made additional amendments and approved R277-494, as amended, on first reading. An updated rule was distributed to the Board.

MOTION from Committee that the Board approve R277-494 *Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities*, as amended, on second reading.

Motion carried.

Associate Superintendent Stallings noted that last night the Committee directed that she prepare an additional amendment with specific language on fee waivers. She reviewed the

language on pages 4 and 6 of the updated rule.

Board members discussed whether there should be a fee and whether the Board should set the fee amount at \$75 or allow schools to negotiate the fee.

MOTION was made by Member Cummins and seconded by Member Stokes that more information about fees be obtained and the rule come back to the Law and Licensing Committee for further discussion of this issue.

Motion carried; Members Johnson and Lockhart absent.

R277-920-3 Implementation of the School Turnaround and Leadership Development Act - Superintendent's Designation of Low Performing Schools and Waiver Authority

The Committee reviewed amendments to R277-920-3 to allow the Superintendent to grant a waiver to new schools from participating in the school turnaround program. The Committee approved R277-920-3, as amended, on first reading.

MOTION from Committee that the Board approve R277-920-3 *Implementation of the School Turnaround and Leadership Development Act - Superintendent's Designation of Low Performing Schools and Waiver Authority*, as amended, on second reading.

Member Moss questioned if allowing the Superintendent to give waivers is included in the statute. Superintendent Smith responded that it is something for which the Board has direct control. As staff developed the process it became apparent that it would not be helpful to include schools that opened this fall, because they don't have available data. This amendment would provide an option to examine those schools and determine whether participation is appropriate. He has discussed it with the Senate sponsor, Senator Niederhauser, who indicated he doesn't have a problem with the change.

Motion carried.

Concept Discussion - R277-439 Split Enrollment for Public School Students

The committee discussed the policy options related to student enrollment in two or more public schools and directed staff to invite Senator Aaron Osmond to the December Law and

Licensing Committee meeting for further discussion.

Policies and Procedures Update

The Committee received a progress report from staff on updates to policies and procedures.

STANDARDS AND ASSESSMENT COMMITTEE

Committee Chair Laura Belnap reported on the following items from the Committee.

Approval of Previous Meeting Minutes

The Committee approved the minutes of its October 8, 2015 meeting.

High Quality School Readiness Initiative Report

The Committee received information from Gretchen Anderson, the Director of the School Readiness Board, and Dr. Mark Innocenti, the program's independent evaluator, on the High Quality School Readiness Initiative.

Formula for Calculating a Growth Target - R277-497 School Grading System

Statute requires the Board to establish a formula to calculate growth targets for each student to determine sufficient growth. A student growth formula still needs to be established and incorporated into R277-497.

The Committee received information from Chris Domaleski and Associate Superintendent Rich Nye regarding three different approaches for a formula for calculating growth.

MOTION from Committee that the Board approve the SGB 40 formula for calculating growth.

It was noted that this would be a continuation of our current measurement.

Motion carried; Members Castle and Johnson absent.

MOTION from Committee that the Board develop language for legislation regarding

calculating student growth that provides for a good measure of accountability.

Motion carried; Members Castle and Johnson absent.

Standards Review Process

The Committee reviewed a detailed explanation of the Board's standards review process and provided direction to staff to further clarify the steps.

Kindergarten Assessment

In the July 2015 meeting of the legislative Education Interim Committee, the topic of Utah not having a consistent measure to assess kindergarten readiness was discussed. In its August 2015 meeting, the Board further discussed the issue and voted to establish a statewide kindergarten assessment.

Staff presented four options for kindergarten assessment to the Committee: 1) USOE created assessment; 2) adoption of LEA assessment; 3) DIBELS/Math screener from LEA; and 4) a commercial product.

MOTION from Committee that the Board approve option 4 and direct staff to research and find the most cost effective and academically sound product for a kindergarten assessment.

It was noted that since the Committee voted for Option 4, several districts have been in contact indicating that there are districts assessment that could be used.

Motion carried; Members Castle and Johnson absent.

Civic and Character Education Report

The Committee received the Civic and Character Education Report and gave its support for presentation of the report to the Education Interim Committee.

PEER Assistance and Review (PAR) Report

The Committee received the PEER Assistance and Review Report and gave its support for

presentation of the report to the Education Interim Committee.

