

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

April 9-10, 2015

BOARD STUDY SESSION, APRIL 9, 2015

The Utah State Board of Education held a study session on April 9, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. First Vice Chair David Thomas called the meeting to order at 3:05 p.m.

Board members present included Members Laura Belnap, Leslie Castle, Freddie Cooper (by phone), Barbara Corry, David Crandall, Brittany Cummins, Linda Hansen, Mark Huntsman, Jennifer Johnson, Mark Openshaw, Spencer Stokes, Teresa Theurer, David Thomas, and Terryl Warner. Board and USOE staff present included Brad Smith, Sydnee Dickson, Bruce Williams, Angela Stallings, Lorraine Austin, Emilie Wheeler, Debbie Davis, Kevin John, Nicole Call and Jennifer Throndsen. Others present included German Lopez, American Academy of Innovation; Frank Strickland, H. Tech; Lydia Nuttall, parent; and Debby Llewelyn, UAPCS.

Associate Superintendent Bruce Williams conducted a training on the Utah State Office of Education online management budget report.

Carrie Dickson, Professional Registered Parliamentarian, was welcomed to the meeting. She provided training on parliamentary procedures.

The meeting adjourned at 5:00 p.m.

Following the training sessions, the Finance, Law and Licensing, and Standards and Assessment Committees met.

BOARD MEETING, APRIL 10, 2015

A regular meeting of the Utah State Board of Education was held April 10, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 8:04 a.m.

Board Members Present:

Chair David L. Crandall	Member Mark Huntsman
1st Vice Chair David L. Thomas	Member Marlin K. Jensen (non-voting)
2 nd Vice Chair Jennifer A. Johnson	Member Steven R. Moore (non-voting)
Member Laura Belnap	Member C. Mark Openshaw
Member Leslie B. Castle	Member Spencer F. Stokes
Member Barbara W. Corry	Member Teresa L. Theurer (non-voting)
Member Brittney Cummins	Member Terryl Warner
Member Kristin Elinkowski (non-voting)	Member Joel Wright (by phone)
Member Linda B. Hansen	

Board Members Excused:

Member Dixie L. Allen
Member Freddie Cooper (non-voting)
Member Jefferson Moss
Member Nancy Tingey (non-voting)

Executive and Board Staff Present:

Brad Smith, State Superintendent	Lorraine Austin, Board Secretary
Sydnee Dickson, Deputy Supt.	Emilie Wheeler, Board Communications Specialist
Judy Park, Associate Supt.	Debbie Davis, Board Internal Auditor
Bruce Williams, Associate Supt.	Chris Lacombe, Assistant A.G.
Angela Stallings, Associate Supt.	Nicole Call, Assistant A.G.
Joel Coleman, USDB Superintendent	
Scott Jones, Interim USOE Exec. Director	

Others Present:

Dawn Monson, Utah Math Teachers Association; Jay Blain, Lisa Nentl-Bloom, Chase Clyde - Utah Education Association; Lydia Nuttall, parent; Kathleen Ware, Reuels Art and Frame; Darrin Johansen, Rich Brotherson, and Sam Ray - North Sanpete School District; Elizabeth Weight, AFT Utah; Joylin Lincoln; Tami Pyfer, Governor's Office; Kris Fawson, Utah Statewide Independent Living Center/LLCPD; Debby Llewelyn, UAPCS; Emily Thurberg, Wasatch Waldorf Charter School; Anthony Sudweeks, Wallace Stegner Academy; German Lopez, American Academy of Innovation; Nicole Coombs, Athlos Academy; Janel Vanderberghe; Frank Strickland; Toby Dillon, parent.

Opening Business

Chair David Crandall called the meeting to order at 8:04 a.m. Vice Chair David Thomas led those present in the Pledge of Allegiance.

Members Dixie Allen, Jefferson Moss, Nancy Tingey, Freddie Cooper, and Joel Wright were excused. It was noted that Joel Wright and Freddie Cooper may join later by phone.

Board Member Message

Member Dixie Allen submitted a written message, *Discovering What Parents, Business Leaders, and Teachers Want from a School,* from The Leader in Me, by Stephen R. Covey.

Introduction of New Employees

H.R. Director Dave Rodemack introduced new Utah State Office of Education (USOE) employees Angela Stallings and Mary Ann Durant.

Acknowledgment of Student Artwork

Cathy Jensen, USOE Fine Arts Specialist, recognized the art work hung in the room by students from Hawthorne Academy.

Recognition of Reuel's Art and Frame

Deputy Superintendent Sydnee Dickson informed the Board that Reuel's Art and Frame recently closed, and donated \$1.5 million in art materials and supplies to schools—over 18,000 items. The art supplies will be distributed to districts and charter schools throughout the state.

Kathleen Ware, granddaughter of Reuel and Dorothy Ware, was present to represent the Reuel family. She is currently a special education teacher. The Board acknowledged the donation and Chair Crandall presented her with a certificate of recognition.

Public Participation

Lisa Nentl-Bloom, Utah Education Association Executive Director - commented that UEA is watching with great interest the Board's rulemaking process. They are also watching the work

in the U.S. Senate on the reauthorization of the Elementary and Secondary Education Act, and believe there are some encouraging elements. Ms. Nenti-Bloom also expressed UEA's gratification for the recent findings on Sex Offender Access to Vulnerable Populations audit.

Dawn Monson, President-elect, Utah Science Teachers Association - requested that the Board release the revised Utah Science and Engineering Standards for public comment. In the last fifteen years there have been multiple changes to science, such as GPS, texting, human genome, dark matter, and information from the Hubble telescope and Voyager 1 , and teaching needs to be done differently.

Janel Vanderberghe - referred to a study by the American Academy of Pediatrics (AAP) done in August 2014 stating that "adolescents who don't get enough sleep often suffer physical and mental health problems, an increased risk of automobile accidents and a decline in academic performance." The report also stated that youth's natural sleep cycles begin to shift two hours later as they get older, and they are unable to fall asleep before 11:00 p.m. She asked the Board to consider delaying school start times to 8:30 a.m. or later, indicating it is comparable to decreasing class size by one third. She distributed information from the AAP.

