

**UTAH STATE BOARD OF EDUCATION
STUDY SESSION AND BOARD MEETING MINUTES**

August 7-8, 2014

STUDY SESSION, AUGUST 7, 2014

The Utah State Board of Education held a study session on August 7, 2014 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted.

Board Members present included Chair David Crandall, Vice Chair David Thomas, Dixie Allen, Kim Burningham, Keith Buswell, Leslie Castle, Barbara Corry, Kristin Elinkowski, Heather Groom, Marlin Jensen, Michael Jensen, Jennifer Johnson, Mark Openshaw and Debra Roberts. Members Freddie Cooper, Dan Griffiths, Steven Moore, Teresa Theurer and Terryl Warner were excused.

Others present included Superintendent Martell Menlove, Associate Superintendent Judy Park, Associate Superintendent Bruce Williams, Board Secretary Lorraine Austin, and Board Communications Specialist Emilie Wheeler.

Chair David Crandall called the meeting to order at 6:20 p.m. Member Roberts led the Board in the Pledge of Allegiance.

Standards Setting

Associate Superintendent Judy Park introduced Jon Cohen, President, American Institutes for Research (AIR). AIR was awarded the contract to provide Utah's SAGE assessment system.

Mr. Cohen gave a presentation to the Board about the standard setting process and responded to Board member questions.

The meeting adjourned at 7:35 p.m.

UTAH STATE BOARD OF EDUCATION MEETING, AUGUST 8, 2014

A regular meeting of the Utah State Board of Education was held August 8, 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 Michael Jensen
Vice Chair David L. Thomas	Member Jennifer A. Johnson
Member Dixie L. Allen	Member Steven R. Moore
Member Kim R. Burningham	Member Jefferson Moss
Member Keith M. Buswell	Member C. Mark Openshaw
Member Leslie B. Castle	Member Debra G. Roberts
Member Barbara W. Corry	Member R. Dean Rowley (non-voting)
Member Kristin Elinkowski (non-voting)	Member Teresa L. Theurer (non-voting)
Member Heather Groom	Member Terryl Warner
Member Marlin Jensen (non-voting)	

Board Members participating electronically:

Member Dan Griffiths

Board Members excused:

Member Freddie Cooper (non-voting)

Executive and Board staff present:

Martell Menlove, State Supt.	Lorraine Austin, Board Secretary
Brenda Hales, Deputy Supt.	Natalie Grange, Board Internal Auditor
Judy Park, Associate Supt.	Emilie Wheeler, Board Communications Specialist
Bruce Williams, Associate Supt.	
Russ Thelin, USOR Executive Director	

Others present:

Parents/individuals - Cheryl Richardson, Richard Bentley, Lee Petersen, Shauna Fuller, Sheryl Nelson, Siri Davidson, Janelle Ruesch, Ekaterina Parkinson, Michelle Treadwell, Mary Nielson, Denise Carman, Paul Eggleston, Amy Jones, Peggy Rowland, Joylin Lincoln, Barbara Poduska, Dalane England, Lydia Nuttall, Jakell Sullivan, Norm Jackson, Dale McIntyre, Grace McIntyre, Diana Babbitt, Dale Babbitt, Forrest Dupre, Michele Sanders, Lillian Van Cott, Brent Anderson, Lisa Cummins, Larry Ballard, Teresa Fuller, Max Watson, Bryce Huefner, Jennifer Huefner, Wendy Hart; Pamela Budget, Carin Fuasett, Carlee Spencer, Pam Clinch, Charlotte Wakefield, Wendi Shipley, Forrest Dupre, Laura Perry, Natalie Robinson, Debbie Severn, Sarah Resibeck, Ray Howard, Emily Bobert, Julie Daggett, Shelly Kemp, Cindy Kemp, Eileen Lentzs, Kristen Shumway, Tiffany Mouritsen Hess, Paul Jorgensen, Holly Jorgensen,

Mary Wiley, Mona Andrus, Jami Jensen, Jodi Klaipers, Stephanie Mathis, Eva Bentley, Laura Belnap;

Students - Broan Lutes, Carant Shipley, Kade Shipley, Aunika Kemp;

Utah Eagle Forum - Gayle Ruzicka, Ken Wallace;

Teachers - Robyn Gabriel, Christel Swasey, Mitch Wiley;

Utah Education Association - Sara Jones, Jay Blain;

Utah State Office of Rehabilitation and support groups - Sandra Curcio, USOR; Marilyn Call, USOR Deaf Division; Brooke Wilson, Debra Mair – Utah Statewide Independent Living Center; Merty and Stephen Persinger – SCCDHH; Joene Nicolaisen, DSDHH; Vicki Flake, Leslie Gertsen, Cordie Weed – UCB/Blind Consumers; Debby Llewelyn and Tina South – UAPCS; Linda Hansen, LCPD; Karla Rush, Adam Rushforth, Brian Dulude, Donna Wells – DSBVI; Ron Campbell, SRC; Shannon Deets, USD;

