

# DRAFT

UTAH STATE BOARD OF EDUCATION  
LEGISLATIVE MEETING MINUTES

February 12, 2015

A legislative meeting of the Utah State Board of Education was held February 12, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. At the request of the Chair, Vice Chair David Thomas conducted the meeting. The meeting commenced at 12:00 p.m.

**Board Members Present:**

Chair David L. Crandall	Member Kristin Elinkowski (non-voting)
1st Vice Chair David L. Thomas	Member Linda B. Hansen
2 <sup>nd</sup> Vice Chair Jennifer A. Johnson	Member Mark Huntsman
Member Dixie L. Allen	Member C. Mark Openshaw
Member Laura Belnap	Member Teresa L. Theurer (non-voting)
Member Leslie B. Castle	Member Nancy Tingey (non-voting)
Member Barbara W. Corry	Member Terryl Warner

**Board Members Excused:**

Member Freddie Cooper (non-voting)	Member Jefferson Moss
Member Brittney Cummins	Member Spencer F. Stokes
Member Marlin K. Jensen (non-voting)	Member Joel Wright
Member Steven R. Moore (non-voting)	

**Executive and Board Staff Present:**

Brad Smith, State Superintendent	Emilie Wheeler, Board Communications Specialist
Sydnee Dickson, Deputy Supt.	
Bruce Williams, Associate Supt.	Debbie Davis, USBE Internal Auditor
Lorraine Austin, Board Secretary	

**Others Present:**

Dawn Davies, Utah PTA, Royce Van Tassel; Thalea Longhurst, Natalie Grange, Jaimie Barrett, Roxana Orellana - USOE; Jennifer Roth, USOR; Representative Greg Daw; Sarah Jones, Utah Education Association; Morgan Jacobsen, *Deseret News*; Ben Wood, *Salt Lake Tribune*; Karen Peterson, Governor's Office.

**Opening Business**

# DRAFT

Vice Chair David Thomas called the meeting to order at 12:00 p.m.

**Internal Audit Director Appointment**

**MOTION** was made by Vice Chair Johnson and seconded by Member Openshaw that the Board appoint Debbie Davis as the Board Internal Audit Director.

Motion carried unanimously.

**Utah State Office of Rehabilitation (USOR) Update**

USOR Executive Director Russ Thelin reported that USOR's budget was submitted to the Social Services Appropriations Subcommittee today. The Subcommittee chairs have indicated that USOR's \$6.3 million supplemental request is their number one priority on the one-time funding list. The other USOR requests are in the middle of subcommittee priority list. Vice Chair Johnson explained that the Subcommittee felt pushed to approved USOR's supplemental request as its top priority because of the current financial situation of USOR.

Mr. Thelin distributed and reviewed copies of the motions passed by the Subcommittee regarding USOR, including a call for and audit by the Legislative Auditor General.

Jennifer Roth, USOR Budget Compliance Specialist, reviewed a sheet outlining USOR's structural imbalance and three possible scenarios if the supplemental is fully funded, partially funded, or not funded at all. She reported that it is not the goal of USOR to meet Maintenance of Effort (MOE) this year.

Mr. Thelin reported that there is early indication that federal reallocation money will be available. The fiscal representative from the federal Rehabilitation Services Administration will be in Utah on March 11, and Mr. Thelin will meet with him to discuss a possible waiver of MOE requirements.

Representative Brad Daw from the Social Services Appropriations Subcommittee was welcomed to the meeting. He expressed that as he has talked with his colleagues and they feel there is every intent for USOR to rectify what went wrong, and they recognize that the services performed by the agency are valuable.

DRAFT

Vice Chair Thomas reported a concern of the Board over the federal reallocation dollars. Those funds are one-time funds that contributed to the structural imbalance because it allowed USOR to add new clients on one-time money. There is also the question of whether accepting reallocation funds will negatively impact the MOE. Ms. Roth explained that using the partial funding scenario, USOR will be asking for fewer dollars so it should not impact MOE. The intention is to wean the agency off the reallocation funds over a two-year period.

Mr. Thelin thanked the Board for its recent rule requiring Board approval for seeking reallocation funds. He expressed that there were the best of intentions in the past for the use of those funds, but without the necessary foresight.

### **Discussion with Legislators**

#### Representative Brad Daw

Representative Daw reported on HB 282 *Online Education Program Amendments* which will expand the statewide online education program to include Utah institutions of higher learning, allowing them to offer rigorous and useful computer science and STEM courses to high school students. He expressed the real need for computer science classes to be taught in schools and spoke of the dearth of computer science teachers. He asked for Board support of the bill. He clarified that the credit will be high school credit and it will be up to the higher education institution to determine whether to accept it as concurrent enrollment credit. Providers will go through the USOE and course sign up will go through the school counselors.