Frank Strickland - scientist - stated that the new science standards for Utah that are before the Board today are 100 percent cut and paste from the Next Generation national standards, put out by the same people that wrote the Common Core, and there has been no local Utah input. He asked the Board to add a section that would allow students to be able to challenge theories using scientific research, to discuss various controversial subjects from both sides, and to allow students to come to their own conclusions.

Toby Dillon, Science Standards Parent Review Committee - refuted Mr. Strickland's statement that there was not local input into the Utah Science Standards. He was on the committee that reviewed the standards, along with Mr. Strickland, and committee members did find areas on which they disagreed. He believes using the existing Next Generation Science Standards is wise. He urged the Board to put the standards out for public review.

Appointments to the Utah State Office of Rehabilitation (USOR)

MOTION was made by Vice Chair Johnson and seconded by Member Openshaw that the Board ratify the appointments made by Superintendent Brad Smith of Scott Jones as the Interim Executive Director of the Utah State Office of Rehabilitation and Joel Coleman as the Interim Director of the USOR Division of Services for the Blind and the Visually Impaired.

Motion carried unanimously.

MOTION was made by Vice Chair Johnson and seconded by Member Openshaw that the Board ratify the appointments made by Executive Director Scott Jones of Jennifer Roth as the USOR Finance Director and Aaron Thompson as the USOR Director of Vocational Rehabilitation.

Motion carried unanimously.

General Consent Calendar

MOTION was made by Member Openshaw and seconded by Member Huntsman that the Board approve the General Consent Calendar.

Motion carried unanimously.

A. Minutes of Previous Meeting

Minutes of the Utah State Board of Education meetings held January 29, 2015, February 12, 2015, February 19, 2015, March 5-6, 2015 and March 19, 2015 were approved.

B. Monthly Budget Report

The financial report for February 2015 was received.

C. Contracts

The Board approved the following contracts:

1. National Staff Development Council, \$239,825, 04/01/2015 to 03/31/2020

To support the state in auditing the quality and impact of professional learning

experienced by educators in Utah public schools.

2. SR Plus Consulting, LLC, \$92,060.41, 04/01/2015 to 03/31/2020

To provide Individuals with Disabilities Act (IDEA) behavior support services to local education agencies and the Utah State Office of Education Special Education Section.

3. Echo Cunningham, \$229,354.67, 04/01/2015 to 03/31/2020

To provide Individuals with Disabilities Act (IDEA) behavior support services to local education agencies and the Utah State Office of Education Special Education Section.

4. iBehaveConsulting, Inc., \$283,507.85, 04/01/2015 to 03/31/2020

To provide Individuals with Disabilities Act (IDEA) behavior support services to local education agencies and the Utah State Office of Education Special Education Section.

5. USU Special Education & Rehab - Utah Behavior Clinic, \$286,693.33, 04/01/2015 to 03/31/2020

To provide Individuals with Disabilities Act (IDEA) behavior support services to local education agencies and the Utah State Office of Education Special Education Section.

6. Education Direction, \$4,061,412.55, 05/01/2015 to 04/30/2020

To work with the USOE to develop and implement professional learning experiences for schools and districts to assist them in effectively using data to improve student achievement.

D. Contract Reports

The Board receive the following reports: *Contracts approved by State Superintendent or USOR Director (less than \$100,000) and USOE/USOR Expiring Contracts with Renewals.*

E. R277-114 Corrective Action and Withdrawal or Reduction of Program Funds

In its March 6, 2015 meeting, the Board approved on second reading continuation of R277-114 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule.

The Board approved R277-114 *Corrective Action and Withdrawal or Reduction of Program Funds*, as amended, and continuation of the rule, on third and final reading.

F. R277-459 Teacher Supplies and Materials Appropriation

In its March 6, 2015 meeting, the Board approved on second reading continuation of R277-459 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule. The rule was amended to clarify the funding process followed in the event that the teacher supplies and materials appropriation is not sufficient to provide each teacher the full amount allowed by law. The rule title was also amended.

The Board approved R277-459 *Teacher Supplies and Materials Appropriation* as amended, and continuation of the rule, on third and final reading.

G. R277-474 School Instruction and Human Sexuality

In its March 6, 2015 meeting, the Board approved on second reading continuation of R277-474 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule. The rule was updated for language and style.

The Board approved R277-474 *School Instruction and Human Sexuality*, as amended, and continuation of the rule, on third and final reading.

H. R277-475 Patriotic, Civic and Character Education

In its March 6, 2015 meeting the Board approved on second reading continuation of R277-475 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule. The rule was amended to clarify who distributes the funds.

The Board approved R277-475 *Patriotic, Civic and Character Education* on third and final reading.

I. R277-516-3 Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees - Licensed Public Education Employee Personal Reporting of Arrests

In its March 6, 2015 meeting the Board approved amendments to R277-516-3 on second reading. The rule was amended to expand the requirements for licensed educator self-reporting and to broaden the list of specified offenses.

The Board approved R277-516-3 *Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees - Licensed Public Education Employee Personal Reporting of Arrests*, as amended, on third and final reading.

J. R277-517-5 Board and UPPAC Disciplinary Definitions and Actions - Board Disciplinary Actions

In its March 6, 2015 meeting the Board approved amendments to R277-517-5 on second reading. The rule was amended to provide updated language for Board action against an educator for failure to respond to a complaint resulting in a default action, and an educator's failure to appear for a disciplinary hearing.

The Board approved R277-517-5 *Board and UPPAC Disciplinary Definitions and Actions - Board Disciplinary Actions*, as amended, on third and final reading.

K. R277-700-6 The Elementary and Secondary School Core Curriculum - High School Requirements

In its March 6, 2015 meeting, the Board approved amendments to R277-700-6 on second reading. The rule was amended to modify the Utah high school graduation requirements.

The Board approved R277-700-6 *The Elementary and Secondary School Core Curriculum - High School Requirements*, as amended, on third and final reading.