Utah School Districts/Schools - Rick Robins, Mary Nielson – Juab School District ; Cade Douglas, Sevier School District; Doug Jacobs, Morgan School District; Marshal Garrett, Logan City School District; Mike Anderson, Jordan School District; Kent Larsen, South Sanpete School District; Diane Schmidt, Alpine School District; Sheila Hales, Nebo School District; Sam Ray, North Sanpete School District; Jim Webster, Grand School District; Steve Norton, Patty Hull, Sara Krebs – Cache School District; Ann Geary, Logan City School District; Jason Strate, Central Utah Education Service Center; Tim Wolff, Morgan Elementary;

Parent organizations - Dawn Davies and Laney Benedict, Utah PTA; Larry Ballard, Nebo Parents Rights Committee;

USBA/USSA - JoDee Sunderg, Utah School Boards Association; Patti Harrington and Steve Carlsen - Utah School Superintendents Association;

Media - Ben Wood, media

United Women's Forum - Janet Seamons, Dawn Bates

Legislators - Joel Briscoe, Craig Powell

Business - Jared Carman, Realtime Learning; Justin Jones, Prosperity 2020/SL Chamber

Opening Business

Chair David Crandall called the meeting to order at 10:38 a.m. Member Kim Burningham led those present in the Pledge of Allegiance.

Board Member Message

Member Leslie Castle welcomed the Board. She noted that is the 60th anniversary of the Brown vs. Board of Education case, and gave a presentation about the importance of the ruling to the education of all children.

General Consent Calendar

MOTION was made by Member Buswell and seconded by Member Thomas that the Board approve the General Consent Calendar.

MOTION TO AMEND was made by Member Johnson and seconded by Member Openshaw that item P, rule R280-203 *Certification Requirements for Interpreters for the Hearing Impaired*, be removed from the Consent Calendar for separate discussion.

Motion to amend carried.

Motion carried.

Member Johnson explained that she has a question as to whether rule R280-203 is in compliance with the Utah Administrative Procedures Act, and asked that the Board's attorney review the rule for its compliance. The rule will come back in a future meeting.

A. Minutes of Previous Meeting

Minutes of the State Board of Education meeting held July 17, 2014 were approved.

B. Monthly Budget Report

A monthly budget report was provided to give information to the Board in meeting its fiduciary responsibilities for the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind.

The Board received the report.

C. Contracts

The Board approved the following contracts:

1. IronData Solutions, \$251,400, 10/01/2014 to 09/30/2016, Fed., Amendment

To provide annual maintenance for the computer program/system at DDS.

2. American Institutes for Research, \$4,664,919, 09/01/2014 to 01/31/2018, Federal, Amendment

To provide Utah Statewide Computer Adaptive Assessment Systems and related services.

D. Contract Reports

The Board receive a report of contracts with renewals within the next six months.

E. R277-113-4 LEA Fiscal Policies and Accountability—LEA Responsibilities

The Board approved R277-113-4 *LEA Fiscal Policies and Accountability—LEA Responsibilities*, as amended, on third and final reading.

F. R277-400 School Facility Emergency and Safety

The Board approved R277-400 *School Facility Emergency and Safety*, as amended, on third and final reading.

G. R277-402 School Readiness Initiative

The Board approved new rule R277-402 *School Readiness Initiative* on third and final reading.

H. R277-502-5 Educator Licensing and Data Retention—Professional Educator License Areas of Concentration, and Endorsements and Under-Qualified Employees

The Board approved R277-502-5 *Educator Licensing and Data Retention—Professional Educator License Areas of Concentration, and Endorsements and Under-Qualified Employees*, as amended, on third and final reading.

I. R277-531 Public Educator Evaluation Requirements (PEER)

The Board approved R277-531 *Public Educator Evaluation Requirements (PEER)*, as amended, on third and final reading.

J. R277-532-3 Local Board Policies for Evaluation of Non-licensed Public Education Employees (Classified Employees)—School District Policies

The Board approved R277-532-3 *Local Board Policies for Evaluation of Non-licensed Public Education Employees (Classified Employees)—School District Policies*, as amended, on third and final reading.

K. R277-607 Truancy Prevention

The Board approved R277-607 *Truancy Prevention*, as amended, and continuation of the rule, on third and final reading.

L. R277-619 Student Leadership Skills Development

The Board approved R277-619 *Student Leadership Skills Development*, as amended, on third and final reading.

M. R277-620 Suicide Prevention Programs

The Board approved R277-620 *Suicide Prevention Programs*, as amended, on third and final reading.

N. R277-704 Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports

The Board approved R277-704 *Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports*, as amended, on third and final reading.

O. R277-706 Public Education Regional Service Centers

The Board approved R277-706 *Public Education Regional Service Centers*, as amended, and continuation of the rule, on third and final reading.

