

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

June 9-10, 2016

USB E STUDY SESSION - June 9, 2016

A study session of the Utah State Board of Education was held June 9, 2016 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall presided.

All Board members were present with the exception of Members Mark Huntsman, Jefferson Moss, Spencer Stokes and Joel Wright. Board staff present included Sydnee Dickson, Scott Jones, Debbie Davis, Lorraine Austin, Emilie Wheeler, Nicole Call, Bryan Quesenberry, Matt Sutton, Jamie Barrett, Deborah Jacobsen, Sandra Grant, Rebecca Donaldson, Anna Worthington, Diane Sutton, Thalea Longhurst, Kathleen Britton, Patsy Milligan, Noralee Green, Susan McRay, Diana Suddreth, Barbie Faust, Aaron Brough, Ben Rasmussen, Brian Ipson, JoEllen Shaeffer, and Brent Page. Others present included Joylin Lincoln; Jay Blain, Utah Education Association.

Vice Chair Jennifer Johnson called the meeting to order at 2:10 p.m.

Grants and Contracts

Deputy Superintendent Scott Jones gave background and an overview of the presentations.

Jacob Jorgensen, the new Grants Compliance Officer, was introduced. He gave a presentation of the federal grants tracking process that is being put in place. Section directors reviewed grants for which they have oversight and answered Board member questions.

Member Lockhart suggested that a column be added to the tracking sheet for the date of Board approval and another column showing the state supplement, if applicable.

Deborah Jacobsen, Internal Accounting Director, and Anna Worthington, Purchasing Agent, reviewed current Board contracts.

Executive Session

MOTION was made by Vice Chair Johnson and seconded by Member Corry that the Board go into Executive Session for the purpose of discussing pending or reasonably imminent litigation.

Upon voice vote of the members present, the Board went into Executive Session at 3:34 p.m.

MOTION was made by Vice Chair Johnson and seconded by Member Allen that the Board come out of Executive Session.

Motion carried. The Board reconvened in open session at 4:45 p.m.

The meeting adjourned at 4:45 p.m. Following the meeting, the Board met as the Governing Board of the Utah Schools for the Deaf and the Blind [minutes under separate cover]. Following the USDB Board meeting, the Board's Finance, Law and Licensing, and Standards and Assessment standing committees met.

UTAH STATE BOARD OF EDUCATION MEETING - June 10, 2016

A regular meeting of the Utah State Board of Education was held June 10, 2016 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted.

Board Members Present:

Chair David L. Crandall
1st Vice Chair David L. Thomas
2nd Vice Chair Jennifer A. Johnson
Member Dixie L. Allen
Member Laura Belnap
Member Leslie B. Castle
Member Barbara Corry

Member Brittney Cummins
Member Linda B. Hansen
Member Mark Huntsman
Member Stan Lockhart
Member Spencer F. Stokes
Member Terryl Warner
Member Joel Wright

Board Members Excused:

Member Jefferson Moss

Executive and Board Staff Present:

Sydnee Dickson, Interim Superintendent
Scott Jones, Deputy Supt.
Rich Nye, Acting Deputy Supt.
Angie Stallings, Associate Supt.
Joel Coleman, USDB Superintendent

Darin Brush, USOR Executive Director
Lorraine Austin, Board Secretary
Emilie Wheeler, Communications
Specialist

Others Present:

Jay Blain, Utah Education Association; Craig Frank, ECA/UCN; Ron Tolman, Eldon Peterson—Box Elder School District; Michelle Bagley; Jeanetta Williams, NAACP; Rich Nelson, Utah Technology Council/STEM Action Board; Helen Hu, Westminster College; Kate Conrow, Jonathan Jackson, Jeff Rogers—Utah Technology Council; Steve Maccagno, Hire Utah/UTC; Kris Fawson, Utah Statewide Independent Living Council/Legislative Coalition for People with Disabilities; Jessie Funk, Utah Anti-bullying Coalition; Joylin Lincoln; Cindy Phillips, Weilenmann School; Karen Peterson, Governor's office; Brad Asay, American Federation of Teachers (AFT) Utah; LeMira Wheelwright, American Preparatory Academy—Salem.

Executive Session

MOTION was made by Vice Chair Thomas and seconded by Member Huntsman that the Board go into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of individuals.

Upon voice vote of the members present, the Board moved into Executive Session at 8:07 a.m.

Individuals present in Executive Session included: Chair Crandall, Vice Chairs Thomas and Johnson, and Members Allen, Belnap, Castle, Corry, Cummins, Hansen, Huntsman, Lockhart, Stokes, and Warner; and Lorraine Austin, Emilie Wheeler and Bryan Quesenberry.

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

Motion carried. The Board moved into open session at 9:14 a.m.

Opening Business

Vice Chair David Thomas called the meeting to order. Member Linda Hansen led those present in the Pledge of Allegiance. Chair David Crandall was excused.

Board Member Message

Member Barbara Corry gave the opening message. She expressed gratitude for coming from a family that values and has a heritage in education. She has been involved in school boards and the classroom for 45 years and expressed her deep gratitude and appreciation for teachers. She has never been involved with a group of people that are so much fun, that are constantly seeking answers to help them be better teachers, that love so much and have

incredible hearts. She voiced that she can't express the depth of her gratitude and appreciation for all in the education field. She also expressed thanks and love to this Board. She closed by offering an invocation.

Introduction of New Employees

H.R. Specialist Jennifer Fitzgerald introduced new employees Holly Todd, Kevin Woodruff, Jessra Snyder, Jacob Jorgensen, Melissa Bowe, and Katie Nitka.

Acknowledgment of Student Artwork

Cathy Jensen, Fine Arts Specialist, acknowledged the art work hanging in the Board room from the Utah PTA Reflections entries which were entered into the national PTA contest. The theme was, "Let Your Imagination Fly." Ms. Jensen also thanked Karen Tolley who puts the art work on display each month.

Recognition

Cathy Jensen recognized the Schools to Watch Program schools in Utah—Bear River Middle School and West Jordan Middle School. She introduced Eldon Peterson, Principal of Bear River Middle School and Superintendent Ron Tolman from Box Elder School District; and Principal Dixie Garrison from West Jordan Middle School in Jordan School District.

Ms. Jensen informed that the national Schools to Watch program has three main tenets: Academic excellence, social equity, and developmental responsiveness. To be selected as a School to Watch the schools must work over a period of time, usually 3-5 years, in each of those categories that have over 30 criteria.

Vice Chair Thomas expressed congratulations and the Board applauded the schools.

Principal Garrison thanked the Board for the recognition. Her school is the oldest existing facility in the district and these reform measures were not easy. She thanked her faculty members that worked for the distinction on a completely voluntary basis. They did it because they wanted their school to be a better place and systemic changes have been made that will be long lasting. The bottom line is they love their students.

Principal Peterson also thanked the Board. It has been a three-year journey for him and his staff, and he thanked them. It was a vehicle for the faculty to better understand the

students.