L. Requests for Temporary Authorizations

The Board approve temporary authorizations for licenses as submitted by school districts and charter schools.

M. List of Educator Licenses Processed

The Board received the summary of the total number of educator licenses and license areas processed in March 2015.

Report from North Sanpete School Board

Superintendent Brad Smith explained that North Sanpete School Board President Richard Brotherson, District Superintendent Sam Ray, and Business Administrator Darrin Johansen were directed to come before the Board to explain North Sanpete School District's financial situation as outlined in a letter from the Utah State Auditor.

Dr. Sam Ray referenced a "Back on Track" plan for the district that was distributed. He reported that he talked with the district auditor this week who is wrapping up the district audit for FY14. The auditor commented that as administrative responsibilities from state and federal overhead have expanded, along with the conversion from the state's SIS system, it has been difficult for North Sanpete's current business administrator to keep up with the work. The situation has been monitored for a year and progress has been made, however, the financial reports required by the state were still late.

Mr. Darrin Johansen reported that he takes full responsibility for underestimating the workload and the outcome of the events outlined on the Back on Track plan, and explained reasons for the situation. The district feels they have a plan in place to make sure it doesn't happen again.

Dr. Ray reported on improvements that have taken place in the district. The FY 16 budget will be completed in June and the FY 15 budget was submitted on time. The district has also adjusted their staff significantly to address the issues. He reported that the auditors that reviewed the district records indicated the books are in good shape, even though late. Three recommendations were made by the auditors: 1) to fully utilize every component of ALIO; 2) to offload the daily tasks from the business administrator to staff; and 3) to clear all liability accounts monthly so the general ledger reflects the cash on hand. He reviewed the planned monthly goals and stated they will hold themselves accountable.

Superintendent Smith questioned why, when the district recognized they were engaging in substantially greater financial obligations, the Board didn't direct the use of some of its rainy day fund to fund additional help for the business office. Board President Brotherson indicated that some of that money was spent in engaging auditors. The North

Sanpete Board has now directed that more help be given to the business office.

Superintendent Smith questioned the North Sanpete Board's oversight given that the situation is so serious that the State Auditor's Office is involved to its current extent and the district's access to funds has been shut off. Mr. Brotherson acknowledged that his board recognizes they are behind, and state that the board knows the district's finances are sound despite the reports being late. Superintendent Smith further questioned that premise, given that the reports were nearly a year late. He asked what the State Office of Education could do to support and assist the district. Mr. Brotherson asked for a little more patience, and expressed that his conviction that the reports will be on time this year.

Vice Chair Johnson asked for a response from Patricia Nelson from the State Auditor's Office. Ms. Nelson clarified that the State Auditor's Office is in charge of monitoring school district audits and making sure they occur on time. She has been in contact with the school district auditors and the Utah State Office of Education staff to assess the situation. The state auditors are most concerned about North Sanpete's monthly bank reconciliations that are being performed. There has been a misunderstanding as to what it means for those reconciliations to be complete, and they have not been fully complete. The district auditor also recognized that more staff was needed, and because of the amount of time it took for the business administrator to get the district's books in order, the auditor only received a working trial balance from the last fiscal year three or four weeks ago for his audit. Part of the issue is with a new computer system at the district and lack of training for that system. Ms. Nelson did note that there are no concerns with fraud, but with a lack of understanding of the system.

Vice Chair Johnson expressed an ongoing concern as this is not the first year there have been problems. She also voiced concern that board members in North Sanpete not present don't understand the implications of the delay in the financial report, both for the USOE and the Auditor's Office, and their responsibilities for the situation.

Superintendent Smith recommended that the Board invite these representatives from North Sanpete to report to the Board at its monthly meetings, in person, to update the Board on the district progress.

Member Castle questioned what affect the lack of access to new funds has had on

North Sanpete's students. Superintendent Smith responded that he understands the district has sufficient funds currently to continue its operation. If the situation continues, it would affect operations. Superintendent Ray informed that the report was complete on March 26 and the district auditor is finishing up his audit. He reported that the district has maintained its internal controls and has been fiscally responsible.

Member Openshaw asked what effect the district's lack of reporting has on the state's computations, especially on prior years' reports. USOE Finance Director Natalie Grange responded that the USOE initially submitted a report that was incomplete, and the office will be required to do a second reconciliation of the prior year's reports. The obligation to the state won't be finalized until then. Data from these reports are used for budgetary estimates, and the office had to use data that was two years old for North Sanpete. The Board will need to determine if the budgets of other districts will need to be adjusted.

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

USDB Superintendent Joel Coleman was welcomed to the meeting. He focused his report on three areas: 1) USDB Advisory Council activities; 2) current Memorandums of Understanding; and 3) items from the legislative session that impacted USDB.

He reported that the legislature funded most of USDB's requests, including an appropriation for a new building in Salt Lake City. It is anticipated the building will be ready in August 2016, and the Board will be invited to the groundbreaking.

Member Belnap asked how USDB teachers are paid for their work at Utah State University with pre-K children. Superintendent Coleman explained that USDB has the responsibility for children birth to age 22. Teachers serving pre-K students are funded from a legislative appropriation requested by the USDB showing case load and class size.

Chair Crandall asked Superintendent Coleman if there is anything the Board can do to facilitate their oversight over the USDB. Superintendent Coleman expressed that he appreciates the invitation to report to the Board, and welcomes the opportunity to report more often. He also extended the invitation for the Board to visit USDB and encouraged them to attend USDB graduation.

2015 Legislative Session Report

Deputy Superintendent Sydnee Dickson gave an overview of the 2015 Legislative Session, referencing the *Public Education Summary of the General Session of the Utah Legislature 2015*.

Legislative Appropriations Review

Associate Superintendent Bruce Williams reported on the financial aspects of the legislative session, also referencing the *Public Education Summary*. He acknowledged that the Board's priorities were well taken into account by the legislature. He also recognized the positive relationship the office has with Ben Leishman and Angelo Oh from the Legislative Fiscal Analyst's Office, and with the Governor's Office fiscal staff.