Career and Technical Education Report

The Committee received the Career and Technical Education Report and gave its support for presentation of the report to the Education Interim Committee.

FINANCE COMMITTEE

Committee Chair Jennifer Johnson reported on the following items from the Committee.

Approval of Previous Meeting Minutes

The Committee approved the minutes of its October 8, 2015 meeting.

Taxing Entity Committee to the Redevelopment Agency of Bountiful City for the C.B.D. Neighborhood Development - Plan Extension

The Redevelopment Agency of Bountiful City is seeking to extend the C.B.D. Neighborhood Development Project Area for an additional twenty years and will be requesting that the taxing entity committee (TEC) approve an amendment to the adopted project area plan.

The Committee discussed the plan extension, but did not forward a motion.

School Finance Director Natalie Grange gave the Board an overview of the project.

MOTION was made by Member Lockhart and seconded by Member Huntsman that the Board direct its representative to the TEC to vote with the local board regarding the project amendment.

Vice Chair Johnson reported that there are three areas in Bountiful that are designated as part of the current RDA. Many of the areas have small parcels with preexistent structures, and they want relief from taxes for further development. Member Lockhart questioned whether this would not otherwise happen without the incentive. Vice Chair Thomas indicated that the Committee had the same concerns. He reported that not all of the areas were fully developed

under the existing RDA. Vice Chair Johnson spoke against the motion as she is not convinced that the project would not go forward without the RDA.

Member Huntsman stated that he has a problem with the 20 percent administrative cost associate with the RDA. He also sees that it is an easy button to extend, which is the old way of doing an RDA. There comes a time when an RDA should be ended and a new one created. However, the Davis School Board is in support of the project, and he is in support of the local board.

Motion carried, with Members Belnap, Castle, Corry, Hansen, Huntsman, Lockhart, Thomas and Warner in favor, and Members Allen, Cummins, Crandall, Johnson, Moss, Stokes and Wright opposed.

SFY 16 Budget Reporting

The Committee heard reports on the Board budget, State Charter School Board budget, and USOE Fine Art POPS budget.

Legislative Intent Language Reports

H.B. 2 *Public Education Budget Amendments*, 2015 Legislative Session, included legislative intent language for several programs including Class Size Reduction.

School Finance Director Natalie Grange reviewed a report on class size reduction, which is scheduled to go to the legislative Education Interim Committee in November.

MOTION from Committee that the Board request that the legislature redistribute class size reduction funds through the WPU to be managed by the districts.

Vice Chair Johnson explained that moving class size reduction funds into the WPU would change appropriations allocation and move some unrestricted funds and make them restricted, affecting Special Education and Career and Technical Education funding.

Member Lockhart questioned whether all earmarks including Special Education and CTE should be eliminated. Superintendent Smith cautioned that many of the below the line funding items have accountability provisions built in, and eliminating the programs would leave

SAGE performance as the only accountability built into the WPU system.

Member Huntsman reported that he voted against the motion in committee for several reasons, including that the report is not complete and there is not a formula showing the winners and losers. Member Hansen suggested that more time to talk with LEAs is needed.

MOTION TO POSTPONE INDEFINITELY was made by Member Hansen and seconded by Vice Chair Johnson.

Motion to postpone carried, with Members Thomas and Wright opposed; Member Belnap abstained.

More information will be brought back in December.

Non-compliance with R277-484 LEA AFT/APR Reporting Deadlines

Board Rule R277-483-3 *Data Standards–Deadlines for Data Submission* requires all local education agencies (LEAs) to submit their Annual Financial Reports (AFR) and Annual Program Reports (APR) to the State Office of Education by October 1. The Committee received a list of those LEAs who submitted their reports after the due date.

FY 2016 USOE/USOR Indirect Cost Pool Update

An external firm has been hired to review all of the indirect cost rates. The audit of rates will take place in November and December so any changes to the rates can be submitted to the Department of Education before the December 31, 2015 deadline.

The Committee reviewed information regarding the Indirect Cost Rate proposal.

Career Service Exempt Positions

The Committee received updated information regarding the proposal to change career service merit positions to career service exempt positions for Information Technology and Finance. Vice Chair Johnson expressed that it would be helpful for the Board to more competitive in IT and financial positions. Employees could be given the option of changing from merit to career service exempt for a seven percent increase. She referred to a brief

prepared by Board attorney Nicole Call.