Public Comment

Dr. Sarah Jones, Utah Education Association - UEA feels the R277-511 rule isn't ready to move forward and needs input from teachers who have worked as mentors and have gone through the ARL process. The rule requires a master teacher to be assigned to an APT candidate, but doesn't assign roles or responsibilities. The very things the Board requires university programs to teach are not required by APT, but are left to the local education agency. UEA also encouraged the Board to have a full discussion about the teacher shortage and the Board's expectations for teachers and develop a long-term strategy.

Jeanetta Williams, President, National Association for the Advancement of Colored People (NAACP), Salt Lake Branch - distributed NAACP's 2013 Common Core State Standards Resolution and distributed and read a letter outlining the work of NAACP's National Education Program with recommendations and priorities. Particularly of concern is the school-to-prison pipeline and school safety.

Richard Nelson, President, Utah Technology Council and member of the STEM Action Center Board - suggested the state can't achieve its goal of being a top five technology center in the U.S. without becoming a top five education state in K-12. He distributed information on the UTC 2015 Q4 Computer Science/Engineering Survey. UTC is respectfully requesting that the Board not change the rigor in the half credit required for digital studies.

Helen Hu, Chair, Westminster College Computer Science Department - referenced a national study of over 1600 parents of 7-12 graders where two thirds of those parents indicated they wanted computing to be a requirement in school. Parents in low-income households are more likely to hold this view because a two-year degree in computing is one of the fastest ways to change someone's socioeconomic status. In addition, low-income students are unlikely to pursue a computing degree if they are not exposed to computer science in school. She asked the Board to create a small task force to develop a rigorous rubric for the .5 computing requirement by this September.

Steve Maccagno, partner with Code Green, a software development firm - the company has three major initiative with Hire Utah, and all the company's employees are from Utah. Mr. Maccagno noted he is the one hiring those that are under the Board's stewardship right now.

He believes that if industry, education and government work together they can reverse engineer the requirements in schools to fit what industry needs. He encouraged the Board to bring industry and the councils together to create some worthwhile programs that will give those doing the hiring the people they need to move into the future.

Kate Conrow - reported that going into college she felt completely unprepared to do anything with computers because she was discouraged from taking rigorous math and science courses by her counselor in high school. Also, she has been able to work with low income children that don't have technology resources at home. If the exposure to technology is taken away in high school those students will lose out on lucrative career opportunities.

Jonathan Jackson, CEO, Utah Technology Council - by 2020 there will be one million more jobs in the U.S. than there are computer scientists to fill them. UTC supports the half credit of computer science in high school to prepare Utah students for the future.

Jesse Funk, 14-year teacher working with the Utah Anti-bullying Coalition - is working with Attorney General Sean Reyes on an initiative. Ms. Funk reported that she teaches bullying prevention in schools, has studied bullying extensively, and is currently producing a documentary on how bullies are disciplined. As a community member she questions why schools still practice suspension, detention and expulsion when there is much evidence proving it is not only ineffective, but damaging. There are many positive, proven, evidence-based alternatives that are being used around the country. She suggested that Utah could be a leader in in positive discipline reform. She distributed the handout, *Solutions to the School Discipline Problem*.

Michelle Bagley, 9th grade math teacher - spoke in support of Utah state standards and the good things that are happening with the standards. She came back to the classroom after twenty years away and the way she teaches math now is significantly different than she did twenty years ago. She loves the integrated model, which is the way every other country in the world teaches math. She thanked Board members for being courageous. Teachers need to know the Board supports them and won't pull the rug out from under them.

General Consent Calendar

MOTION was made by Vice Chair Johnson and seconded by Member Stokes that the Board approve the General Consent Calendar with the minutes of the May 12-13 meeting and

the Operating and Maintenance contract with DFCM removed.

Deputy Superintendent Jones indicated that the DFCM contract will expire on June 30.

Motion carried; Member Crandall absent.

Consent Calendar

A. Minutes of Previous Meeting

Minutes of the May 12, 2016 Administrative Rules Hearing were approved. The May 12-13, 2016 minutes were removed.

B. Contracts, Agreements, Grants

The Board approved the contracts, agreements, and grants as presented, with the exception of the DFCM Operating and Maintenance Agreement, which was removed.

1. Contracts over \$100,000

A list of contracts was provided. All contracts on the list were approved.

2. Utah Futures Interagency Agreement

Utah Futures is a web-based advisement tool designed to support students in Career Literacy and extended resources into and throughout adulthood. In collaboration with other partners, the agreement is to set forth the responsibilities of the Utah State Board of Education (USBE) and Utah Education and Telehealth Network related to a USBE employee who will coordinate the shared initiatives of the Utah Futures project.

3. Utah System of Higher Education and Utah State Board of Education MOU

This Memorandum of Understanding establishes provisions for the exchange and use of secondary education student records between USBE and USHE in support of concurrent enrollment students and student admissions to USHE institutions.

4. Sub-Grant Agreement between the Council of Chief State School Officers and Utah State Board of Education, \$100,000

Grant for the New Skills For Youth project from JPMorgan Chase Bank, N.A. and the JPMorgan Chase Foundation.

5. DFCM Operating and Maintenance Agreement - This agreement was removed from the Consent Calendar.

Amendment to the Operating and Maintenance Agreement between the Department of Administrative Services, Division of Facilities Construction and Management (DFCM), and the Utah State Board of Education.

C. Contract Reports

A list of contracts under \$100,000 was provided for information and review.

D. R277-100 [changed from R277-99] Definitions for Utah State Board of Education (Board) Rules

In its May 13, 2016 meeting the Board approved R277-100, as amended, on second reading. No substantive changes were made since that time.

The Board approved R277-100 *Definitions for Utah State Board of Education (Board) Rules*, as amended, on third and final reading.

E. R277-490 Beverley Taylor Sorenson Elementary Arts Learning Program

In its May 13, 2016 meeting the Board approved R277-490, as amended, on second reading. The rule was amended to make it consistent with H.B. 40 *Agency Reporting Requirements* (2016 Legislative Session). No substantive changes were made since that time.

The Board approved R277-490 *Beverley Taylor Sorenson Elementary Arts Learning Program*, as amended, on third and final reading.

F. R277-515 Utah Educator Standards

In its May 13, 2016 meeting the Board approved R277-515, as amended, on second reading. The rule was amended based on recommendations from the Board's UPPAC Task Force to provide clearer professional standards for educators. No substantive changes were made since that time.

The Board approved R277-515, as amended, on third and final reading.

G. R277-516 Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter Schools Governing Board Members

In its May 13, 2016 meeting the Board approved R277-516, as amended, on second reading. The rule was amended to clarify when reporting of educator misconduct is required and to add a provision for when the Superintendent can withhold funds.

No substantive changes were made since that time.

The Board approved R277-516 *Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members*, as amended, on third and final reading.

H. R277-533 District Educator Evaluation Systems

In its May 13, 2016 meeting the Board approved R277-533, as amended, on second reading. The rule was updated to eliminate all references to Student Growth Percentile, consistent with H.B. 201 *Student Testing Amendments* (2016 Legislative Session). No substantive changes were made since that time.

The Board approved R277-533 *District Educator Evaluation Systems*, as amended, on third and final reading.