Superintendent Williams apprised the Board of an issue that will need to be dealt with regarding the voted and board local levy guarantee program. Approximately \$23 million in growth money was appropriated due to an increase in the guarantee amount based on the prior year's WPU and an escalation factor. Right now that money is unable to be allocated, even though it was appropriated, because the guarantee amount that was included in the legislation (SB 97) would only allocate \$75 million new revenue and doesn't take into account the \$23 million growth money. The Governor's office is aware of the issue and has indicated that if there is a special session, the Governor might be willing to include this item in the call. All of the local education agencies (LEAs) have been notified.

Vice Chair Thomas voiced his understanding that the legislature increased the WPU at least seven percent overall. Associate Superintendent Williams clarified that the Minimum School Program, including the WPU, will increase seven percent.

Legislative Bill Review

Deputy Superintendent Dickson reviewed a spreadsheet outlining the Board rules and required courses of action that will need to occur due to legislation. Specific bills were reviewed.

Member Theurer questioned from where the discussion came to remove the appointed

Board members as required in HB 360. Dr. Dickson responded that the bill sponsor suggested that a more informal process for those entities to meet with the Board might be more effective. Member Theurer expressed her feeling that further discussion is needed.

Governor's Education Advisor Tami Pyfer reported that the Governor has received requests from several constituencies for a veto of HB 360. The bill sponsor, Representative LaVar Christensen, reached out to the Governor and has indicated his willingness to make changes that the State Board requests, which could include reversing the removal of the appointed board members and the concern with the addition of national programs. Ms. Pyfer reported that if there is a special session HB 360 is on her list of legislation that may need to be addressed.

Vice Chair Thomas reiterated his concern with HB 360 regarding anything that would take away the constitutional powers of the Board, including the requirement that the Board's education plan would have to be approved by the legislature. He reminded the Board that Representative Christensen made the offer that changes could be made in the legislation during the next legislative session. If the bill comes back in special session, he assumes Representative Christensen would make the same commitment to changing the bill.

Member Jensen asked what the status of the members appointed to the Board in statute is now under HB 360. Associate Superintendent Stallings responded that as of May 13, 2015, the Board will not be required to have the appointed members stated in the bill (the Board of Regents (SBR), State Charter School Board (SCSB), and Utah College of Applied Technology (UCAT) representatives) on the Board. There is a question as to whether the Board could add them of their own initiative, as the legislation so clearly restricts it. She offered to work with the Board's attorneys to clarify the law.

Chair Crandall pointed out that the membership of the Board is outlined in statute. He reported that Board leadership will be meeting with leadership of SBR, SCSB and UCAT to discuss the relationship moving forward. Member Jensen expressed his feeling that it would be a huge step backwards to lose the membership of those entities on the Board.

Member Elinkowski questioned whether representatives from those entities would still have access to Board materials. Chair Crandall noted that the Board meeting material is

available online.

Member Moore echoed the same sentiment as the other appointed members leaving the Board, that the input and collaboration is valuable. He noted that there will still be a Board of Education member on the UCAT Board. Member Theurer questioned why the legislation doesn't eliminate the State Board of Education members from the SBR, UCAT and SCSC.

Vice Chair Thomas voiced that he was surprised when he saw the removal of those members that have been required in statute. He recommended that a legal review be conducted regarding whether the Board has the authority to add additional members.

Member Jensen questioned whether the Board would be willing to seek a repeal of this legislation. Chair Crandall indicated a willingness to discuss any of the legislation that passed, but suggested a conclusion would probably not be reached on this issue today.

Associate Superintendent Stallings was asked for her perspective about the legislative session as she recently left her position at the Office of Legislative Research and General Counsel to work for the State Office of Education. She expressed her feeling that there was a difference from past years in the sense that legislative staff was asked to work with USBE members and the USOE superintendency much more. Legislators were impacted by having Board members and staff so present on the Hill, and it did make a difference. This was one of the most successful years for education. Information from the Legislative Fiscal Analyst's office shows that, apart from 2007-08 when there was a great deal of one-time funding and enrollment growth, this year's session resulted in the highest amount of education funding in the last sixteen years. She noted other positives such as the Board being included in the legislative Charter School Funding Task Force, the automatic increase in the voted and board leeway, and several bills where the legislature looked to the Board for input and proposals. There are positive indications of the legislature's improving relationship with the Board.

Board Audit Committee Report

Audit Committee Chair David Thomas reported that in future Board meetings the agenda will include a section on the Board's oversight role to make clear the Board's audit functions. The Audit Committee has over the last two months released a number of audits,

including the year-end audit for USOE and USOR, the indirect cost pool audit, and the USOE travel expense audit. The audits are available online.

The audit rule is in the process of being rewritten, as well as the audit charter, which is used as a guiding document. Both will come to the Board for approval.

Vice Chair Thomas reported that the Audit Committee has asked Internal Auditor Debbie Davis to work with the State Auditor to begin training LEAs on the federal omni-circular in regards to accountability for federal grants. There are significant changes.

The Audit Committee has also discussed the office conversion from the BASE database system to the FINET accounting system. This change will be significant.

It was reported that three of the five open internal audit positions have been filled with performance auditors; there are still two vacant positions for financial auditors. Vice Chair Thomas encouraged Board members to call Internal Audit Director Debbie Davis with any questions about audits. It was also noted that there is a section on the USOE Website where audits are posted.

Committee Reports

FINANCE COMMITTEE

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

USOR Fiscal Issues Update

The Committee received a USOR Budget Summary of SFY15 and a Paid Client Services SFY15 Tracker.

It was reported that the USOR received a \$6.3 million supplemental appropriation for this fiscal year that will fund Vocational Rehabilitation paid client services through June 30, 2015 only. Interim Executive Director Scott Jones reported that it will take a minimum of two years for USOR expenses to be less than the funding it receives. Controls for spending have been initiated, and the Order of Selection is helping.

Vice Chair Johnson reviewed contributing factors to the USOR system failure including

poor leadership and lack of oversight, delay in going to Order of Selection, reliance on one-time funding, insufficient financial analysis, unclear agreements on levels of support by USOE, wasteful spending and lack of any inventory controls.