P. R280-203 Certification Requirements for Interpreters for the Hearing Impaired

The rule was pulled from the Consent Calendar and will come back for approval in a future meeting.

Q. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in July 2014 was provided for Board information. The Board received the report.

Public Comment

Stephanie Mathis, deaf individual - requested that the Division of Services for the Deaf and Hard of Hearing stay under the governance of the Board of Education.

Debra Maier, Director, Independent Living Center - explained that rehabilitation programs are administered federally through the U.S. Department of Education. There is a large population in the public school system that is served by the State Office of Rehabilitation (USOR) and many served by USOR are concerned with a possible change in governance.

Dawn Davies, President-elect, Utah PTA - spoke in favor of Utah applying for an extension

of the Elementary and Secondary Education Act (ESEA) flexibility waiver.

Larry Ballard, Nebo Parent Rights Committee - spoke against Utah applying for an extension of the ESEA flexibility waiver.

Michelle Treadwell - spoke against Utah applying for an extension of the ESEA flexibility waiver.

Sarah Jones, Utah Education Association - spoke in favor of Utah applying for an extension of the ESEA flexibility waiver.

Jared Carmen, President, Online Learning Company of Utah - spoke against Utah applying for an extension of the ESEA flexibility waiver.

Alisha Jensen - spoke against Utah applying for an extension of the ESEA flexibility waiver.

Alisa Ellis - spoke against Utah applying for an extension of the ESEA flexibility waiver.

Tiffany Hess - spoke against Utah applying for an extension of the ESEA flexibility waiver.

Christel Swasey - spoke against Utah applying for an extension of the ESEA flexibility waiver.

Ann Geary, Logan District Board of Education/Utah School Boards Association (USBA) - spoke on behalf of USBA in support of Utah applying for an extension of the ESEA flexibility waiver.

DaLane England - spoke against Utah applying for an extension of the ESEA flexibility waiver.

Emilie Bogert- spoke against Utah applying for an extension of the ESEA flexibility waiver.

Laurine Simper, United Women's Forum - on behalf of the Forum, spoke against Utah applying for an extension of the ESEA flexibility waiver.

Justin Jones, Salt Lake Chamber/Prosperity 2020 - referenced a letter sent to the Board from 161 business leaders and school board members in favor of Utah applying for an extension of the ESEA flexibility waiver.

Elementary and Secondary Education Act (ESEA) Flexibility Waiver

Senator Margaret Dayton was welcomed to the meeting. She gave background regarding legislative bills she sponsored that were generated in response to her efforts to opt out of the federal No Child Left Behind Act. In 2005 she ran legislation now in statute which states that

where federal provisions are in conflict with themselves, and where federal provisions are in conflict with state provisions, parents, teachers and local school boards will determine what is better for the state (Utah Code Ann 53A-1-904). At that time a waiver meant an exemption to requirements. In the years since, a waiver has come to mean exchanging one set of requirements for another. In the law, the Board is required to ask for a waiver, meaning an exemption.

S.B. 162 *Federal Education Agreement Requirements*, passed in the 2008 Legislative Session, reads that if the state is entering into a contractual agreement in excess of \$5 million there needs to be legislative involvement (Utah Code Ann 53A-1-905). Senator Dayton stressed her opposition to any renewal of a waiver that obligates Utah to the federal government.

Motion was made by Member Thomas and seconded by Member Johnson that the Utah State Board of Education (the "State Board") hereby applies for the renewal of its June 2012 ESEA Flexibility Waiver for the 2014 – 2015 school year (the "Waiver") upon the following clarifications in its 2012 Waiver application:

- In place of Principle 1A, Option A, within the Waiver, the State Board provides the following assurances to satisfy Principle 1A:
 - ▶ On August 6, 2010, the State of Utah adopted college-and-career-ready standards in at least English/language arts and mathematics which were approved and certified by the State Board, pursuant to Article X of the Utah State Constitution, which delegates general control and supervision of public education to the State Board.
 - ▶ The Utah State Board of Regents, the governing authority over higher education within the State of Utah, declared on November 7, 2012 that "students who successfully attain the mutually agreed-upon standards for K-12 Mathematics and K-12 English/Language Arts will be prepared for beginning level college courses in each of these subject areas."
 - ▶ In accordance with 20 USC 7907, 7909, 7910, 7911, and 9527, the federal government is expressly prohibited from establishing federal K-12 public education standards, federal K-12 public education curriculum, national K-12

public education testing, national teacher certification, and a national student data base. On March 5, 2012, the State Board through its Superintendent of Public Instruction, asserted to the Secretary of Education its absolute “right to make changes to, and to add and subtract from the Utah Core Standards at its discretion.” The Board went on to assert its “right to complete control of Utah’s learning standards in all areas of our public education curriculum.”

