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**DRAFT UTAH STATE BOARD OF EDUCATION
LEGISLATIVE MEETING MINUTES**

February 26, 2015

A legislative meeting of the Utah State Board of Education was held February 26, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 12:02 p.m.

Board Members Present:

Chair David L. Crandall
2nd Vice Chair Jennifer A. Johnson
Member Dixie L. Allen
Member Leslie B. Castle
Member Barbara W. Corry
Member Kristin Elinkowski (non-voting)
Member Linda B. Hansen

Member Mark Huntsman
Member Jefferson Moss
Member C. Mark Openshaw
Member Spencer F. Stokes
Member Nancy Tingey (non-voting)
Member Terryl Warner
Member Joel Wright

Board Members Excused:

1st Vice Chair David L. Thomas
Member Laura Belnap
Member Freddie Cooper (non-voting)
Member Brittney Cummins

Member Marlin K. Jensen (non-voting)
Member Steven R. Moore (non-voting)
Member Teresa L. Theurer (non-voting)

Executive and Board Staff Present:

Brad Smith, State Superintendent
Sydnee Dickson, Deputy Supt.
Judy Park, Associate Supt.
Bruce Williams, Associate Supt.

Russ Thelin, USOR Executive Director
Lorraine Austin, Board Secretary
Emilie Wheeler, Board Communications
Specialist
Debbie Davis, USBE Internal Auditor

Others Present:

Jan Ferré, LCPD; DeAnnTilton; Rebecca Ivory; Sara Jones, Jay Blain, Tracey M. Watson - Utah Education Association; Marcus Stevenson; Stuart Call; Keith Lawrence, USOE; Adam Kolowich; Morgan Jacobsen, *Deseret News*; Ben Wood, *Salt Lake Tribune*; Liz Zentner, Utah PTA

Opening Business

Chair David Crandall called the meeting to order at 12:02 p.m.

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SAGE Assessment System

Superintendent Brad Smith discussed a House Joint Resolution that calls on the Board to study excessive or redundant testing. Superintendent Smith stated that he doesn't feel it's reasonable or acceptable to consider abandonment of the system and there is a need to articulate the importance of a reasonable assessment system. He reported that he has begun to engage with Senators Osmond and Stephenson on the issues and has committed to them that the Board will study testing as part of its strategic plan and budgeting process.

Vice Chair Thomas reiterated that he has also talked with Senator Osmond and the Senator has expressed his willingness to engage with the Board.

Discussion with Legislator

Senator Ann Millner was welcomed to the meeting. She reviewed S.B. 196 *Math Competency Initiative*, a bill she is sponsoring that focuses on math competencies and proficiencies. The bill outlines three approaches to math competency and the high school environment through pathways. Each pathway would provide different options and would allow students to take challenge exams. The intent is not a different diploma, but some documentation showing that a student reached a certain competency level.

Member Castle questioned the idea of pathways and expressed her concern that only students who have parents that are advocates will be directed to the higher performing pathways, and it may be a disadvantage for students who don't have a strong advocate.

Member Warner asked if there has been a consideration of the teacher shortages in math. Senator Millner responded that more professional development is needed and she is cosponsoring a professional development bill. She expressed that she is trying to bridge the gap between higher and public education and welcomes further conversation.

Member Cooper asked whether there is anything in the bill that addresses assistance to parents who may not have the knowledge to push their children into higher achieving

pathways. Senator Millner responded that the framework needs to be put in place first.

Vice Chair Johnson expressed concerns about the expected competencies in the bill for those that are college-bound and indicated that a large contingency of students now would not meet that requirement. There is also a bill that would require four years of math, and there are a lack of resources to achieve that goal on the part of the system. She asked whether the Senator would consider looking at proficiency on SAGE scores in Math III as an addition to the bill, and whether needed resources will be addressed. Senator Millner indicated she is willing to consider changes.