Representative Daw also spoke with the Board regarding constituent concerns about the proposed science standards. He has elected not to run a bill regarding the standards, but offered to bring a compromise to the Board. He asked that when the science standards are reviewed, three points be made very clear up front: 1) It's not about consensus, it's about proving results; 2) science is never settled, and; 3) it's always okay to ask questions. He asked that those three points with some explanatory text be included as part of the standards.

#### Senator Aaron Osmond

Senator Osmond was welcomed to the meeting. He reported that SB97 1<sup>st</sup> substitute

*Property Tax Equalization Amendments* passed out of the Revenue and Tax Committee. He reviewed the changes in the bill. The goal is to address property tax inequity through new revenue.

**MOTION** was made by Member Allen and seconded by Member Warner that the Board support SB 97 1<sup>st</sup> Substitute.

Motion carried unanimously.

Senator Osmond reported that he is working on a response to the issue of parental rights, and he acknowledged that it has been very difficult. He will fight for the right for parents to make decisions on how their children are educated. The challenge is that there are conflicting sets of statutory requirements. There are requirements that the Board assess and evaluate through statewide assessments, but there has been incredible backlash to computer adaptive testing. He indicated he is receiving hundreds of emails on this topic and recounted some negative experiences from parents and students that are opting out of tests. He is trying to balance parental rights with the need to assess students, and is working on legislation to address the issues that will be more specific and directive. He asked the Board for input. He informed the Board that the intent of last year's legislation was that parents could opt out of any exam, both formative and summative.

Vice Chair Thomas reported that the Board discussed the situation at its last regular Board meeting. Superintendent Smith was directed to work with his senior staff to bring back some language for a policy or rule for the Board to discuss and act upon. He asked on behalf of the Board that Senator Osmond allow the Board to take action prior to him running legislation.

Chair Crandall acknowledged that a memo that was sent from the State Office of Education to local education agencies regarding testing opt out was poorly worded and contained a policy which the Board had not approved. He thanked Senator Osmond for his willingness in the past to allow the Board to address constituent concerns and echoed the hope that the Senator would allow the Board the latitude to address the issue without further legislation.

Board members expressed that computer adaptive testing is a powerful tool to inform teachers regarding their instruction. They also voiced concerns that the required statewide

assessments are being used to grade schools and evaluate teachers.

Senator Osmond asked the Board to have the discussion regarding the policy as quickly as possible as he is compelled to put together legislation, but is willing to consider a Board solution.

### **USOR Order of Selection**

Executive Director Thelin explained that Order of Selection regarding service to clients is present in all three of the funding scenarios presented earlier. The longer they are on Order of Selection, the greater the impact to clients. He estimated the impact the first year would be 15 percent, and the number of clients would continue to rise if it goes into a second and third year. Order of Selection will be used as a tool to realign USOR so eventually it will be able to serve all clients.

### **Public Education Appropriations Report**

Associate Superintendent Bruce Williams referenced the following documents that were distributed: Public Education 2% Budget Reduction Exercise; Public Education: Committee Chair Recommendations—Ongoing; Public Education: Committee Chair Recommendations—One-Time; Public Education Appropriations Subcommittee Budget Motions; and Public Education Appropriations Subcommittee Recommendations on Budget Priorities.

Superintendent Williams reviewed today's recommendations from the Education Appropriations Subcommittee regarding the Minimum School Program and restoration of the two percent cuts. The recommendation was to restore all of the programs they were proposing to cut. The Committee is also recommending that money for districts to provide 50 percent of the charter school local replacement funding, estimated to be \$20,555,400, be placed into flexible reallocation to be distributed under the same method which exists now.

Superintendent Williams reported that Representative Last is sponsoring a bill that would require all districts to contribute the full 25 percent instead of up to 25 percent and he indicated the bill may be incorporated into the funding bill. He reviewed two sets of motions from the Subcommittee regarding charter school local replacement.

Superintendent Williams reviewed those items that are not on the list that are in specific bills, such as the Technology Initiative and Graduation/Counselors Initiative.

### **Executive Session**

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

Upon voice vote of those present, the Board moved into Executive Session at 2:05 p.m. Members present in Executive Session included Board members Allen, Belnap, Castle, Corry, Crandall, Elinkowski, Hansen, Huntsman, Johnson, Openshaw, Theurer, Thomas, Tingey and Warner; and Brad Smith, Sydney Dickson, Lorraine Austin and Emilie Wheeler.

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

Motion carried. The Board reconvened in open meeting at 2:16 p.m.

### **Adjournment**

**MOTION** was made by Vice Chair Johnson and seconded by Member Allen that the meeting adjourn.

Motion carried. The meeting adjourned at 2:16 p.m.

Lorraine Austin, Board Secretary  
Minutes Pending Approval