Further, by response of the Secretary of Education, dated March 7, 2012, he confirmed on the part of the Department of Education “our full and unqualified agreement with your letter and your understanding of the law regarding State control over K-12 learning standards. Nothing in federal law or in current or proposed policies of the U.S. Department of Education in any way contradicts what is stated in your letter. States have the sole right to set learning standards.”

- Principle 1C, Principles 2A and 2B, and Assurance #14 are further clarified as follows:
 - ▶ Utah withdrew from the Smarter Balanced Assessment Consortium (SBAC) in 2012. In its place, the State Board developed and implemented during 2014 its Student Assessment of Growth and Excellence (SAGE) computer adaptive testing in English/ language arts, mathematics and science (R277-404). The State Board intends to continue its SAGE testing protocol.
 - ▶ The State Board has adopted and intends to continue to utilize its Utah Comprehensive Accountability System (UCAS), R277-497.
- Principle 3 is further clarified as follows:
 - ▶ The State Board has implemented its Public Educator Evaluation Requirements (PEER), R277-531, based upon the Utah Effective Teaching and Educational Leadership Standards, R277-530. The State Board continues to move forward with its goals regarding teacher and principal evaluations.
- The State Board reserves its absolute and exclusive right to modify, without negative effects with respect to its Waiver, its Utah Core Standards, SAGE testing, UCAS report card, and PEER teacher and principal evaluations without approval of the U.S. Department of Education. The State Board further reserves its right to withdraw from

the Waiver if the State Board finds that such Waiver violates Utah Code Ann. 53A-1-402.6(7).

- The State Board further authorizes Board leadership flexibility to make changes consistent with the intent of this motion.

Member Thomas explained that if the ESEA flexibility waiver is not in place there would potentially be a \$27 million shortfall for school districts, and districts have already approved budgets for the coming school year. As directed by the Board, he requested a special session of the legislature to address the potential shortfall, but was informed that a special session will not be called. On the other side, if the waiver is extended there will continue to be concerns about federal intrusion and the Board maintaining unfettered control of standards, testing, and teacher evaluation.

Board members questioned what will happen if the waiver extension is not granted. Member Thomas responded that in looking at what has happened to other states, he would expect that if the U.S. Department of Education does not accept the waiver terms and Utah is determined out of compliance with the law, the state would be put on warning with an opportunity to come back and renegotiate.

MOTION TO AMEND was made by Member Johnson and seconded by member Thomas that under the second bullet beginning “Principle 1C . . .” the word “continue” in the first and second sections be replaced with “move forward.”

Motion to amend carried.

MOTION was made by Member Burningham and seconded by Member Warner that the Board recess for ten minutes to gather input from school district superintendents.

Motion carried.

The Board recessed at 12:13 p.m. The meeting reconvened at 12:28 p.m.

Utah School Superintendents Association (USSA) President Steve Carlsen was asked to comment. Superintendent Carlsen reported that a letter was sent to the Board from USSA in July in support of the waiver. In light of the fact that contained in the motion are elements that have already been in place for several years, he indicated that the superintendents present today and the USSA organization, based on its letter of support, will support the

motion.

Motion carried unanimously.

Utah Professional Practices Advisory Commission Recommendations

Case No. 13-1175 was removed from action and was referred to Executive Session for further discussion.

Executive Session

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

Upon unanimous voice vote of those present, the Board moved into Executive Session at 12:33 p.m.

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

Motion carried. The Board reconvened in open meeting at 3:10 p.m.

Executive Session Items

Appointments

MOTION was made by Member Johnson and seconded by Member Castle that the Board appoint Evelyn Owen, representing the Disability Law Center, and Mary Leonard, representing the Utah VR121 Program, to the State Rehabilitation Council for indefinite terms.

Motion carried.

MOTION was made by Member Allen and seconded by Member Openshaw that the Board appoint Laura Baier to the Instructional Materials Commission, representing elementary school teachers, for a four-year term.

Motion carried.

FY 2015 Board Budget Priorities

Associate Superintendent Bruce Williams reviewed budget items for this fiscal year that

still need prioritization. The Finance Committee reviewed the items in June and asked for full Board discussion. Those items included: 1) additional salary for the new superintendent; 2) restoration of an additional associate superintendent and clerical staff; 3) a technical writer for the Internal Audit Section; 4) an additional Board attorney; and 5) increased compensation for USOE staff.

MOTION was made by Member Thomas and seconded by Member Allen that the Board approve \$344,000 for staff compensation increases from federal funds, indirect cost pool and dedicated credits.

Superintendent Menlove explained that for employees where dedicated funds can be used there are sufficient funds for a significant salary increase, but where employees are paid from state funds, there is not that same opportunity. He indicated it would be difficult to administer increases evenly.

MOTION TO AMEND was made by Member Thomas that \$110,000 from reallocation of existing budgets be added to the proposed \$344,000 for staff increases, bringing the total to \$454,000, with the direction that the USOE superintendency will more evenly distribute the increases.