Deputy Superintendent Dickson thanked Senator Millner for engaging with the Board. She asked for clarification on the implementation timeline, which would start with the junior class of the 2016-17 school year. Something this substantial is usually backmapped to a freshman class so they would have four years to map the courses. Senator Millner responded that with the options such as Advanced Placement, International Baccalaureate, and Math I, II, and III it seems there are elements already in place to implement the requirements faster.

R277-404 Requirements for Assessment of Student Achievement

Superintendent Smith Brad distributed a pre-draft of Board rule R277-404 for Board member review. The rule will be discussed in the upcoming March 5-6 Board meeting.

Vice Chair Thomas asked if Senator Osmond has reviewed the draft and if it addresses his concerns. Superintendent Smith responded that the Senator has seen a preliminary version and since that time Superintendent Smith edited the draft to strengthen the parental rights portion. Senator Osmond has given an indication that if the Board adopts the rule, he will remove the portion on parental rights from his bill.

Appropriations Committee Update

Chair Crandall reported that he and Vice Chair Johnson met with the chairs of the Appropriations Committee last Friday. They were unable to discuss with them the charter schools local replacement issue because of the attention given to concerns regarding the Utah State Office of Rehabilitation (USOR). He did talk with Speaker Greg Hughes and Senate

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President Wayne Niederhauser individually about the Board's desires regarding local replacement. They echoed the Executive Appropriations Committee feeling that since the local replacement change is a policy change, they would rather have it addressed in legislation.

Vice Chair Johnson reported on the conversation regarding USOR. She indicated the Appropriations Committee chairs are very upset, as they have been told for the third time that if they give more money to USOR the problems will be fixed. She did her best to assert that changes are being made. Chair Crandall also reported that there is no trust in the numbers being reported for the shortfall. The Appropriations Committee and Social Services Appropriations Subcommittee chairs are gravely concerned and there is not certainty that USOR's requested supplemental will be funded.

Vice Chair Johnson reported that the Audit Committee will be discussing USOR issues further and will provide the Board an update in its next meeting.

Budget Priorities

Chair Crandall reported that Senator Hillyard has asked the Board to prioritize its request for the \$30 million backfill if Utah does not receive an Elementary and Secondary Education Act waiver and if the money were to come from the Education Fund. Vice Chair Thomas reminded the Board that they already prioritized the \$30 million as one-time priority #3. He would be more comfortable with one-time monies being used for the backfill, as last year all the one-time monies went to higher education.

Legislation

Board leadership explained that there are bills that are tied to the Board's legislative funding priorities, and though the Board may not have taken a position on those specific bills, they have represented those Board priorities to legislators. If the Board does not have a position or priority, Board leadership is not stating a Board position.

There are two specific bills that are tied to the Board and that staff have helped to craft—Senator Last's professional learning grant bill and Senator Stephenson's digital technology bill.

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Superintendent Smith reported that when he is asked to make comment at the legislature, he prefaces those comments with the statement that the Board has not taken a position on the bill. In the case of Senator Stephenson's digital technology bill, he knew the Board had taken a position in favor with the caveat that certain portions related to Board control were changed. He has endeavored as positively as he can to help legislators craft bills, or commit to having the Board address issues in rulemaking. As a result, the Board will see several items coming forward for rulemaking that are reflective of the process to engage with legislators and relieve pressures they are receiving from constituents.

HB 345 1st Substitute *Abuse Policy*

Superintendent Smith distributed and reviewed HB 345 S1 *Abuse Policy for Educators*. The bill primarily provides some amendments to the governance structure of the Utah Professional Practices Advisory Commission (UPPAC) as it relates to rulemaking, and also includes provisions that provide that for certain sorts of conduct an educator is barred from reentry into the profession for life.

Member Stokes expressed concern over the amount of time spent on UPPAC cases in Board meetings and that a requirement that the Board hear every case would be too cumbersome. He supported the Board having rulemaking authority and setting some guidelines. He expressed concern over wording in Line 177 and throughout the bill of "immoral, unprofessional or incompetent behavior," and feels that the specificity removes the rulemaking authority of the Board.

