

**UTAH STATE BOARD OF EDUCATION MEETING
SUMMARY OF ACTIONS**

August 8, 2014

Board Members Participating: Dixie Allen, Kim Burningham, Keith Buswell, Leslie Castle, Barbara Corry, David Crandall, Kristin Elinkowski, Dan Griffiths (by phone), Heather Groom, Marlin Jensen, Michael Jensen, Jennifer Johnson, Jefferson Moss, Mark Openshaw, Debra Roberts, Dean Rowley (non-voting), Teresa Theurer (non-voting), David Thomas and Terryl Warner.

Members Excused: Freddie Cooper (non-voting), Steven Moore (non-voting)

All votes were unanimous unless noted otherwise. Members Dan Griffiths and Michael Jensen were absent for a portion of the meeting.

- The Board approved its General Consent Calendar, with rule R280-203 removed. The rule was pulled to allow for further review by the Board attorney and will come back for action at a future meeting.
- The Board unanimously authorized application for the renewal of its June 2012 ESEA Flexibility Waiver for the 2014-2015 school year with clarifications (details outlined in the attached motion), and further authorized Board leadership flexibility to make changes consistent with the intent of the motion.
- The Board appointed Evelyn Owens, representing the Disability Law Center, and Mary Leonard, representing Utah VR121 Program, to the State Rehabilitation Council for indefinite terms.
- The Board appointed Laura Baier, representing elementary teachers, to the Instructional Materials Commission for a four-year term.
- The Board approved the following for the FY 2014-2015 budget: \$454,000 for employee compensation increases; \$50,000 for the new superintendent salary increase; \$60,000 for part-time staff for the Internal Audit Section.
- The Board approved funding of \$150,000 from the FY 2014-2015 budget for hiring a Board attorney, with Members Buswell, Castle, Crandall, Groom, Jensen, Johnson, Moss, Openshaw, Thomas and Warner in favor, and Members Allen, Burningham, Corry and Roberts opposed.
- The Board approved moving funding requests for an additional associate superintendent and clerical staff to the FY 2015-16 priorities list for consideration.
- The Board adopted Resolution No. 2014-01 *A Resolution Establishing the Official Position of the Utah State Board of Education Regarding Local Control of Curriculum*, with Member Moss opposed.

- The Board approved the following budget priorities for FY 2015-2016 (in priority order): 1) WPU increase (beyond growth); 2) technology initiative; 3) professional development determined by LEAs; 4) math professional development; 5) freezing the basic rate; 6) funds needed if the ESEA waiver is not renewed; 7) additional Board attorney.
- The Board approved adding a discussion for the full Board on budget processes and policies to its September meeting.
- The Board approved use of the FY 2015 discretionary budget as follows: \$200,000 for Board room upgrades; \$400,000 from mineral lease funds in addition to the \$250,000 state funds to the Superintendent for discretionary use; and \$200,000 to address an IT Audit/UEN response.
- The Board approved a proposed budget calendar as a working calendar with the understanding it may need to be adjusted.
- A motion for the Board to direct its representative to the Taxing Entity Committee to the Redevelopment Agency of the City of Salina Tipperary Industrial Park Economic Development Project Area to vote consistent with the local school board failed, with Members Allen, Buswell, Corry, Jensen, Roberts, Thomas and Warner in favor, and Members Burningham, Castle, Crandall, Groom, Johnson, Moss, and Openshaw opposed.
 - A motion for the Board to direct its representative to the Taxing Entity Committee to abstain from voting on the project amendment failed, with Members Burningham, Crandall, Groom, Johnson, Moss, Openshaw and Warner in favor, and Members Allen, Buswell, Castle, Corry, Roberts and Thomas opposed; Members Griffiths and Jensen absent.
 - The Board reconsidered its motion to direct its representative to the Taxing Entity Committee to vote consistent with the local school board. The motion carried, with Members Allen, Buswell, Castle, Corry, Openshaw, Roberts, Thomas and Warner in favor, and Members Burningham, Crandall, Groom, Johnson and Moss opposed; Members Griffiths and Jensen absent.
- The Board approved amendments to and continuation of R277-471 *Oversight of School Inspections* on second reading. The rule may come back for further amendments after clarification sought by the Board attorney.
- The Board approved amendments to R277-422-2 *State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program—Reading Achievement Program* on second reading.
- The Board approved proposed criteria for schools to adopt a plan of STEM implementation.
- The Board approved repeal and reenactment of R277-504 *Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, Speech-Language Pathologist and Speech-Language Technician, and Preschool Special Education (Birth-*

Age 5) Licensure, and continuation of the rule, on second reading, with Member Moss opposed.