Without objection, the motion was amended.

Motion carried; Member Griffiths absent.

Member Johnson asked if staff has the freedom to reallocate funds within sections to increase salaries. She expressed a desire to empower that practice. Associate Superintendent Williams responded that currently requests for reallocation of resources for compensation increases must have the approval of the Superintendency. The capability is there to reallocate, and can be helpful in providing comparability of salaries. Superintendent Menlove responded that with the passage of the motion, the Superintendency would feel comfortable approving such reallocation.

MOTION was made by Member Johnson and seconded by Member Thomas that the Board approve #1 (additional salary for new superintendent), #3 (technical writer), and #4 (additional Board attorney) as outlined, to be funded from discretionary funds.

Member Thomas moved that the motion be divided. Without objection, the motion was divided.

MOTION to approve additional salary for new superintendent (\$67,500 per \$50,000 of additional salary) carried; Member Griffiths absent.

MOTION to approve funding of a technical writer for the Internal Audit Section was discussed. It was noted that the position may be part time.

MOTION TO AMEND was made by Member Thomas that the amount for a technical writer be changed from \$100,000 to \$60,000.

Without objection, the motion was amended.

Motion carried; Member Griffiths absent.

MOTION to approve \$150,000 for an additional Board attorney carried, with Members Buswell, Castle, Crandall, Groom, Jensen, Johnson, Moss, Openshaw, Thomas and Warner in favor and Members Allen, Burningham, Corry and Roberts opposed.

MOTION was made by Member Thomas to add the restoration of an additional associate superintendent and clerical staff to the list of possible FY 2016 legislative priorities.

Motion carried; Member Griffiths absent.

Resolution on Local Control of Curriculum

Member Thomas reviewed the purpose for the resolution. The resolution clarifies the Board's position that while the Board controls standards, it has delegated local control of the curriculum. As a result, the only function the Board plays with local curriculum is through statute to form a State Instructional Materials Commission to review materials and determine which materials are aligned with Utah Core Standards, then place the results of that review into the Recommended Instructional Materials (RIM) database for the use of teachers and schools.

MOTION was made by Member Thomas and seconded by Member Allen that the Board approve Board Resolution No. 2014-01 *A Resolution Establishing the Official Position of the Utah State Board of Education Regarding Local Control of Curriculum*.

Member Moss expressed his concern that including the Utah Recommended Instructional Materials (RIM) database and the Instructional Materials Commission (IMC) in the resolution may cause confusion with the public. Member Thomas responded that both the IMC and RIM are part of the Board's statutory duty, and the Resolution puts it in context.

MOTION TO AMEND was made by Member Johnson and seconded by Member Thomas that in the paragraph 14 the wording “as directed by statute,” be added after “Be it affirmed.”

Without objection, the motion was amended.

Motion carried; Member Griffiths absent.

Board Legislative Priorities

The Board reviewed the list of legislative items identified in its July meeting for prioritization.

MOTION was made by Member Thomas and seconded by Member Warner that the Board attorney item be removed, as it will be funded from FY 2015 money.

Others felt a request should still be made. Member Thomas withdrew his motion.

It was clarified that the ESEA waiver item is included in case the waiver is not in place or will not be sought in the future. It was also clarified that the WPU increase is for additional programs.

MOTION was made by Member Buswell and seconded by Member Roberts that the Board’s budget requests for FY 2015-2016 be prioritized as follows: 1) Increase in value of the WPU; 2) professional development determined by LEAs; 3) professional development for math; 4) early reading programs; 5) graduation initiative; 6) technology initiative; 7) freezing the basic rate; 8) funding if ESEA waiver is not in place, and; 9) Board attorney.

MOTION TO AMEND was made by Member Thomas and seconded by Member Moss that the technology initiative be moved to #2 and everything else be adjusted accordingly.

Member Corry expressed concern that districts weren’t involved in last year’s technology initiative plan, and without their support legislation won’t pass. Member Thomas responded that meetings have been held with district IT staff. Member Burningham also expressed concern about the tremendous amount requested last year. Member Thomas responded that the amount should be more modest and use significant one-time funds, but no set amount has been determined.

Motion to amend carried, with Member Burningham opposed; Member Griffiths

absent.

Motion carried, with Member Johnson opposed; Member Griffiths and Moss absent.

Standing Committee Reports

FINANCE COMMITTEE

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

Board-approved Budget Process and Policies

The Committee reviewed proposed discussion questions on the budgeting process for entities under the Board.

MOTION from Committee that the questions be addressed by the full Board in a future meeting.

Motion carried; Member Griffiths absent.

FY 2015 Discretionary Budget

The Committee reviewed the discretionary budget with proposed changes.