I. R277-710 Intergenerational Poverty Interventions in Public Schools

In its May 13, 2016 meeting the Board approved R277-710, as amended, on second reading. The rule was updated consistent with H.B. 40 *Agency Reporting Requirements* (2016 Legislative Session). No substantive changes were made since that time.

The Board approved R277-710, as amended, on third and final reading.

J. R277-713 Concurrent Enrollment of High School Students in College Courses

In its May 13, 2016 meeting the Board repealed and reenacted R277-713 on second reading. The rule provides the criteria for evaluating grant applicants for the American Indian and Alaskan Native Education State Plan Pilot Program. No substantive changes were made since that time.

The Board repealed and reenacted R277-713 on third and final reading.

K. R277-726 Statewide Online Education Program

In its May 13, 2016 meeting the Board approved R277-726, as amended, on second reading. The rule was amended to determine a course of action to allocate available funding for the Statewide Online Education Program to ensure that home and private school students have an equal opportunity to participate in the program. No substantive changes were made since that time.

The Board approved R277-726 *Statewide Online Education Program*, as amended, on third and final reading.

L. R277-911 Secondary Career and Technical Education Program

In its May 13, 2016 meeting the Board approved R277-911, as amended, on second reading. The rule was amended to address Career and Technical Education maintenance of effort. No substantive changes were made since that time.

The Board approved R277-911 *Secondary Career and Technical Education Program*, as amended, on third and final reading.

M. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in May 2016 was provided for Board information.

N. Utah Instructional Materials Commission Recommendations

On May 19, 2016, the Utah State Instructional Materials Commission (UIMC) met and approved 167 records of titles for recommendation to the Board. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah.

The Board adopted the UIMC recommendations and directed staff to award contracts to the various publishers.

O. Competency-based Administrative License

The Board awarded a competency-based administrative license to Joel Coleman.

Executive Session Items

Licensing Actions

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board accept the Utah Professional Practices Advisory Commission (UPPAC) recommendation in Case No. 15-1304 and suspended the individual's Level 1 Elementary Education License for not less than one year from the date of Board action.

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board accept the UPPAC recommendation in Case No. 16-1320 and issue a letter of reprimand to the individual that will remain on the record for not less than two years.

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board adopt the Board Addendum in UPPAC Case No. 14-1192 and suspend the individual's Level 2 Secondary Education License for a period of not less than ten years from the date of Board action.

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board accept the UPPAC recommendation in Case No. 15-1267 and suspend the individual's Level 1 Elementary Education, Counselor License for not less than five years from the date of Board action.

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board accept the UPPAC recommendation in Case No. 15-1308 and issue a letter of reprimand to remain in place for not less than two years.

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board accept the UPPAC recommendation in Case No. 16-B and issue a letter of reprimand to remain in place for not less than two years from the date of UPPAC action.

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board accept the UPPAC recommendation in Case No. 14-1203 and permanently revoke the individual's Level 2 Secondary Education License.

Motion carried; Member Crandall absent.

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

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board appoint Ray Terry to the Utah Education and Telehealth Network Board for a term July 1, 2016 to June 30, 2020.

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board appoint the following to the Division of Services to the Deaf and Hard of Hearing Advisory Council for terms July 2016 to June 2019: Kelly Boehmer, representing consumers/ service providers; Chelle Wyatt, representing hard of hearing individuals.

Motion carried; Member Crandall absent.

MOTION was made by Member Stokes and seconded by Member Lockhart that the Board appoint Helen Saeed and Cherissa Alldredge, representing business, industry and labor, to the State Rehabilitation Council for terms October 1, 2016 to September 30, 2019.

Motion carried; Member Crandall absent.

Monthly Budget Report

Deputy Superintendent Scott Jones reviewed the monthly budget report for the month ending April 30, 2016.

Member Lockhart asked if there were any indicators that Superintendent Jones finds alarming. Superintendent Jones responded that he has concerns about the federal mineral lease revenues, and steps are being taken to alleviate the situation. He is also concerned regarding the impact to the Indirect Cost Pool of the Utah State Office of Rehabilitation leaving. He did, however, express that the Board is sound financially.

Vice Chair Johnson reported that a realignment of funds is needed in Teaching and Learning. She reviewed the recommended changes.

MOTION was made by Vice Chair Johnson and seconded by Member Hansen that the Board approve the proposed changes to the Teaching and Learning budget.

Motion carried; Chair Crandall absent.

Superintendent Jones gave an update on the Indirect Cost Pool, reminding Board members that in FY 16 they engaged with an outside firm to help calculate a rate proposal to the U.S. Department of Education. The Department rejected that proposal related to the calculation of carry forward rates, and he is working currently with the outside firm and the Department on the issue. Once the rate is approved the office will reduce the amount USOR is being charged. USOR has also proceeded with a reduction in force.

Superintendent Jones reviewed the discretionary fund and asked the Board to review

the items paid by the fund in anticipation of action in August or September regarding the programs to be continued.

Chair Crandall returned to the meeting and assumed the chairmanship.

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board authorize USBE staff, Deputy Superintendent Scott Jones, and the Board's legal counsel to add protective language to the DFCM Operating & Maintenance in the event of non-performance or cancellation, to allow for quarterly payments, and to sign the contract thereafter when the current project issues are resolved.

Motion carried, with Member Huntsman opposed.

Utah State Office of Rehabilitation (USOR) Executive Director's Report

Darin Brush, USOR Executive Director, reviewed the process of transitioning USOR to the Department of Workforce Services (DWS). He reported that he and DWS Director Jon Pierpont are visiting all USOR and DWS staff throughout the state.

Mr. Brush reported on the Order of Selection process implemented in February 2015. In the top category—most significantly disabled—1,732 were released from the waiting list between November 2015 and January 2016; from the significantly disabled category 1,500 were released and 2,403 individuals remain; in the disabled category, 946 people remain on the waiting list.

Executive Director Brush reported that concerning the Indirect Cost Pool he has met with Board staff regarding the different functional areas where USOR receives support and is very comfortable with the \$900,000 number. The 2016 rate is based upon 2014 benchmarks set before he came, and his staff have done their best to research it.

Vice Chair Johnson thanked Executive Director Brush for the transition plan and for his leadership.

Hearing Report on Board Administrative Rules R277-210 through R277-215

The Board held a hearing on May 12, 2016 on Board administrative rules R277-210 through R277-215. Assistant Attorney General Bryan Quesenberry reviewed the hearing report from Susan Eisenmann, the hearing officer, and summarized the issues that were raised.

The report was divided into sixteen comments, most of which have been addressed by staff or through discussion with Board members.

Mr. Quesenberry drew attention to the sixth comment on page sixteen of the report, dealing with the language, "Knowing and deliberately teaches, counsels or assists a student in a manner that undermines or disregards the lawful express directives of a parent." He distributed and reviewed an email from Nebo School District's counsel, Jeff Peterson, commenting that this language needs to be tightened up. Vice Chair Thomas discussed two situations—an educator disregarding a written directive from a parent specific to the parent's child, and allowing someone other than individuals designated to check out a child. He has proposed language that is included in the current draft of the rules addressing these concerns.

MOTION was made by Member Warner and seconded by Member Hansen that the Board amend R277-215-6 to replace the phrase, "disregards the lawful written directive of a parent," with, "disregards a legal written directive included in a court order or approved college and career ready plan."