MOTION from Committee that the Board seek a legislative change to give the Board the Superintendent control over its salary ranges and categories.

Motion carried unanimously.

Minimum School Program (MSP) Funds for Administration

The Committee was given a report of the MSP funds that USOE utilizes to pay for administrative positions and services.

Vice Chair Johnson informed that this practice violates the Money Management Act. This topic will be discussed in the Public Education Appropriations Committee meeting this month.

Out-of-State Tuition Payments

The USOE received requests during the fiscal year 2015 closing process from three school districts for payment of out-of-state tuition. It appears the practice and payments have been occurring since the early 1980s, and the payments are funded out of carryover funds.

MOTION from Committee that the Board require districts with out-of-state tuition payments to have those payments preapproved by the Board on an annual basis.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Allen that this come back in the form of a rule.

Motion to amend carried.

Motion carried unanimously.

Local Education Agency Financial Reporting

It was reported that Associate Superintendent Scott Jones is planning to create a task force with representation from LEA administrators to talk about the reports required by the USOE and the possibility of an end-to-end system to help formulate required data.

Finance Committee Requests for Data/Information

The Committee reviewed a number of data requests including:

- Information on the USOE Fine Arts POPS program will be split out separately.
- An overview of the State Charter School Board will be presented to the Finance Committee.
- Forecasts/spend plans will become a part of the budget process as additional staff are added and trained in Internal Accounting.

Board Member Wright requested further discussion on district chartering of schools and how they get funded; school busing; and the size of school districts.

Sexual Abuse Prevention Instructional Material

Statute requires that the Board, in partnership with the Department of Human Services, approve instructional material for child sexual abuse prevention. In October, the Board was presented with instructional material and providers for approval, and asked for more time to review the proposed curricula.

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board approve the recommended curriculum providers and material as presented.

Motion carried; Members Corry and Cummins absent.

Superintendent's Report

Superintendent Brad Smith reported on the following:

- The Utah Education Association has requested a hearing on R277-920 *School Turnaround Program*. Chair Crandall directed Superintendent Smith to move forward with scheduling the hearing prior to November 23.
- Rachel Terry, UPPAC investigator, will be leaving to take a position with the A.G.'s office. The position will be advertised as a full-time position.
- The position of IT Director has been advertised and interviews will be conducted in the next two weeks.
- Kudos were given to the Board's legal staff for their the work on the Common Core

lawsuit. On Monday Judge Peterson dismissed that lawsuit; however, parts of it could still come back to the Board.

- Diana Suddreth, USOE Director of Teaching and Learning, will be receiving a lifetime achievement award from the Utah Council of Teachers of Mathematics. The Board applauded Dr. Suddreth.
- Procedures are being put into place to facilitate an orderly process to deal with the number of requests staff receive for information. A prioritized working list with time frames will be reviewed in meetings of the superintendency.
- The State of the Schools address will take place November 10 at Bonneville Jr. High, beginning at 10:30 a.m.
- Superintendent Smith noted that one year ago at this Board meeting he was appointed as Superintendent. He expressed what a delight it has been to work with Board members and his team at the State Office of Education. There is a great deal of work to do, and the team in place is equal to the task.

Board Chair's Report

Chair Crandall referred Board members to the proposed schedule of Board meetings for 2016.

MOTION was made by Member Hansen and seconded by Vice Chair Thomas that the Board approve the 2016 meeting schedule.

MOTION TO AMEND was made by Member Hansen and seconded by Vice Chair Thomas that the September meetings be moved from September 1-2 to September 8-9, and that the May meetings be moved from May 5-6 to May 12-13.

Motion to amend carried; Members Corry and Moss absent.

MOTION TO AMEND was made by Member Belnap and seconded by Member Stokes that the March meetings be moved from March 3-4 to March 17-18.

Motion to amend carried; Members Corry and Moss absent.

MOTION TO AMEND was made by Member Wright and seconded by Member Stokes

that the April meetings be moved from April 7-8 to April 14-15.

Motion to amend carried, with Member Thomas opposed; Members Corry and Moss absent.