MOTION from Committee that the Board authorize funding of the following from the discretionary fund: 1) \$200,000 for a board room upgrade; 2) \$400,000 from mineral lease funds, in addition to the \$250,000 state funds, for Superintendent discretionary use; 3) \$200,000 to address the needs of an IT Audit/UEN response.

Motion carried; Member Griffiths absent.

Review of Budget Calendar

The Committee reviewed a proposed budget calendar to provide the Board with information concerning the process by which the annual USOE/USOR/USDB budgets are approved.

MOTION from Committee that the Board approve the budget calendar as a working calendar with the understanding it may need to be adjusted.

Motion carried; Member Griffiths absent.

Taxing Entity Committee to the Redevelopment Agency of the City of Salina Tipperary
Industrial Park Economic Development Project Area

The Committee discussed a request from the Redevelopment Agency to approve an amended budget for the Salina Tipperary project.

A motion in committee to direct the Board's representative to the Taxing Entity to vote consistent with the local school board failed 2-2, with Members Buswell and Thomas in favor and Members Johnson and Moss opposed. The item was referred to the full Board for action.

Associate Superintendent Williams gave information about the project. There is a request to add additional acreage to the project area, not increasing the overall project budget of tax increments.

MOTION was made by Member Buswell and seconded by Member Thomas that the Board direct its representative, Cathy Dudley, to vote consistent with the local school board on the amendment for the Tipperary Industrial Park Economic Development Project Area.

Member Moss stated his feeling that this is a prime real estate area on a major freeway and with the infrastructure already in place, the property value has increased. He has concerns about continuing to give tax credits when it may be unnecessary.

Motion failed, with Members Allen, Buswell, Corry, Jensen, Roberts, Thomas and Warner in favor, and Members Burningham, Castle, Crandall, Groom, Johnson, Moss and Openshaw opposed.

MOTION was made by Member Moss and seconded by Member Openshaw that the Board direct its representative to abstain from voting.

Member Corry expressed her feeling that it is a local issue and if a local board supports the change, the State Board should support the local board. Member Buswell indicated that although the property is on a freeway, it is not prime real estate and the city needs additional value. Member Johnson reported that RDAs do keep some funds from flowing into public education.

Motion failed, with Members Burningham, Crandall, Groom, Johnson, Moss, Openshaw and Warner in favor and Members Allen, Buswell, Castle, Corry, Roberts and Thomas opposed; Members Griffiths and Jensen absent.

MOTION TO RECONSIDER the motion to direct the Board's representative to vote

consistent with the local school board was made by Member Castle. Without objection, the motion to consider was accepted.

Motion to direct the Board's representative to vote consistent with the local school board on the Salina Tipperary Industrial Park Economic Development Project Area amendment carried, with Members Allen, Buswell, Castle, Corry, Openshaw, Roberts, Thomas and Warner in favor, and Members Burningham, Crandall, Groom, Johnson and Moss opposed; Members Griffiths and Jensen absent.

R277-471 Oversight of School Inspections

The Board received an update of R277-471 with additional changes proposed. There was a question raised in committee as to whether the procedure for appeals (lines 725-799) is consistent with the Utah Administrative Procedures Act. The Committee requested that the Board's attorney review the rule.

The Committee approved on first reading the rule as amended, with the understanding that the rule may need to come back for further changes. The Committee also approved continuation of the rule on first reading consistent with the Administrative Rulemaking Act five-year review requirement.

MOTION from Committee that the Board approve R277-471 *Oversight of School Inspections* as amended, and continuation of the rule, on second reading.

Motion carried; Member Griffiths and Jensen absent.

R277-422-4 State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program - Reading Achievement Program

The Committee reviewed amendments proposed to R277-422-4 to address issues with using assessed valuations in determining funding for the K-3 Reading Improvement program.

The Committee approved the rule on first reading.

MOTION from Committee that the Board approve *State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program - Reading Achievement Program* on second reading.

Motion carried; Members Griffiths and Jensen absent.

Indirect Cost Pool

The Committee received information about use of the Indirect Cost Pool, including information about USOR's contribution to the pool.

St. George Redevelopment Agency Taxing Entity Committee Meeting Outcome

The Committee received a report of a meeting of the Redevelopment Agency regarding the Dixie Center Economic Development Project Area budget.

Member Johnson reported that for future redevelopment items, input from local board members in the area will be sought.

LAW AND LICENSING COMMITTEE

Committee Chair Mark Openshaw reported on the following items from the Committee.

STEM School Criteria

In the 2014 Legislative Session H.B. 150 *Science, Technology, Engineering, and Math Amendments* passed. The legislation called for the STEM Action Center to work cooperatively with the State Board of Education to designate schools as STEM schools, where the schools have agreed to adopt a plan of STEM implementation in alignment with criteria set by the Board of Education and the STEM Action Center Board.

The Committee reviewed and approved the proposed criteria.

MOTION from Committee that the Board approve the *Criteria for Becoming a USOE/STEM Action Center Identified STEM School*.