Member Castle questioned the practice of UPPAC following the criminal outcomes in making its decisions, although that is not required. She expressed concern over educators making plea arrangements in cases so they not will lose their licenses.

Member Warner stated that she feels the Board and UPPAC have improved in the handling of cases, and likes the way the Board is headed. She is in support of rulemaking for UPPAC being with the Board. She also suggested that the bill include educators on the sex offender registry.

Vice Chair Thomas voiced that he is supportive of the Board having rulemaking

authority to the extent possible. He is opposed to legislation that ties the Board's hands and makes the decisions for the Board. He felt a lifetime ban outlined in law ties the hands of the Board. There are many situations that could come up for which the Board should have discretion.

MOTION was made by Member Stokes and seconded by Member Moss that the Board support HB 345 1st Substitute and authorize the Superintendent and Board leadership to work with the sponsor to incorporate the changes suggested by Board members.

Member Allen questioned whether peer oversight on UPPAC is provided for. Superintendent Smith reported that the bill does not address membership and is not intended to eliminate teachers from UPPAC. It may be appropriate to broaden the size of UPPAC.

Vice Chair Johnson requested that Rebecca Ivory give a summary of the background on the bill. Mrs. Ivory was invited to address the Board. She noted that her husband is Representative Dan Ivory, and indicated that he had started on the bill before she got involved. She recounted her experience of being sexually abused by a teacher for many years and of the effect it has had on her life. She noted that the procedures in place now haven't allowed the Board to see the victims. She indicated the legislation gives the Board the choice to revoke an educator license or to not reinstate if there has been felony sexual misconduct.

Member Wright thanked Mrs. Ivory for her courage in speaking out.

Motion carried unanimously.

HB 263 State School Board Powers Modifications

Vice Chair Thomas reported that this bill, sponsored by Representative Norman Thurston, attempts to modify what "general control and supervision" means in the Constitution in regards to the Board and is directly contrary to the USBA v. USBE case from 2001 and the ruling of the Utah Supreme Court. This is an attempt to say the Board's powers originate in the legislature instead of state statute. It passed out of the House committee 12-0.

MOTION was made by Vice Chair Thomas and seconded by Member Allen that the Board oppose HB 263.

Vice Chair Johnson voiced that she would prefer the Board hearing from the sponsor

before opposing. She doesn't see that this changes the Board's authority in any large sense. Chair Crandall acknowledged that there is probably not time for the Board to meet with Representative Thurston.

MOTION TO AMEND was made by Member Stokes and seconded by Member Allen that the Board direct Board leadership to have a conversation with Representative Thurston to determine the reason for the bill and seek changes that are consistent with the Board's constitutional powers, and that the Board oppose the bill if no changes are made.

Motion to amend carried.

Motion as amended carried unanimously.

Other Legislation

Deputy Superintendent Dickson alerted the Board that there are several bills about graduation requirements and licensure that are gaining some traction. If the graduation requirements bills pass, math requirements would increase and a language requirement and civics test would be added.

Members Hansen and Warner questioned why the Board is not taking more positions on bills and expressed discomfort about Board members and staff testifying before legislative committees when the Board has not taken a positions.

Vice Chair Johnson expressed that the Board as a body doesn't have the authority to tell each other how to act. She would prefer that rather than taking positions the Board partner with legislators in the formation of concepts. She has heard from numerous sources that are positive about the way the Board is working with the legislature. She reiterated that Board leadership is working hard to move the concepts for which the Board is supportive.

Member Stokes commented that the process is so fluid and moves so rapidly that he doesn't support the Board taking positions on bills. In years past, the image of the Board was that the Board took positions without talking to legislators and were negative about legislators. He supports the process of asking legislators to bring issues early to the Board to allow the Board to support legislators where possible. He would like it to get to the point where

legislators would not file an education bill without talking first to the Board.

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Adjournment

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

Motion carried. The meeting adjourned at 2:05 p.m.