MOTION TO AMEND was made by Vice Chair Thomas to replace the word "included" with ", such as. "

Without objection the motion was amended.

Motion carried; Members Johnson, Stokes and Wright absent.

Associate Superintendent Stallings reviewed Revision 2 of rules R277-211, R277-212, R2277-213 and R277-215 that were distributed to the Board.

Vice Chair Thomas noted that in R277-211, line 264, he thought the written decision had been struck. He suggested striking lines 263-265 and amending line 268 to read ". . . case to UPPAC, which may include identifying issues that need to be addressed."

Chair Crandall directed that the rule be amended accordingly.

Member Castle questioned lines 171-172 of R277-213 and suggested there would never be a case when a victim's statement would be the sole reason for a decision to reinstate. Assistant Attorney General Nicole Call clarified that the Utah Education Association had requested that the whole section be stricken and as a compromise, Members Lockhart and Johnson thought it would be reasonable to say the decision itself can't be based solely on the victim's written statement or testimony when everything else shows that the individual has

complied with the suspension requirements. Member Castle disagreed with the change, pointing out that there is nothing in our culture that indicates a victim has to have corroborating testimony. She asked for the lines to be removed.

MOTION was made by Member Hansen and seconded by Member Warner that lines 171-172 of R277-213 be removed.

Motion carried, with Member Allen opposed; Members Huntsman, Lockhart and Stokes absent.

MOTION was made by Vice Chair Thomas and seconded by Member Warner that the Board approve R277-210 *Utah Professional Practices Advisory Commission (UPPAC), Definitions*, as amended, on final reading and direct staff to file the rule with the Division of Administrative Rules.

Motion carried; Members Lockhart and Stokes absent.

MOTION was made by Vice Chair Thomas and seconded by Member Warner that the Board approve R277-211 *Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions*, as amended, on final reading and direct staff to file the rule with the Division of Administrative Rules.

Motion carried; Members Lockhart and Stokes absent.

MOTION was made by Vice Chair Thomas and seconded by Member Hansen that the Board approve R277-212 *UPPAC Hearing Procedures and Reports*, as amended, on final reading and direct staff to file the rule with the Division of Administrative Rules.

Motion carried; Members Lockhart and Stokes absent.

MOTION was made by Vice Chair Thomas and seconded by Member Belnap that the Board approve R277-213 *Request for Licensure Reinstatement and Reinstatement Procedures*, as amended, on final reading and direct staff to file the rule with the Division of Administrative Rules.

Motion carried; Members Lockhart and Stokes absent.

MOTION was made by Vice Chair Thomas and seconded by Member Belnap that the Board approve R277-515 *Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions*, as amended, on final reading and direct staff to file the rule with the Division of Administrative Rules.

Motion carried; Members Lockhart and Stokes absent.

MOTION was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the Board adopt the May 12, 2016 Administrative Rules Hearing Report.

Motion carried; Members Lockhart and Stokes absent.

Teacher Retention and Teacher Shortage Data

Travis Rawlings, Coordinator of Educator Licensing, shared information on teacher retention from the NASDTEC Annual Conference he recently attended. He saw a presentation by Dr. Richard Ingersoll from the University of Pennsylvania who had done a massive nationwide teacher supply and demand analysis from 1988 up to the current year. What was most interesting to Mr. Rawlings was the difference between Utah and national data.

In the five-year retention data on the national level 40 to 50 percent of teachers are not retained. Utah is retaining around 60 percent after five years. At the national level at the one-year point typically eight percent of teachers are not retained; Utah's one-year level for losing teachers is typically 14-16 percent and is significantly higher than the national average. At a national level the increase in the number of the teaching population is 2.5 times the rate of increase in the student population, but in Utah the student and teacher growth rates are approximately the same. In Utah there is also an increase in educator's teaching without a prep period.

Vice Chair Thomas asked if the number of students coming of the college preparation programs in Utah is reducing. Mr. Rawlings referenced data showing that the number of students enrolled is decreasing, but for some institutions such as Utah State University and Brigham Young University the education colleges are exceedingly large.

Vice Chair Thomas asked where Utah average entry-level teacher salaries are compared to other states. Mr. Rawlings indicated he will get that information.

Member Wright asked if there is exit interview data to determine why teachers are leaving. Mr. Rawlings indicated schools have not been able to collect reliable data on the reasons. Member Wright also asked if there was a difference in gender or minority. Mr. Rawlings indicated he will do some research to find out.

Mr. Rawlings pointed out that there is an increase in the demand for teachers,

particularly math and science teachers.

Member Huntsman questioned whether the right course is being taken to address the problems, and suggested it isn't on the front burner. Good information is needed on why people are leaving, and information from adjacent states would be helpful. He suggested there is a lot of hand-wringing without a true plan on addressing the situation and making sure there are resources to address the issues.

Dr. Dickson shared Dr. Ingersoll's contention that an inordinate amount of time is spent in recruitment but not retention. Working on retention helps to perpetuate the workforce. She reported that staff has tried to get exit data which included a lot of commentary on working conditions in the building and satisfaction in the setting by the educator. She reported that Representative Carol Spackman Moss is supportive of sponsoring a bill to do a survey to get the right kind of data.

Audit Committee Report

Audit Committee Chair David Thomas reported on proposed changes to the Board's Audit Plan.

MOTION from Committee that the Board amend the Board's Audit Plan to remove the Educator Salary Adjustment Audit and move the Subrecipient Monitoring Procedure Audit and the audit of Internal Accounting up on the schedule as time permits.

It was noted that the Educator Salary Adjustment Audit will be included in the State Compliance Guide and is not the highest priority.

Motion carried; Member Stokes absent.

Superintendent's Report

Superintendent Sydnee Dickson reported on the following.

- In terms of creating a ten-year strategic plan the goals the Board developed in its retreat will be incorporated into the plan and the plan will be brought back in August for approval. Staff will continue to move the goals forward engaging in a SMART goal process.
- Superintendent Dickson has been working with directors to look at redundancy and

proficiency in a study of administration versus educational program functions. The Utah Education Policy Center is also doing a ten-year policy scan.

- Directors are engaged in a SWOT analysis to Improve internal human resource development and management. Directors have also been engaged in leadership training on purchasing and contract training. Leadership training in August will include recruitment and retention.
- Dr. Dickson and Deputy Superintendent Jones met with regional service center directors this week, and have proposed they come to the Board study session in August.

Board Chair's Report

The following was reported as part of Chair Crandall's report.

- Associate Superintendent Stallings gave the Board an overview of what to expect at the upcoming joint USBE/Education Interim Committee meeting on August 14. Agenda items include assessment and accountability as well as the teacher shortage. An opportunity will be given during lunch for those present to take a SAGE test. Superintendent Stallings also reviewed the agendas for the upcoming Executive Appropriations and Education Interim Committee meetings.
- Charter School Task Force Chair David Thomas reported that the group held its first meeting and discussed a path forward for relationship building and improved processes.
- Advisory Review Committee Task Force Chair Linda Hansen reported on the work of the Task Force. Several resolutions to formalize Board advisory committee are being prepared and will come to the Board for approval.
- Accountability Task Force Chair Brittney Cummins reported that the Task Force will review the current accountability system to determine its strengths and weaknesses. The group has put together a general timeline and will look at assembling a stakeholder focus group. A model for an accountability system will be prepared and brought to the Board.