Motion carried; Members Griffiths and Jensen absent.

R277-504 *Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, Speech-Language Pathologist and Speech-Language Technician, and Preschool Special Education (Birth-Age 5) Licensure*

R277-502 *Educator Licensure and Data Retention* and R277-503 *Licensing Routes* no longer allow teacher preparation programs to be approved based solely on national

accreditation. Those changes required significant amendment to R277-504, therefore it was proposed that the rule be repealed/reenacted. A conceptual draft was presented to the Board in its May meeting and staff incorporated feedback from Board members as well as the Utah Council of Education Deans into the proposed rule.

The Committee reviewed the proposed changes and made additional changes as outlined on a sheet distributed to the Board. Also distributed was the Council for Exceptional Children (CEC) Special Education Professional Practice Standards.

The Committee approved on first reading the repeal/reenactment of R277-504 *Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, Speech-Language Pathologist and Speech-Language Technician, and Preschool Special Education (Birth-Age 5) Licensure*, with the addition to line 230-233 to use the standards as adopted on October 2011, along with the associated language as outlined in the supporting document provided. The Committee also approved continuation of the rule consistent with the Utah Administrative Rulemaking Act five-year review requirement.

MOTION from Committee that the Board approve the repeal/reenactment of R277-504 as proposed, with amendments, and continuation of the rule, on second reading.

Member Moss indicated there have been concerns with using the CEC standards and asked if other standards could be used. Member Openshaw responded that CEC has supported a treaty with the United Nations and there was some concern that if the standards are accepted, it could in some way tie Utah to the treaty. It was clarified that Utah is aligning only to the standards, not the Council, and the Committee felt comfortable in leaving the CEC Standards in the rule as long as the rule designates the specific standards. It was also noted that Utah State University, Utah Valley University, Weber State University and Brigham Young University use the CEC standards in their teacher preparation standards.

Motion carried, with Member Moss opposed; Members Griffiths and Jensen absent.

R277-506 School Psychologists, School Social Workers, and School Counselors Licenses and Programs

Aspects of the revisions of R277-504 require that language regarding Communication Disorders, Speech-Language Pathology, and Speech-Language Technicians be added to

R277-506.

The Committee approved on first reading amendments to R277-506 and continuation of the rule.

MOTION from Committee that the Board approve R277-506 *School Psychologists, School Social Workers, and School Counselors Licenses and Programs*, as amended, and continuation of the rule, on second reading.

Motion carried; Members Griffiths and Jensen absent.

Spectrum Academy Charter Amendment

MOTION from Committee that the Board accept the recommendation of the State Charter School Board and approve amendments to the charter of Spectrum Academy to add 48 students in the Alpine campus beginning in fall 2014, bringing the ultimate enrollment to 990 (FY 2015), 1,086 (FY 2016), 1,182 (FY 2017), and 1,206 (FY 2018 and beyond).

Motion carried; Members Griffiths and Jensen absent.

Hawthorn Academy Charter Amendment

MOTION from Committee that the Board accept the recommendation from the State Charter School Board and approve Hawthorn Academy opening a satellite campus in Jordan School District in fall 2015, serving 740 students in grades K-6.

Motion carried; Members Griffiths and Jensen absent.

Utah State Office of Rehabilitation (USOR) Quarterly Report

The Committee received a report from USOR Executive Director Russ Thelin and USOR staff regarding the work of the agency. A presentation regarding how USOR fits into Board governance was distributed to the Board.

Utah State Board of Education Bylaws

This item was deferred to the next meeting.

Grant Reviewer Funding Recommendations for the Implementation of S.B. 43 *Intergenerational Poverty Interventions in Public Schools*

The 2014 Utah State Legislature approved S.B. 43 with an appropriation of \$1 million to provide additional education opportunities outside of the regular school day for students affected by intergenerational poverty. The legislation charges the State Board with the responsibility to allocate funds based on applications approved, and with annual reporting to the Education Interim Committee.

The Committee reviewed recommendations from a grant review committee for six applicants to receive funding, totaling \$950,000, for the 2014-15 school year.

MOTION from Committee that the Board approve Intergenerational Poverty Grants as follows:

American Preparatory Academy—\$70,000; Gateway Preparatory Academy—\$100,000; Grand School District—\$34,874; Granite School District—\$300,000; Ogden School District—\$303,346; Provo City School District—\$141,780.

Motion carried; Members Griffiths and Jensen absent.

STANDARDS AND ASSESSMENT COMMITTEE

Committee Chair Dixie Allen reported on the following items from the Committee.

R277-800 *Utah Schools for the Deaf and the Blind*

Amendments to R277-800 were proposed to update the rule regarding assessment. The Committee approved amendments to the rule with additional changes, and continuation of the rule, on first reading.

MOTION from Committee approve R277-800 *Utah Schools for the Deaf and the Blind* as amended, and continuation of the rule, on second reading.