MOTION from Committee that the Board direct staff to include all encumbrances in the USOR budget summary provided to Board.

Motion carried unanimously.

Member Hansen voiced a need to reach out to disability groups that aren't consumers and obtain their input regarding USOR and how well it is working with clients.

Vice Chair Johnson also suggested looking at the governance of the State Rehabilitation Council.

MOTION from Committee that the Board direct Superintendent Smith to report to the Board in May what USOE resources and actions are needed to assist USOR in the resolution of its issues, and to provide electronic updates as available.

Motion carried.

USOE and Discretionary Fund Quarterly Budget Review

MOTION from Committee that the Board approve the School Children's Trust Section budget proposal for FY 2016.

Clarification was given that the changes in the budget are for salary increases, not to the Trust.

Motion carried unanimously.

Vice Chair Thomas asked whether money needs to be allocated from the Discretionary Fund for the building feasibility study. Associate Superintendent Williams informed that the state Department of Facilities, Construction and Management (DFCM) has begun the process of a study. There is no cost associated with their physical assessment of the building. They will also be asked to do space evaluations.

FY 2016 USOE/USDB Budget Process

The Committee reviewed a Budget Preparation Process for FY 2016 outline for the State

Office of Education. It was noted that the USOE superintendency will be holding budget meetings with all USOE section directions. Board members will be invited to those meetings.

MOTION from Committee that the Board approve the FY 16 USOE/USDB Budget Process.

Motion carried unanimously.

Status of Indirect Cost Rate Process

The indirect cost rate process is an adjustment that is being made to comply with federal directives. Vice Chair Johnson referenced a timeline distributed to the Board regarding how the rate is to be recalculated. There are three rates—one for USOR and two for USOE.

Vice Chair Thomas reported that the way the indirect cost pool funding has been done in the past is going to change, and that could have a significant impact on funding.

Taxing Entity Committee Representative

MOTION from Committee that the Board appoint Bruce Williams as its alternate representative to taxing entity committees.

Motion carried.

Pupil Accounting

Vice Chair Johnson reminded the Board that an audit was released over a year ago on distance online education. The Committee received a report on how the recommendations from the audit have been addressed. There are several issues that still need to be dealt with.

Board members were encouraged to read the information distributed.

Training on Finance and Audit Items

The Committee reviewed proposals for Board training, and recommended allowing more time for Board members to respond to a survey about the trainings.

Budget and Accounting System Conversion

The Utah State Office of Education is beginning the process of converting its budget and

accounting system from the current system—BASE, to FINET, the system used by the State of Utah. Information outlining the reasons for the BASE to FINET conversion was distributed.

New Board Rules and Rule Changes Needed as a Result of Legislation

The Committee reviewed a list of proposed Board rules that will be needed as a result of recent legislation. The Law and Licensing and Standards and Assessment Committees reviewed the list as well.

Finance Committee Requests for Data

No additional requests were received.

LAW AND LICENSING COMMITTEE

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

R277-490 *Beverley Taylor Sorenson Arts Learning Program*

As a result of SB 75 *Elementary Arts Learning Program Amendments*, passed in the 2015 Legislative Session, changes to Board rule R277-490 were necessary. Proposed amendments to the rule were presented to allow LEAs more flexibility in the use of grant money as well as defining roles of the USOE and Beverley Taylor Sorenson endowed universities. The Committee made further amendments, and an updated rule was distributed.

The Committee approved amendments to R277-490 on first reading.

MOTION from Committee that the Board approve R277-490 *Beverley Taylor Sorenson Arts Learning Program*, as amended, on second reading.

Motion carried; Vice Chair Johnson absent.

Procedures for Distributing New Money for the Professional Outreach Program for the Schools (POPS)

During the 2015 General Legislative Session, additional funds were allocated for POPS. The Committee reviewed the recommendations from staff for distribution of those funds, and

the Committee approved the allocation as presented.

MOTION from Committee that the Board direct staff to distribute funds allocated during the 2015 Legislative Session to the POPS programs as recommended.

Motion carried; Member Johnson absent.

New Charter School Applications for the 2016-2017 School Year

The State Charter School Board (SCSB) recently heard presentations from nine applicant groups seeking to open new charter schools in the 2016-2017 school year. The SCSB approved six of the nine applications and forwarded them to the Board for approval. The Committee reviewed the applications and took action as follows.

Wasatch Waldorf Charter School - the Committee approved the application unanimously.

MOTION from Committee that the Board approve the charter application for Wasatch Waldorf Charter School.

Motion carried; Vice Chair Johnson absent.

Franklin Discovery Academy - The Committee approved the application unanimously.

MOTION from Committee that the Board approve the charter application for Franklin Discovery Academy.

Motion carried; Vice Chair Johnson absent.

Wallace Stegner Academy - The Committee approved the charter application unanimously.

MOTION from Committee that the Board approve the application for Wallace Stegner Academy.

Motion carried; Vice Chair Johnson absent.

Athlos Academy of Utah - The Committee approved the application with a 3-2 vote.

MOTION from Committee that the Board approve the application for Athlos Academy.

Motion failed, with Members Castle, Crandall, Cummins, Openshaw, Stokes, Thomas and

Warner in favor, and Members Belnap, Corry, Hansen, and Huntsman opposed; Vice Chair Johnson absent.

Chair Crandall informed that under statute the Board is required within 60 days from the action of the State Charter School Board to approve or deny a new charter application. Board attorney Chris Lacombe suggested that if the Board cannot get enough votes to approve the application it could not move forward. Board attorney Nicole Call indicated that the Board could send the application back to the committee and reconsider it in May which would be within the 60 days.

MOTION was made by Vice Chair Thomas and seconded by Member Openshaw that the Board refer the application of Athlos Academy back to the State Charter School Board.

Motion carried; Vice Chair Johnson absent.

St. George Academy - The Committee approved the charter application with a 3-2 vote.