MOTION TO AMEND was made by Member Stokes and seconded by Member Cummins that the August meeting be moved from August 4-5 to August 11-12.

Motion to amend carried; Members Corry and Moss absent.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Stokes that a tentative meeting be scheduled on January 22 in the event another meeting is needed before the legislative session begins.

Motion to amend carried; Members Corry and Moss absent.

Member Belnap asked whether the Board will have a retreat. Chair Crandall indicated there will be a retreat, and Board leadership will look at dates.

Motion as amended carried; Members Corry and Moss absent.

Chair Crandall announced that Board leadership elections will be held during the Board's December meeting.

Board Member Comments

Vice Chair Johnson informed the Board that the teacher of the year from Murray School District recently passed away, and she wanted to honor his memory.

Member Huntsman reported that he attended a STEM action committee meeting last month and the STEM staff asked him to convey their thanks to the Board for meeting with them.

EXECUTIVE SESSION

MOTION was made by Member Lockhart and seconded by Member Cummins that the Board move into Executive Session for the purpose of discussing the character, professional competence, and physical or mental health of individuals, and pending or reasonably imminent litigation.

Upon voice vote of the members present, the Board moved into Executive Session at 4:00 p.m. Board members present in Executive Session included Members Belnap, Castle, Crandall, Cummins, Hansen, Huntsman, Lockhart, Moss, Stokes, Thomas, Warner and Wright. Others present included Brad Smith, Sydnee Dickson, Nicole Call, Chris Lacombe, Lorraine Austin, and Nicole Ferguson.

MOTION was made by Member Stokes and seconded by Member Warner that the Board come out of Executive Session.

Motion carried. The Board reconvened in open session at 5:08 p.m.

Executive Session Items

Utah Professional Practices Advisory Commission (UPPAC) Cases

MOTION was made by Member Stokes and seconded by Member Moss that the Board approve the UPPAC Consent Calendar.

Motion carried; Members Allen, Corry, and Johnson absent.

MOTION was made by Member Stokes and seconded by Member Wright that the Board accept the UPPAC recommendation in Case No. 15-38 and approve the background clearance.

Motion carried; Members Allen, Corry, and Johnson absent.

MOTION was made by Member Stokes and seconded by Member Belnap that the Board accept the UPPAC recommendation in Case No. 15-1284 and issue a letter of reprimand consistent with the terms of a stipulated agreement. The individual may request removal of the letter of reprimand not less than two years from the date of Board action.

Motion carried; Members Allen, Corry, and Johnson absent.

MOTION was made by Member Stokes and seconded by Vice Chair Thomas that the Board issue the remand order in Case No. 15-1276 and remand the case back to UPPAC for a hearing.

Motion carried; Members Allen, Corry, and Johnson absent.

MOTION was made by Member Stokes and seconded by Member Hansen that the Board approve the findings on Case No. 91-251 and deny reinstatement.

Motion carried; Members Allen, Corry, and Johnson.

MOTION was made by Member Stokes and seconded by Member Hansen that the Board issue the order in Case No. 14-1246 and suspend the petitioner's Level 2 License for not less than two years from the date of Board action on October 9, 2015.

Motion carried; Members Allen, Corry, and Johnson absent.

Appointments

MOTION was made by Member Stokes and seconded by Member Huntsman that the Board appoint the following to the Interpreters Certification Board for three year terms: Amy Hardy and Kelly Van Waggenon, representing Interpreters for the deaf, and Dan Mathis, representing consumers.

Motion carried; Members Allen, Corry, Johnson and Moss absent.

MOTION was made by Member Stokes and seconded by Member Moss that the Board appoint R. Neil Walter and Dan Griffiths to the School and Institutional Trust Lands Board of Trustees Nominating Committee for four-year terms beginning January 1, 2016.

Motion carried; Members Allen, Corry, and Johnson absent.

Other

MOTION was made by Member Wright and seconded by Member Huntsman that the Board authorize Superintendent Smith to settle the RTI case as discussed.

Motion carried; Members Allen, Corry, Johnson and Moss absent.

ADJOURNMENT

MOTION was made by Vice Chair Thomas and seconded by Member Huntsman that the meeting adjourn.

Motion carried. The meeting adjourned at 5:12 p.m.