R277-404 *Requirements for Assessments of Student Achievement and Standard Test*

Administration and Testing Ethics Policy

Amendments to R277-404 were proposed to remove outdated definitions, assessments,

requirements, and protocols regarding state assessments and administration and replace with current verbiage.

The Committee approved on first reading amendments to the rule as proposed, with additional amendments as outlined in a updated rule distributed to the Board. The Committee also approved the Standard Test Administration and Testing Ethics Policy. The Policy was discussed earlier, but action was delayed as it was referenced in R277-404.

MOTION from Committee that the Board approve R277-404 *Requirements for Assessments of Student Achievement*, as amended, on second reading, and that the Board approve the Standard Test Administration and Testing Ethics Policy.

Motion carried; Members Griffiths and Jensen absent.

Utah Schools for the Deaf and the Blind (USDB) Quarterly Report

Michelle Tanner, USDB Associate Superintendent for the Deaf, and Carolyn Lasater, USDB Associate Superintendent for the Blind, presented to the Committee the Utah Schools for the Deaf and the Blind Annual Report.

The Committee received the report.

SAGE (Student Assessment of Growth and Excellence) University Study

In its June meeting, a proposed SAGE University Study was presented to the Board. The purpose of the study is to validate the claim that SAGE results demonstrate college and career readiness. The study would include six institutes of higher education.

The Committee received further information about the study, including that SAGE tests will be administered to a sample of students entering college and that all information will remain anonymous. Incentive pay provided by the Board's contractor for SAGE, AIR, will be given to those taking the test. The study would be implemented in fall 2015.

MOTION from Committee that the Board approve USOE proceeding with the SAGE University Study.

It was clarified that the study is not part of the contract for SAGE, and that AIR will use its own money to pay for the student incentives. AIR feels the study will help increase the validity of the assessment, and the study is being done in collaboration with the USOE. All results will

be the property of the USOE.

Motion carried, with Member Moss opposed; Members Griffiths and Jensen absent.

SAGE Standard Setting

The SAGE testing window closed June 20, 2014. Student test results are being analyzed and prepared for a standard setting activity scheduled August 11-15, 2014, with a final meeting of stakeholders on August 18. The standard setting process will involve expert judgment of educators and stakeholders and the SAGE student performance data. The standard setting procedures are intended to yield reasonable and supportable interpretations about the proficiency of students within a grade level and the growth of student achievement across grade levels.

Board members were invited to give direction to the standard setting process.

Superintendent's Report

State Superintendent of Public Instruction Martell Menlove reported on the following:

- A letter from Secretary Duncan regarding the federal Excellent Educators for All Initiative was distributed.
- Results were distributed on a daylight savings time survey.
- A list of required Interim Education Committee reports by the Board was distributed. Board members will participate in the presentations if possible.
- Information was distributed giving the appropriations history of state education funds as well as revenue generated from incremental tax changes.
- Information was given about joint meetings of Utah's K-16 Education Policy Makers (USBE/USBR/Legislature) scheduled for September 30 and October 1 in Cedar City. All Board members were encouraged to attend.

Board Chair's Report

Chair Crandall reiterated that the Utah Attorney General is the Board's attorney. He indicated that if individual Board members ask questions of the Board's attorney, the attorney answers will be sent to the entire Board.

Chair Crandall informed that all Board members will be required to sign a confidentiality agreement regarding the State Superintendent search. The Board Secretary will get the forms to Board members.

Board Member Closing Comments

Member Roberts requested that in a future meeting the Board consider a rule for local districts regarding a curriculum review policy, and support of the Governor's School Report Card. She expressed concern the Board's Legislative Task Force has become the Board Communications Committee, and asked for a change to make the committee more balanced. She requested that the meetings of the Communications Committee be done publicly and open to all Board members, or if there is not a Communications Committee, that one be formed.

Kristin Elinkowski asked about the status of the audit on distance learning and requested that someone from the State Charter Board be added to the committee looking at the audit. Member Thomas responded that there has been follow up on the audit. The Board passed emergency rule R277-419-9 to deal with online learning, and the rule will come back in September to make it permanent and add some additional provisions to address some of the concerns. A letter will be sent under the Superintendent's signature to districts and charters who are not in compliance with the emergency rule, informing that one of the consequences of being out of compliance is to withhold funding.

At the request of Member Buswell, the Board acknowledged Karl Wilson, retiring director of ESEA and Special Programs, and Mary Shumway, retiring Director of Career, Technology, and Adult Education. Appreciation was also given to Heidi Alder, UPPAC investigator, as she leaves the office.

Member Groom asked if there was interest in having a "nutrition challenge" for the Board. Board members will contact her if interested.

ADJOURNMENT

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

Motion carried. The meeting adjourned at 5:20 p.m.

Lorraine Austin, Board Secretary
Minutes approved September 5, 2014