MOTION from Committee that the Board approve the new charter application of St. George Academy.

Member Warner informed the Board that she voted against the application in committee after receiving a letter from Washington School District clarifying that the information given by the applicant regarding the number of AP courses Washington offers and the pass rates for those courses was not accurate.

Member Castle reported that in committee the concern was voiced that at some point in the process someone associated with the school had commented that if students weren't achieving at a certain level they would be counseled out of the school.

Vice Chair Thomas noted that additional information has been received since the committee meeting last night, and he would appreciate an opportunity to look at it in detail prior to making a decision.

Member Wright joined the meeting by phone.

MOTION TO POSTPONE INDEFINITELY was made by Member Castle.

Motion failed.

Member Cummins asked whether the State Charter School Board had the same

information as the Board when they voted on the charter. Member Elinkowski responded that they didn't have the information to which Member Warner was referring. Member Elinkowski reported her understanding that the AP number quoted was for the prior year. She further expressed that at this point the school understands the law and it would be very unlikely to engage in the practice of counseling students out. She has talked with the chair of the governing board of the proposed school, and he has assured her that it would not happen. She asked the Board to consider sending the application back to the State Charter School Board rather than denying the application.

Member Stokes questioned whether Washington School Board authorized the letter sent from Washington School District. Member Belnap responded that the district superintendent has the authority to do so. Member Corry clarified that she was present in a meeting with the Washington District Superintendent and Washington School Board members, and the local board supported the letter.

Member Belnap also informed that she was present when the comment about counseling students out was made from a representative of the charter.

Motion to approve the application failed, with Members Crandall, Cummins, Openshaw, Stokes, Thomas and Wright in favor, and Members Castle, Corry, Hansen, Huntsman and Warner opposed; Member Belnap abstained; Vice Chair Johnson absent.

MOTION was made by Vice Chair Thomas and seconded by Member Stokes that the Board reconsider the application of St. George Academy in its May meeting and direct staff to gather more information.

Motion carried, with Member Corry opposed.

American Academy of Innovation - The Committee approved the application unanimously.

MOTION from Committee that the Board approve the new charter application for American Academy of Innovation.

Member Cummins and Huntsman expressed concerns that details of the CTE programs aren't defined. Member Elinkowski responded that the school does have a specific, concrete

plan in place, but will have 18 months to work out the details if the charter is approved.

Member Cummins disclosed that she has an association with the person who is bringing the charter forward, so she will not be voting.

Motion failed, with Members Castle, Crandall, Openshaw, Spencer, Thomas and Wright in favor, and Members Belnap, Corry, Cummins, Hansen, Huntsman and Warner opposed; Vice Chair Johnson absent.

MOTION was made by Member Stokes and seconded by Member Openshaw that the Board afford the same opportunity to American Academy as Athlos Academy and bring the application back to the Board in its May meeting with more information.

Member Elinkowski recommended sending the applications back to the State Charter School Board in order for them to have further discussions with the applicants. Member Hansen concurred, suggesting that if the applications are brought back to Board committee there may just be a reiteration of today's discussion, and she would like to have more input from the SCSB. Member Elinkowski reported that the SCSB will meet on May 14. The applications could then come back to the Board in its June 25-26 meetings.

MOTION TO AMEND was made by Member Belnap that the application be sent back to the State Charter School Board for review and come back to the Board in June.

Motion to amend carried.

Member Stokes acknowledged the work of the State Charter School Board in narrowing the original number of 16 applications to 6, and supports giving them the opportunity to give more input.

MOTION TO AMEND was made by Member Belnap and seconded by Member Openshaw that St. George Academy and Athlos Academy be added to the motion.

Motion to amend carried.

Amended motion to send the applications of American Academy, St. George Academy and Athlos Academy back to the State Charter Board for input, and for the applications to come before the Board in its June meeting carried.

USOE Chief Privacy Officer and HB 68 Student Privacy Study

Due to HB 68 *Student Privacy Study*, passed in the 2015 Legislative Session, the Board is required to develop a student privacy funding proposal and make recommendations to the legislature regarding student privacy laws. Representative Jacob Anderegg, sponsor of HB 68, discussed the legislation with the Committee. He reported that the intent of the bill is to reign in what has been allowed by vendor requests regarding what student information is gathered and how it is used.

It is anticipated that the hiring of a chief security officer, funded through the legislation, will occur after July 1.

Freedom Preparatory Academy Charter Amendment

A charter amendment request from Freedom Preparatory Academy Charter was approved and forwarded from the State Charter School Board for Board consideration. The amendment is to add a satellite campus in Alpine School District in 2016-2017 serving 720 students in grades K-5.

MOTION from Committee that the Board approve amendments to Freedom Preparatory Academy's charter.

Motion carried; Vice Chair Johnson absent.

R277-520 Appropriate Licensing and Assignment of Teachers

Rule R277-520 was reviewed consistent with the Utah Administrative Rulemaking Act five-year review requirement. Amendments were proposed to make the rule consistent with other licensure rules.

The Committee approved amendments to the rule on first reading, including the following additional amendments:

- Lines 165, 452 and 485 - add "pursuant to the Board's authority under Section 53A-1-403(3)."

MOTION from Committee that the Board approve amendments to and continuation of R277-520 on second reading.

Associate Superintendent Stallings reviewed additional amendments requested by the committee.

- Section 4, lines 172-173 - insert after the word “or”, “for an educator assigned to teach a class in grade 1 through grade 3, . . .”
- Section 7A, line 457 - insert after the word “has”, “successfully completed at minimum nine semester credit hours.”

Without objection, the amendments were added to the Committee motion.

Motion carried.

R277-502 Educator Licensing and Data Retention

Statute requires the Board to collaborate with the STEM Action Center to develop STEM Education endorsements and requires the Board to make rules to establish how STEM endorsements will be valued on a salary scale for educators. The Committee reviewed proposed amendments to R277-502 to fulfill the requirements.

The Committee approved amendments to R277-502 on first reading with the following additional changes:

- Section 4B(1), line 303 - change “USOE” to “Board.”
- Section 5C(1a) and (1b), lines 393 and 396 - change “USOE” to “State Superintendent of Public Instruction.”