Standing Committee Reports

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 May 12, 2016 meeting.

Taxing Entity Committee to the Economic Development Area for Reeder Ranch EDA

The Committee heard information regarding the new Economic Development Area for Reeder Ranch and was informed that Box Elder School Board is in favor of the project.

MOTION from Committee that the Board direct its taxing entity committee representative to vote with the school district in favor of the project.

Motion carried; Member Stokes absent.

R277-403 Student Reading Proficiency and Notice to Parents

The Committee reviewed proposed amendments to R277-403 to make it consistent with H.B. 40 *Agency Reporting Requirements* and include specific names of assessments designated by the Board. The Committee made additional changes and an updated rule was distributed. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-403 *Student Reading Proficiency and Notice to Parents*, Revision 1, on second reading.

Motion carried; Member Stokes absent.

R277-404 Requirements for Assessments of Student Achievement

The Committee reviewed proposed amendments to R277-404 to incorporate by reference the *Standard Test Administration and Testing Ethics Policy* and allow for the ACT to be used in the 11th grade in lieu of SAGE. The Committee approved the rule on second reading.

MOTION from Committee that the Board approve R277-404 *Requirements for Assessment of Student Achievement*, as amended, on third and final reading.

Motion carried; Member Stokes absent.

R277-924 Partnerships for Student Success Grant Program

The Committee reviewed new rule R277-924, enacted to comply with S.B. 67 *Partnerships for Student Success* (2016 Legislative Session). The Committee approved the rule on first reading.

MOTION from Committee that the Board approve R277-924 *Partnerships for Student Success Grant Program* on second reading.

Motion carried; Member Stokes absent.

Partnerships for Student Success Program Application

The Committee reviewed a grant application developed to implement the Partnerships for Student Success grant program.

MOTION from Committee that the Board approve the application for the Partnerships for Student Success grant.

Motion carried; Member Stokes absent.

R277-711 High Quality School Readiness Expansion

The Committee reviewed new rule R277-711, enacted to comply with S.B. 101 *High Quality School Readiness Expansion Program*, passed in the 2016 Legislative Session. The Committee approved the rule on first reading.

MOTION from Committee that the Board approve new rule R277-711 *High Quality School Readiness Expansion* on second reading.

Motion carried; Member Stokes absent.

School Readiness Grant Proposals

The Committee reviewed recommendations from the School Readiness Board regarding awards for two school readiness grants—the High Quality School Readiness Program (53A-1b-101) and High Quality School Readiness Expansion Program (53A-1b-203). The School Readiness Board recommended that the following receive funding under the High Quality School Readiness Program: Canyons School District—\$71,500; Grand School District—\$63,567; Logan City School District—\$75,741.62; and Wasatch School District—\$58,820.

It was also recommended that the following receive High Quality School Readiness Expansion grants: Davis School District—\$760,990; Granite School District—\$1,349,193; Iron School District—\$169,050; Jordan School District—\$342,141; Murray School District—\$31,765.08; Park City School District—\$131,125; Salt Lake City School District—\$256,812; Sevier School District—\$209,545; Washington County SPED—\$507,694; and Weber School District—\$161,000.

MOTION from Committee that the Board approve awarding the grants for the High Quality School Readiness Program and High Quality School Readiness Expansion program as recommended.

Motion carried; Member Stokes absent.

Data (Address) Collection and Use

Staff presented four courses of action for implementation of a process that will result in fair and safe manner of determining a student's district of residence. It was noted that none of the options will change what data is being collected.

MOTION from Committee that the Board approve Course of Action 4.

In Course of Action 4 school districts and charter schools will enter information and submit it as normal. When the information is received by the data collector, the data collector will submit all addresses to the Utah Automated Geographic Reference Center (AGRC) for validation. If there are errors, the local education agency will be notified to make the correction.

Member Lockhart reported that the local school boards in his area have expressed concerns over privacy and data security and have asked to have as little transfer of data between the state and the district as possible.

Motion carried; Member Stokes absent.

Procedure to Designate an Alternative or Special Needs School

The Committee heard information regarding the differences between schools grades and alternative school accountability calculations in preparation for considering requirements for a school to be designated as an alternative school. No action was taken.

Statewide Longitudinal Data Systems (SLDS) Grant and Institutional Review Board

The Committee heard information regarding the statewide longitudinal data system (SLDS) grant which Utah has been awarded. The grant requires an Institutional Review Board—a committee created to ensure that research is conducted in accordance with all federal, institutional, and ethical guidelines.

MOTION from Committee that the Board approve the use of year two funds of the SLDS grant.

Member Lockhart observed that four years ago funding for the Utah Data Alliance (UDA) was removed, but understands that some funding has been restored. He indicated the data is phenomenal and asked about the source of the funding.

Deputy Superintendent Rich Nye reported that the UDA originally began with federal funding, but was subsequently funded by the legislature at \$1.8 million ongoing money. That money is allocated to the data contributing agencies and a research partner to do the work with UDA. The SLDS grant takes the foundation and seeks to further enhance it.

Motion carried; Members Johnson and Stokes absent.

MOTION from Committee that the Board approve the creation of an institutional review board for the grant.

Motion carried; Members Johnson and Stokes absent.

High School Digital Studies Requirement

Committee members discussed the high school digital studies requirement and felt the rubric used doesn't allow enough rigor; they would also like LEAs to have flexibility to teach what will work for their individual schools.

MOTION from Committee that the Board direct staff to create a task force that includes members from, but not limited to, Board staff, the STEM Action Center, and industry to create a more robust and strong rubric for this graduation requirement.

MOTION TO AMEND was made by Member Hansen to add superintendents and charter directors to the task force. Without objection the amendment was made.

MOTION TO AMEND was made by Member Belnap that students be added to the task force. Without objection the motion was amended.

MOTION TO AMEND was made by Vice Chair Thomas and seconded by Member Warner that the Superintendent appoint the members of the task force.

Motion to amend carried.

Member Lockhart expressed appreciation for the Board listening to stakeholders and indicated this task force will assist the Board in presenting recommendation to the legislature.

Member Wright voiced concern that so many things are required that students can't pursue what they love and are good at; people are exhausted with requirements.

Motion carried, with Member Wright opposed; Member Stokes absent.

College and Career Readiness Recommendations to High School Students

In its December 2015 meeting the Board approved the Board of Education/Board of Regents' document, *College and Career Readiness Recommendations to High School Students*. The Board of Regents has since added two items to the recommendations. The Committee reviewed the following additions:

- Section 1 - Add, "Do your very best work possible in every class from middle school through senior year of high school, especially in Concurrent Enrollment Courses, where course grades become part of your college transcripts."
- Section 5 - Add, "Use standardized test results and your performance as indicated by GPA and course grades to gauge how close you are to being ready for college."

MOTION from Committee that the Board approve the revised document.

Motion carried; Member Stokes absent.