- The Board approved amendments to and continuation of R277-506 *School Psychologists, School Social Workers, and School Counselors Licenses and Programs* on second reading.
- The Board approved amendments to the charter of Spectrum Academy, and waived the Board rule for addition of new students.
- The Board approved amendments to the charter of Hawthorn Academy.
- The Board approved grant review funding recommendations for the implementation of S.B. 43 *Intergenerational Poverty Interventions in Public Schools*.
- The Board approved amendments to and continuation of R277-800 *Utah Schools for the Deaf and the Blind* on second reading.
- The Board approved amendments to R277-404 *Requirements for Assessments of Student Achievement* on second reading.
- The Board approved the Standard Test Administration and Testing Ethics Policy document.
- The Board voted to proceed with a SAGE university study, with Member Moss opposed.

Motion unanimously passed by the Utah State Board of Education in its August 8, 2014 meeting:

The Utah State Board of Education (the "State Board") hereby applies for the renewal of its June 2012 ESEA Flexibility Waiver for the 2014 – 2015 school year (the "Waiver") upon the following clarifications in its 2012 Waiver application:

- In place of Principle 1A, Option A, within the Waiver, the State Board provides the following assurances to satisfy Principle 1A:
 - On August 6, 2010, the State of Utah adopted college-and-career-ready standards in at least English/language arts and mathematics which were approved and certified by the State Board, pursuant to Article X of the Utah State Constitution, which delegates general control and supervision of public education to the State Board. (Exhibit A)
 - The Utah State Board of Regents, the governing authority over higher education within the State of Utah, declared on November 7, 2012 that "students who successfully attain the mutually agreed-upon standards for K-12 Mathematics and K-12 English/Language Arts will be prepared for beginning level college courses in each of these subject areas." (Exhibit B)
 - In accordance with 20 USC 7907, 7909, 7910, 7911, and 9527, the federal government is expressly prohibited from establishing federal K-12 public education standards, federal K-12 public education curriculum, national K-12 public education testing, national teacher certification, and a national student data base. On March 5, 2012, the State Board through its Superintendent of Public Instruction, asserted to the Secretary of Education its absolute "right to make changes to, and to add and subtract from the Utah Core Standards at its discretion." The Board went on to assert its "right to complete control of Utah's learning standards in all areas of our public education curriculum." (Exhibit C)

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

- Principle 1C, Principles 2A and 2B, and Assurance #14 are further clarified as follows:
 - Utah withdrew from the Smarter Balanced Assessment Consortium (SBAC) in 2012. In its place, the State Board developed and implemented during 2014 its Student Assessment of Growth and Excellence (SAGE) computer adaptive testing in English/

language arts, mathematics and science (R277-404). The State Board intends to move forward with its SAGE testing protocol.

- The State Board has adopted and intends to move forward with its Utah Comprehensive Accountability System (UCAS), R277-497.
- Principle 3 is further clarified as follows:
 - The State Board has implemented its Public Educator Evaluation Requirements (PEER), R277-531, based upon the Utah Effective Teaching and Educational Leadership Standards, R277-530. The State Board continues to move forward with its goals regarding teacher and principal evaluations.
- The State Board reserves its absolute and exclusive right to modify, without negative effects with respect to its Waiver, its Utah Core Standards, SAGE testing, UCAS report card, and PEER teacher and principal evaluations without approval of the U.S. Department of Education. The State Board further reserves its right to withdraw from the Waiver if the State Board finds that such Waiver violates Utah Code Ann. 53A-1-402.6(7).
- The State Board further authorizes Board leadership flexibility to make changes consistent with the intent of this motion.