MOTION from committee that the Board approve R277-502 *Educator Licensing and Data Retention*, as amended, on second reading.

Motion carried.

R277-410 Accreditation of Schools

Recent changes in accreditation procedures are not currently reflected in Board rule R277-410. The Committee reviewed proposed amendments, but felt clarifying language regarding next steps in the accreditation process needs to be strengthened. The Committee referred the rule back to staff for further work.

R277-419-6 Pupil Accounting—High School Completion Status

Each year the USOE calculates graduation rates for each of Utah's public high schools following federal and state law, board rule, and general policy. Federal reporting requirements indicate that a student may be included in only one school's graduation rate calculation; however, it does not address how to pick a school when the students attend multiple schools in their final year. In the past, the USOE has followed general policy to create a hierarchy of tie-breaking rules that allow the selection of a single school, and the proposed amendment to the rule would change the tie-breaking rules from general policy to Board rule.

The Committee approved amendments to R277-419-6 on first reading.

MOTION from Committee that the Board approve R277-419-6 *Pupil Accounting—High School Completion Status*, as amended, on second reading.

Motion carried.

Framework for R277-419-9 Pupil Accounting - Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors

Rule R277-419-9 was enacted as an emergency rule in school year 2014-2015 to provide guidance to LEAs who claim membership for students enrolled in both traditional and non-traditional schools and programs. The emergency rule will expire on May 15, 2015.

The Committee discussed splitting Section 9 and adding those sections to new rules or incorporating them into existing rules. The rule will be brought back to the Committee for further discussions and changes.

STANDARDS AND ASSESSMENT COMMITTEE

Committee Chair Laura Belnap reported on the following items from the Committee.

Standards Review Process

The Committee discussed the desire for additional changes to the standards review process. Member Cummins will recommend some changes for committee and Board

consideration in a future meeting.

Draft Utah Science and Engineering Education Standards (UT SEEd) for Grades 6-8

The Committee reviewed a revised draft of the Utah Core Science Standards for grades 6-8.

MOTION from Committee that the Board approve releasing the Utah Science and Engineering Education Standards for grades 6-8 for a 90-day public review, with corrections of technical errors identified by the Committee.

Vice Chair Thomas voiced that while he has concerns about the way some of the standards are written he is in favor of sending the standards out at this point.

Motion carried.

R277-404 Requirement for Assessment for Student Achievement

In its February 19, 2015 meeting, the Board discussed the issue of parents/guardians excusing students from testing. Subsequently, in its March 6, 2015 meeting, the Board unanimously approved on first reading amendments to R277-404 clarifying parental rights in opting their children out of state assessments mandated by the Board and state statute. The Board requested the rule be brought back to the April 9 meeting of the Standards and Assessment Committee for further discussion and consideration. In addition, SB 204 *Parental Rights in Public Education Amendments* passed during the 2015 legislation session. The legislation directs the Board to establish procedures and to maintain and publish a list of state assessments, state assessment systems, and software that qualify under the statute.

The Committee reviewed proposed amendments to the rule to address Board and legislative concerns. Senator Aaron Osmond, sponsor of SB 204, was present in committee for the discussion, and was thanked for his participation.

The Committee approved the proposed amendments to R277-404 on second reading, with additional amendments outlined on an updated rule.

MOTION from Committee that the Board approve R277-404, as amended, on third and final reading.

Member Corry questioned why the change was made on line 233 from requiring five days notice to one day notice. Member Belnap responded the change was made to afford more parental choice, but still keep the LEAs informed.

Chair Crandall asked if the Committee considered newly-required tests, such as the Civics test. Member Belnap responded that the Committee considered that test, but concluded that tests required for graduation would not be included. Senator Osmond confirmed that the intent was not for those tests.

Motion carried.

Draft Elementary Library Media Standards

The K-5 Library Media Standards are up for review and revision according to the Core Standards Review Timeline and were presented to the Committee. The K-5 standards have been aligned to the recently approved 6-12 Library Media Standards.

MOTION from Committee that the Board approve releasing the Elementary Library Media Standards for a 90-day public review.

Motion carried.

Physical Education Core Standards Revision Update

A Standards Review Committee for Physical Education was convened on October 30, 2014. That committee recommended using a focus group of elementary classroom teachers to review the core and make recommendations.

The Standards and Assessment Committee reviewed recommendations from the Standards Review Committee, which include recommendations from the focus group. The Committee directed staff to prepare draft standards for the Standards Review Committee.

MOTION from Committee that the Board accept the recommendations from the Standards Review Committee for Physical Education and ask the Standards Review Committee to review the draft standards prior to presentation to the Board.

Motion carried.

Secondary Social Studies Core Standards Revision Update

A Standards Review Committee for Secondary Social Studies was convened on October 7, 2014. The Standards Review Committee has made recommendations regarding the existing core standards, as well as provided recommendations regarding the initial drafts of the revisions which began before the statutory obligation for the committee was in place.

The Standards and Assessment Committee reviewed the recommendations and directed staff to prepare draft standards for the Standards Review Committee.

MOTION from Committee that the Board accept the recommendations from the Standards Review Committee for Secondary Social Studies and ask the Standards Review Committee to review the standards prior to presentation to the Board.

Motion carried.

Fine Arts Core Standards Revision Update

A Standards Review Committee for Elementary and Secondary Fine Arts was convened on October 28, 2014, and forwarded recommendation to the Board.

The Standards and Assessment Committee reviewed the recommendations and directed staff to prepare draft standards for the Standards Review Committee. It was noted that one recommendation is to add a new section on media arts.

MOTION from Committee that the Board accept the recommendations from the Standards Review Committee for Elementary and Secondary Fine Arts and ask the Standards Review Committee to review the standards prior to presentation to the Board.

Motion carried.

FFY 2013 IDEA Part B Annual Performance (APR) and State Systemic Improvement Plan (SSIP)

The Committee heard a presentation on the SSIP from the USOE Special Education Section, and received the report.