Scope of Standards Review, Timeline, Budgetary Requirements

The Committee discussed the review, scope and sequence of the standards as directed by the Board in May 2016.

MOTION from Committee that the Board direct the superintendency to develop a financial analysis for a complete re-write of the standards and an analysis for incremental reviews that are already in process along with a timeline, and bring back to the Committee in August 2016.

Motion carried; Member Stokes absent.

FINANCE COMMITTEE

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

Approval of Minutes

The Committee approved the minutes of its May 12, 2016 meeting.

SFY 16 Budget Reporting

The Committee received budget reports from the followings sections: Internal Audit, Teaching and Learning, Career and Technical Education, School Children's Trust, and Student Advocacy Services.

Grants Management Update

The Committee reviewed a draft federal grant tracking policy based on compliance with 2016 legislation H.B. 329 *Federal Funds Procedures Act Amendments*. The policy addresses the lack of current processes in place to track grants coming to the Board. Additional work will be done and the policy will come back in a future meeting for adoption.

FY 2015 Financial and Single Audits for all Local Education Agencies (LEAs)

Staff reviewed a report of the FY 2015 financial and single audits for all LEAs and noted that all LEAs fulfilled the statutory requirements to obtain a financial statement audit and single audit, if applicable.

Member Huntsman requested that a tracking process be put in place to monitor LEAs with repeat findings.

The Committee released the report to the Board.

Minimum School Program (MSP) Transfers

Staff reviewed with the Committee a detailed schedule of all program balances, deficits, and the necessary transfers to close the MSP program in accordance with the Budgetary

Procedures Act for FY 2016.

MOTION from Committee that the Board approve the adjustments to cover the deficits in grades 1-12 and to cover the deficit in the voted and board program from the carryover in the basic program.

Motion carried; Member Stokes absent.

R277-421 Out-of-state Tuition Reimbursement

The Committee reviewed new rule R277-421 regarding the payment of out-of-state tuition submitted by LEAs for reimbursement. The Committee approved the rule on first reading.

MOTION from Committee that the Board approve R277-421 *Out-of-state Tuition Reimbursement* on second reading, with the understanding that staff will reach out to the most impacted districts and bring their feedback and concerns for consideration back before third reading of the rule on the Consent Calendar.

The rule will come back to the Finance Committee if there are substantial changes.

Motion carried; Member Stokes absent.

Free Market Protection and Privatization Board Meeting Report

It was reported to the Committee that Howard Headlee, the State Charter School Board Chair, and Marlies Burns, the State Charter School Board Executive Director, made a presentation to the Free Market Protection and Privatization Board on June 9. Questions were centered on builders and companies that build charter schools and the monitoring procedures in place.

UPSTART Contract Amendment

Staff reviewed amendments to the UPSTART contract with the Committee.

MOTION from Committee that the Board approve the proposed amendments for the FY16 budget to increase the contract by \$306,496.65 to cover current expenditures.

Motion to amend was made by Member Lockhart and seconded by Member Warner that the Board engage in negotiations to reduce the cost.

Vice Chair Thomas asked for clarification if renegotiating the contract is a precursor to approving the contract amendment. He suggested that at the end of the term the contract can be renegotiated. Member Lockhart stated that his amendment is more of a global issue. Rather than allowing the vendor to dictate the price the Board needs to be a price driver at the beginning. Since this is a mid-term contract adjustment, he withdrew his motion to amend, but asked that moving forward with the contract the price be renegotiated as he believes the Board is paying way too much per student.

Motion to amend was made by Vice Chair Johnson and seconded by Member Lockhart that moving forward the Board include in its procurement strategy to not be price takers.

Deputy Superintendent Jones clarified that the reason for the contract amendment is because more students are being added—not because of a price increase.

Chair Crandall directed that without objection, the main motion will be considered without any amendments.

Motion carried; Member Stokes absent.

MOTION was made by Vice Chair Johnson and seconded by Member Lockhart that the Board direct its staff to develop a procurement strategy that is oriented to best price rather than price taking.

Motion carried; Member Stokes absent.

MOTION from Committee that the Board approve the new scope of work and budgets for Attachments C8, C9 and C10 which cover FY17-19.

Motion carried; Member Stokes absent.

MOTION from Committee that the Board approved amendments to the contract amounts for FY17-19 based on the special session and scope of work adjustments.

Motion carried; Member Stokes absent.

Evaluation and Training Institute Contract Amendments

The Board contracts with ETI to conduct the independent evaluation of the early reading intervention software program for students in grades K-3. The program was expanded

in FY16, therefore, the number of students and vendors engaged in the evaluation has increased, necessitating a contract amendment to increase the amount paid.

MOTION from Committee that the Board approve amendments to the Evaluation and Training Institute contract due to increased student enrollment for an amount of \$26,214.

Motion carried; Member Stokes absent.

MOTION from Committee that the Board open the contract so the invoice can be paid.

Motion carried; Member Stokes absent.

Aspire System

During its May 2016 meeting the Board determined not to charge a fee to LEAs for use of the Aspire system. Board members wanted to see the results of an audit of the system by the Legislative Auditor General prior to making a final decision on charging a fee.

Senator Howard Stephenson addressed the Committee regarding the Board's decision and suggested it creates inequitable funding for students. He also suggested that the legislature intended for the Board to charge LEAs for using Aspire which is why the Aspire fee was added to the fee schedule passed by the legislature this year.

The Committee also heard comment from school districts and the Utah Association of Public Charter Schools. The theme was that the concern was not in paying a fee, but in having the larger users to pull out of the system.

MOTION from Committee that the Board charge a fee for users of Aspire with an assurance for the program integrity if larger districts pull out.

Member Warner questioned why the Board would make a decision now without seeing the recommendations from the audit. In addition, school budgets for the 2016-17 school year have already been done and a change would affect smaller districts and charters.

Senator Stephenson was invited to speak to the Board. He indicated there is a very small percent of the number of students in the state that are being served by Aspire. Aspire has improved over the years. The Privatization Board felt strongly and recommended to the legislature that a fee be imposed. In the 2015 legislative session the fee was inadvertently left out of the approved fee schedule, so it was included this legislative session. Right now there is no direct appropriation for Aspire and the Board budget is suffering because the Board's IT

section must fund it.

Senator Stephenson distributed and reviewed information about voted and board local levy programs state guarantee. The Senator acknowledged that the issue with Aspire isn't necessarily imposing the Aspire fee, but assuring the integrity of the system. He indicated the purpose of the audit is to determine the costs, but not to eliminate the system.

Member Lockhart reported that he has talked with Nebo District Superintendent Nielsen and this is a very important product to the school district. Member Lockhart suggested that an option could be to transition ownership of Aspire to a district such as Nebo.

Member Hansen reported that Tooele District Superintendent Rogers has indicated that if a fee is charged for Aspire it will be too expensive and the district would have to use something else. Other small LEAs in her area have indicated likewise.

Member Cummins felt the Board doesn't have the data it needs to make a good decision today. She also asked about the comments of the public participants in the Committee. Vice Chair Johnson noted that almost everyone spoke against the fee.

MOTION TO POSTPONE pending further conversation with Nebo District regarding the possibility of the district taking over Aspire was made by Vice Chair Johnson and seconded by Member Wright.

Chair Crandall asked whether the Board has the resources to continue the work on Aspire as there are seven developers dedicated to the program. Deputy Superintendent Jones responded that until the Indirect Cost Pool rate is set for FY 17 it is unclear as to whether the resources will be available. Vice Chair Johnson also noted that IT staff has been dedicated to Aspire when programmers were needed for the Minimum School Program.

Member Huntsman observed that the Board created this service and created the dependency on the system that many districts use. The Board needs to make sure it is well informed before making a decision.

Member Allen expressed frustration from her districts that budgeting ends in June and waiting until August for a decision could be problematic.

Motion to postpone carried, with Members Allen and Belnap opposed; Member Stokes absent.

ETI Evaluation UPSTART Contract for Cohort 6

In the 2014 Legislative Session the UPSTART program was renewed. The renewal did not specify that a new RFP for an evaluator was needed. A protest was made after the Cohort 6 year evaluation had begun. As such, a new RFP had to be issued and an extension on the current evaluator contract was issued. The extension did not allow the evaluator to complete the evaluation before the contract expansion expired. Evaluation costs from October 2015-January 2016 fell outside of the contract and have not been paid.

MOTION from Committee that the Board increase the budget by \$28,000 for the increased scope of work.

Motion carried; Member Stokes absent.

SFY 17 Proposed Budget

Vice Chair Johnson reviewed the proposed FY 2017 USBE budgets with the Board. She expressed her concern with the "Unclassified Other" budget category on the Board budget report. Deborah Jacobsen, Internal Accounting Director, explained that this is a good holding place for sections that haven't identified a final spend plan for possible carryover dollars. Once the section develops the spend plan, those dollars will be transferred to the corresponding object code.

MOTION from Committee that the Board approve the FY 2017 budget with the caveat that any use of funds in the Unclassified Other category cannot be spent without the creation of a spend plan.

Motion carried; Members Huntsman and Stokes absent.

Reconciliation of Carry Forward

It was reported that School Finance has reconciled all but one piece of the FY 2015 carry over and that all budgets are set up and in appropriate lanes.

USOR Indirect Cost Pool Update

The Committee received information about the Indirect Cost Pool. There is currently an

agreement for approximately \$900,000 of payment by USOR to USBE for services Board staff performs that are overhead. The U.S. Department of Education has rejected the USBE proposal for the FY 16 submission based on past methodology used with the Indirect Cost Pool Rate charge to the State Office of Rehabilitation. Staff will continue to work with Maximus, the vendor working on the ICP, on the carry forward percentage.

R277-419 Pupil Accounting

The Committee reviewed amendments to R277-419 to address maximum membership allowances for each student. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-419, as amended, on second reading.

Motion carried; Member Stokes absent.

Transportation Standards Meeting Notification

The Committee was provided with a draft schedule of transportation standards meetings and invited to attend.

Charter School Closures

Two charter schools were closed in the last fiscal year. School Finance staff reviewed with the Committee the final financial statements and required program reports. Staff identified concerns with Wasatch Institute of Technology (WIT) that the audit submitted by WIT provided a qualified opinion and the financial reports and the audit did not reconcile. Three courses of action were recommended:

1. The USBE was not provided sufficient documentation to support Title I expenditures. If WIT is unable to provide documentation and explanations for the \$21,890 reimbursed to WIT from the FY 2015 Title I award, this amount will be questioned and the funds returned immediately to the USBE for refund to the federal government prior to paying off any portion of the school's revolving loan.

2. WIT's authorizer (State Charter School Board) will take steps to recover the balance of funds in WIT's bank account and turn them over to the USBE.

3. The USBE direct that the funds received from WIT be used to resolve the questioned costs and then apply the remainder to the outstanding loan balance. The outstanding portion of WIT's revolving loan remaining after this payment will be written off.

MOTION from Committee that the Board approve Courses of Action 1, 2 and 3 as outlined on the WIT memo.

It was noted that Courses of Action 2 and 3 are contingent on the State Charter School Board's response to receipt of a letter.

Motion carried; Member Stokes absent.

Charter School Revolving Loan Recommendations

The Committee reviewed three charter school revolving loan applications submitted by the Charter School Revolving Account Committee for consideration.

MOTION from Committee that the Board approve a revolving loan for Ignite Entrepreneurship Academy for \$300,000.

Motion carried, with Member Wright abstaining; Member Stokes absent.

MOTION from Committee that the Board approve a revolving loan for Eagle Summit Academy in the amount of \$205,400.

Motion carried, with Members Belnap and Hansen opposed and Member Wright abstaining; Member Castle absent.

MOTION from Committee that the Board approve a revolving loan of \$300,00 for the Center for Creativity.

Motion carried; Member Castle absent.

Data and Information Requests

The Committee received new requests for information.

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 May 12, 2016 meeting.

APA Charter Improvement Plan—Salem

In October 2015 the State Charter School Board (SCSB) approved the Voluntary Charter Improvement Plan for American Preparatory Academy—Salem (formerly Liberty Academy) and forwarded the recommendation to the State Board of Education for approval. The Board denied the request without prejudice and provided specific terms needed for the plan to be reconsidered. A revised plan meeting the Board's terms and conditions was approved by the SCSB in May 2016 and forwarded to the Board for approval.

MOTION from Committee that the Board approve the State Charter School Board's request as outlined in the Voluntary Charter School Improvement Process contract and proposal from American Preparatory Academy-Salem document and approve the new terms and conditions.

Motion carried; Members Allen, Lockhart and Wright absent.

Ivy Preparatory Academy's New Charter Application

The Committee reviewed a recommendation from the State Charter School Board that the application for Ivy Preparatory Academy to open in the 2017-2018 school year be approved.

MOTION from Committee that the Board approve the Ivy Preparatory Academy governing board's application to open a charter school in the 2017-2018 school year as outlined in the application.

Motion carried; Members Allen, Lockhart and Wright absent.

Bonneville Academy - New Charter Application

In its January 2016 meeting the Board denied a request from the State Charter School Board to approve the application of Bonneville Academy's governing board to open a charter school in the 2017-2018 school year, citing concerns regarding the skill, expertise, and experience needed to run the school.

An amended application that demonstrates greater understanding of the requirements

of operating a school and using public funds was brought before the SCSB in May 2016 and a recommendation for approval forwarded to the Board. The Committee reviewed the application.

MOTION from committee that the Board approve the Bonneville Academy governing board's amended application to open a charter school in the 2017-2018 school year.

Member Castle clarified that she didn't vote in favor of the application in the committee.

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

Utah State Board of Education Special Education Rules Manual and R277-750 *Education Programs for Students with Disabilities*

The Committee tabled the discussion and adoption of the updated USBE Special Education Rules Manual and requested that the manual and rule R277-750 be placed on the Committee's August agenda.

R277-511 *Academic Pathway to Teaching (APT) Level I License*

In its May meeting the Committee discussed a report on the current requirements for an applicant to receive a Utah educator license through alternative pathways as detailed in R277-503. The Committee also discussed elements of a proposed new Academic Pathway to Teaching (APT) license. The Committee directed that APT be incorporated into a rule.