Educator Effectiveness Update

The Board has taken an active role in promoting best practices for educator evaluation.

In 2012, Board rule R277-531 *Public Educator Evaluation Requirements (PEER)* and SB 64 *Public Education Employment Reform* (2012 Legislative Session) were implemented, providing additional direction for USOE staff to create a model system and provide guidance to LEAs.

Deputy Superintendent Sydnee Dickson gave a presentation regarding the system. The presentation was made in preparation for action the Board will be requested to make in its May meeting to determine percentage of student growth and learning, professional practices for high quality instruction and leadership, and stakeholder input for the educator evaluation system.

Member Castle asked if teacher goals are overseen by their educational leader. Dr. Dickson responded that schools using the USOE's model evaluation system have the local control to request that every teacher to set professional goals, school goals, or team goals. The educator sets goals in tandem with a supervisor.

Member Castle further questioned whether the goals are measurable. Dr. Dickson responded that the evaluation rating is based on data points. The goals themselves are not part of the rating, drive professional development and conversations. Goals are to help teacher improve and grow, but are not rated. The goal-setting piece is part of the model but is not required in statute.

Superintendent Dickson reviewed that the Board has the responsibility to monitor and approve the educator evaluation systems.

Superintendent Dickson discussed the shift to student growth being used for evaluations, and relayed that there are concerns from the field that SAGE was not developed with teacher evaluation in mind, and that rather than being a system to gather feedback on students it will become a system to evaluate teachers. Educators are supportive of using Student Learning Objectives (SLOs) for evaluations, which are part of the instructional cycle.

Member Stokes voiced the need for stronger evaluation of principals by teachers and for a tool that gives teachers that opportunity.

Member Warner asked if chronic student absence is considered in regards to student growth. Dr. Dickson responded that teachers would not be punished for having students that are absent, but a highly effective teacher would have strategies in place to address the

problem.

Member Castle suggested that the model in place will result in a skew in the results. She suggested principals need to have more power and be given more time for evaluations.

Superintendent Dickson gave public acknowledgment to USOE Education Specialist Linda Alder and her team for their work on the project.

Board Chair's Report

Chair Crandall reminded the Board about the Utah School Boards Association regional meetings and encouraged them to attend.

Chair Crandall reported that role clarity, communications and a strategic plan will be discussed at the Board retreat. The retreat will take place on April 24-25.

Board Member Closing Comments

Member Corry mentioned that the National Association of State Boards of Education has put out a call for nominations for its 2016 Board of Directors. She is currently on the Board of Directors, but will be going off in October 2015. Nominations are due June 8, and anyone interested should contact Board leadership.

Executive Session

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

Upon voice vote of the Board members present, the Board moved into Executive Session at 3:05 p.m.

Those present in Executive Session included Chair Crandall, Vice Chair Thomas, Members Castle, Corry, Cummins, Elinkowski, Hansen, Huntsman, Moore, Openshaw, Stokes, Warner; and staff members Sydnee Dickson, Lorraine Austin, Chris Lacombe, Nicole Call, Ben Rasmussen and Nicole Ferguson.

MOTION was made by Member Stokes and seconded by Member Corry that the Board

come out of Executive Session.

Motion carried. The Board reconvened in open session at 4:50 p.m.

Executive Session Items

State Instructional Materials Commission Appointments

MOTION was made by Member Stokes and seconded by Member Corry that the Board appoint Gordon Peer, Josh Vorwaller and J. Scott Handy to the State Instructional Materials Commission for four-years terms from the date of appointment.

MOTION was made by Member Hansen and seconded by Vice Chair Thomas for a division of the motion.

Motion carried, with Member Openshaw opposed.

Motion to appoint Gordon Peer as a secondary teacher representative failed, with Members Corry, Crandall, Hansen and Thomas in favor, and Members Cummins, Openshaw, Spencer and Warner opposed; Members Allen, Belnap, Castle, Johnson and Wright absent.

Motion to appoint Josh Vorwaller as a lay citizen representative carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

Motion to appoint J. Scott Handy as a lay citizen representative carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Hansen and seconded by Member Corry that the Board appoint Angela Hall to the State Instructional Materials Commission as a secondary teacher representative.

Motion failed, with Members Corry, Crandall, Cummins, Hansen, Thomas and Warner in favor, and Members Openshaw and Stokes opposed; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Hansen and seconded by Vice Chair Thomas that the Board appoint Scott Bassett, Curt Jenkins, Sandra Nielsen, Jo Ellen Shaeffer, Brenda Sabey, Shannon Delaney, Diana Suddreth and Bryce Day to the Public Educator Evaluation Requirements (PEER) Committee.

Motion carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Warner and seconded by Member Corry that the Board appoint the following to the Division of Services for the Blind and Visually Impaired Advisory Council for three-year terms: Mark Turley as the National Federation of the Blind representative; Darren Lindsay and Carolyn Lasater as at-large representatives.

Motion carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

Utah Professional Practices Advisory Commission (UPPAC) Cases

MOTION was made by Member Stokes and seconded by Member Openshaw that the Board accept the UPPAC recommendation in Case No. 10-965 and reinstate the educator's Level 2 School Psychologist License.

Motion carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Stokes and seconded by Member Huntsman that the Board accept the UPPAC recommendation in Case No. 14-1218 and suspend the educator's Level 2 School Counselor License for at least one (1) year from the date of Board action pursuant to a stipulated agreement.

Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.

Motion carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Corry and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 12-1058 and suspend the educator's Level 2 Secondary Education License for five (5) years from the date of Board action pursuant to a stipulated agreement.

Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.

Motion failed, with Members Cummins and Thomas in favor, and Members Castle, Corry, Crandall, Hansen, Openshaw, Stokes and Warner opposed; Members Allen, Belnap, Johnson and Wright absent.

Adjournment

MOTION was made by Member Hansen and seconded by Member Huntsman that the meeting adjourn.

Motion carried. The meeting adjourned at 4:58 p.m.

Lorraine Austin, Board Secretary
Minutes approved May 8, 2015