The Committee reviewed new rule R277-511 and approved the rule on first reading. R277-511 Revision 1 was distributed to the Board.

MOTION from Committee that the Board approve R277-511 *Academic Pathway to Teaching (APT) Level I License, Revision 1*, on second and final reading and direct staff to file the rule with Division of Administrative Rules.

Member Lockhart reported that there was a robust discussion in Committee last night and he is supportive of the rule. In schools there is currently or is about to be a teacher shortage. There is also the challenge of getting adequate math, science, and computer science

teachers because industry is taking those with skills and paying them more money. There needs to be a way to get private sector people to teach. He requested that Board leadership put together a teacher recruiting and retention task force.

Motion carried; Member Allen absent.

R277-531 Public Educator Evaluation Requirements (PEER)

The Committee reviewed proposed amendments to R277-531 to make it consistent with H.B. 201 *Student Testing Amendments* passed in the 2016 Legislative Session and add a new definition for Effective Educator Standards.

MOTION from Committee that the Board approve R277-531, as amended, on second reading.

Motion carried; Member Allen absent.

R277-923 American Indian and Alaskan Native Education State Plan Pilot Program

The Board approved R277-923 in its May 2016 meeting. Since that time, a substantive issue was discovered and an amendment made to the rule to allow one or more program sites. The Committee approved the rule, as amended, on second reading.

MOTION from Committee that the Board approve new rule R277-923, as amended, on third and final reading.

Motion carried; Member Allen absent.

R277-712 Competency-based Grant Programs

The Committee reviewed new rule R277-712 enacted as a result of S.B. 143 *Competency-based Learning Amendments* passed in the 2016 Legislative Session. The rule establishes an advisory committee, provides grant application procedures and timelines, and describes the criteria for awarding planning grants. The Committee approved the rule on first reading. Two revisions of the rule were distributed to the Board.

MOTION from Committee that the Board approve new rule R277-712 *Competency-based Grant Programs, Revision 2*, on second reading.

MOTION TO AMEND was made by Vice Chair Thomas and seconded that the

Board approve Revision 3 of the rule, which amends Revision 2.

Motion to amend carried.

Motion carried; Member Allen absent.

R277-606 Dropout Recovery Program

The Committee reviewed amendments to R277-606 to incorporate changes required as a result of H.B. 433 *Dropout Prevention and Recovery Program* passed in the 2016 Legislative Session. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-606 *Dropout Recovery Program*, as amended, on second reading.

Motion carried; Member Allen absent.

Interstate Compact on Education Opportunity for Military Children

The Committee received information about the Compact on Education Opportunity for Military Children adopted by Utah in 2010. The Committee reviewed a recommendation from the Utah Veterans and Military Affairs Commission that the Compact should be extended beyond the definitions encompassed by the statute to allow protection to a wider group of military families.

MOTION from Committee that the Board support the Veterans and Military Affairs Commission's recommendation that the Legislature amend Compact language to include the children of Reserve members and civilian Department of Defense employees.

Motion carried; Member Allen absent.

Board Policy 1003, Reporting of Pornography on Office Computers

The Committee reviewed Board Policy 1003 which was written as a result of H.B. 155 *Reporting of Child Pornography* passed in the 2016 Legislative Session. The policy clarifies reporting requirements of staff.

MOTION from Committee that the Board approve Board Policy 1003, Reporting of Pornography on Office Computers.

Motion carried; Member Allen absent.

R277-530 Utah Effective Teaching and Educational Leadership Standards

The Committee reviewed amendments to R277-530 to include the recently-approved Utah Educational School Counselor Performance Standards. The Committee approved amendment to and continuation of R277-530 on first reading.

MOTION from Committee that the Board approve R277-530 *Utah Effective Teaching and Educational Leadership Standards*, as amended, and continuation of the rule, on second reading.

Motion carried; Member Allen absent.

R277-922 Digital Teaching and Learning Grant Program

The Committee reviewed new rule R277-922 which establishes an application and grant review committee and process and gives direction to LEAs participating in the Digital Teaching and Learning Program. The rule was approved by the Board in April, but since that time staff identified additional changes that were needed. The Committee approved R277-922, as amended, on second reading.

MOTION from Committee that the Board approve R277-922 *Digital Teaching and Learning Grant Program*, as amended, on third and final reading.

Vice Chair Johnson recognized Vice Chair Thomas for his work on this program; tremendous bridges were built with the legislature through this process. Members Belnap and Lockhart were also thanked for their work on the Digital Teaching and Learning Task Force.

Motion carried; Member Allen absent.

Board Member Comments

It was noted that Emilie Wheeler, the Board's Public Information Officer, will be sending out a poll for superintendent finalist interview dates.

Member Belnap thanked those that put together the recent Board retreat. Member Wright asked that in the future the meeting be called a work session.

Board Policy 3001, Appointment and Termination of Deputy and Associate Superintendents

Associate Superintendent Stallings reviewed proposed changes to Board Policy 3001. In the amended version the Deputy Superintendent of Operations would be appointed or terminated by the Board with the advice and consent of the superintendent, and would be evaluated by the Board. For all others, the Superintendent would appoint and terminate with the advice and consent of the Board.

Member Cummins stated that she doesn't like the governing body's executive officer not having sole responsibility for carrying out the wishes of the Board. In the Board appointing two individuals with two different jobs there is the potential for the Board to become overly micro-managing. She also questioned who the Board would hold accountable for the goals of the Board.

Member Stokes questioned why the Board would need to go to the Superintendent for advice and consent in termination. He suggested eliminating that portion of the policy.

MOTION was made by Vice Chair Johnson and seconded by Member Stokes that the Board adopt Board Policy 3001 with the following amendments:

- #1 - change "contest" to "consent."
- #7 - remove "subject to the advice and consent of the Superintendent."

Vice Chair Johnson indicated she would have no problem adding that additional duties can be assigned by the Superintendent. For her it is important to have someone who can report directly to the Board on the Board's finances. The Superintendent could also bring concerns about finances to the Board. There is so much money that runs through the office it is important to have checks.

Member Huntsman observed that he sees it as a bonus not having the diverse services and responsibilities of the office being the responsibility of one individual. History has shown that it's a very difficult task. By making this move there will be two partners managing the same goals and working together and some burden will be taken off of the superintendent.

Member Cummins responded that when there are divided responsibilities and both answer to the Board, then all those decisions would have to come to the Board.

Member Castle spoke in favor of the change and indicated there have been times when she wanted candid financial information and would have liked someone answerable to the Board for that information.

Member Stokes moved to call the question. Motion carried.

Main motion carried, with Members Castle, Corry, Crandall, Huntsman, Johnson, Stokes, Thomas and Wright in favor and Members Belnap, Cummins, Hansen, Lockhart and Warner opposed; Member Allen absent.

Board Member Comments

Member Warner and Member Castle asked that the candidates in the Alternative Routes to Licensure program be informed about the option of the Academic Path to Teaching program.

Adjournment

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

Motion carried. The meeting adjourned at 4:48 p.m.

Lorraine Austin, Board Secretary
Minutes approved August 12, 2016