

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

April 14-15, 2016

USBE STUDY SESSION - April 14, 2016

A study session of the Utah State Board of Education was held April 14, 2016 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted.

Board Members present included: Chair David Crandall, 1st Vice Chair David Thomas, 2nd Vice Chair Jennifer Johnson, Dixie Allen, Laura Belnap, Leslie Castle, Brittney Cummins, Linda Hansen, Mark Huntsman, Stan Lockhart, Spencer Stokes, Terryl Warner, and Joel Wright.

Others present included Interim State Superintendent Sydnee Dickson; Acting Deputy Superintendent Rich Nye; Board Secretary Lorraine Austin, Board Communications Specialist Emilie Wheeler; Joylin Lincoln; Jacob Wright, Governor's Office of Management and Budget; Ann White, Utah State Office of Education (USOE); Mindi Holmdahl, Horizonte School; Jay Blain, Lisa Nentl-Bloom—Utah Education Association; Allison Nicholson, Utah Education Policy Center; Jan Ferré, Legislative Coalition for People with Disabilities; Bruce Northcott, Duchesne School District.

Call to Order

Chair David Crandall called the meeting to order at 3:48 p.m.

Youth in Custody (Youth in Care)

Travis Cook, USOE Alternative and Adult Education Specialist, gave a presentation on educational services to youth in custody (YIC). He informed the Board that all students that are served with the YIC appropriation are out of their homes, and not one of those students was placed by education. Services are provided wherever the students are placed.

Mr. Cook provided information on the statutory Utah Coordinating Council for Youth in Care (UCCYC), made up of directors from the Division of Child and Family Services, Division of Juvenile Justice Services, Utah State Office of Education, and Utah State Juvenile Court. The

Council's mission is to "ensure exceptional educational services for youth in state care, and collaborate successfully with other child-serving agencies." Mr. Cook informed that in Utah, YIC students are considered regular education students, which sets Utah apart from the rest of the nation.

Mr. Cook outlined proposed next steps for the program and ways in which the Board could be supportive.

- Staff is working on communications to LEAs to make sure they are aware of the school credit students can earn by participation in Youth Peer Court.
- The work on gang prevention will focus on the prevention aspect.
- The Utah State Hospital (Youth Center) has not received an increase in its educational contract, and a request for a budget increase is on the Board agenda for consideration tomorrow.
- An alternative high school rubric is being developed for Board consideration.
- Summer school requests from school resource officers will be formally addressed in Board rule.

Mr. Cook informed that by statute the Board is directly responsible for the education of students under 21. He suggested it might be helpful for a Board members to sit on the Coordinating Council for Youth in Care, and the Board may want to request a change in the statute.

Utah Adult Education Services

Marty Kelly, USOE Educational Coordinator for Alternative, Adult Education, and GED® Testing Services gave a presentation on Utah Adult Education services. Adult education provides opportunities to ensure success for students and offers opportunities for youth and adults to become contributing members of society.

She indicated over half of the school districts use adult education services to meet the needs of at-risk populations that are eligible for K-12 services. Adult Education serves as grade 13 for many youth, and provides drop-out recovery services. Adult education is a collaboration with many organizations. The program serves approximately 20,000 students on an annual basis, ranging from age 16 and up.

She asked the Board for its support in advocating for at risk populations, and not

limiting discussions about education to just children, but include all persons. She reported that the line item for the Adult Education appropriation has been level since 2009.

Ms. Kelly discussed the need to capture out-of-school-youth graduation data and suggested it should be mandatory in dropout rules. She noted that although local education agencies (LEAs) can claim those students that graduate through the adult education system and can reduce their dropout rates, many do not claim them.

Network for Transforming Educator Preparation (NTEP)

Diana Suddreth, USOE Director of Teaching and Learning, made a presentation on the Network for Transforming Educator Preparation (NTEP) initiative, a project sponsored by the Council of Chief State School Officers (CCSSO). She noted that in consultation with Board leadership it was decided that the NTEP project would provide a good opportunity for Utah to look at what it requires for educator licensing and identify areas for improvement. Staff has been working on the project since January 2016. Many of the recommendations come from the CCSSO document, "Our Responsibility, Our Promise."

As part of the project, goals have been set in the areas of licensure, program approval, and data collection. Dr. Suddreth reviewed the goals and recommendations of NTEP, and reported that Utah has not adopted them, but is using them to clarify thinking for moving forward. They are starting with a theory of action that is still being refined. She reported that a team from Utah including Chair Crandall, Senators Howard Stephenson and Anne Millner, Karen Peterson from the Governor's Office, Interim Superintendent Dickson, Greg Benson from the Utah System of Higher Education, and herself recently attended an NTEP meeting in Washington, D.C. and worked on the goals.

Ms. Suddreth reported that the state is losing a lot of teachers in their first few years. In addition, there is a looming teacher shortage which needs to be addressed. Staff is working on getting data to determine why teachers are leaving.

Dr. Suddreth asked the Board for feedback on the proposed goals. She reported the intent to have two focus groups of approximately fifty people, one in the north and one in the south, to weigh in on the goals. Once input is received, the goals will be refined.

Member Castle asked what problem is being solved. Ms. Suddreth responded that the problem is loss of teachers, and indicated there is a theory that they aren't prepared to be

successful. She referenced the document prepared by CCSSO. Superintendent Dickson also reported that part of the theory comes from anecdotal surveys given to teachers in their first two years showing that some are not feeling prepared. She suggested there is a need to look at how the whole system is engaging to prepare teachers, and that more energy is needed on the retention side. Dr. Suddreth added that the work is being done in partnership with the universities to determine whether the best possible preparation is in place.

Member Lockhart shared his feeling that higher education has been very slow to change with the times and hasn't stayed up with the needs of the classroom. He sees this project as a building block, but cautioned against adding so many things that it will be difficult to keep classrooms staffed. He suggested expanding the discussion to look at all elements.

Parker Fawson, Dean of the College of Education at Utah Valley University, was asked to respond. He reported that as a group the deans of the Utah colleges of education have tried to anticipate what some of the challenges will be in preparing teachers for today's students. The deans acknowledge that teacher education students have felt there is a disconnect in the practicum experiences they've had. The deans have identified a goal to address that. He stated that teachers who have deep clinical experiences have a profound impact in the first year on the learning of students. Another area of concern is the perception that the profession is tainted in general.

Member Lockhart asked if licensure is going to change. Dr. Suddreth responded that licensing is part of what is being studied.

Member Cummins observed that the greatest recruiters for teacher education programs are great teachers. She asked what "knowledge and demonstrated skills" means in Goal #3. Dr. Fawson affirmed that it means both content knowledge and teaching skills. One of the big shifts that is happening in teacher education is the move from making sure that teachers coming into the profession possess the knowledge and skills to be successful, to making sure teachers can enact that knowledge. He reported that UVU is piloting a nationally normed performance measure to assess that competency.

Dr. Fawson reported that he meets often with district superintendents to get feedback on UVU's teacher education graduates, and feels his teacher education students are being adequately prepared to enter the program as it exists; however, he does see areas for improvement. Member Castle asked if there is information on teacher education graduates

that is evidence-based, not merely anecdotal.

Dean Fawson reported that there is a teacher quality metric that is currently in use, and the standard is now moving away from teacher quality to teacher effectiveness. Defining teacher effectiveness is part of the NTEP process.

Member Huntsman observed a parallel between the shortage of teachers to his business in working with engineers, and stated there are areas he hasn't heard from higher education that the public sector is addressing. He suggested that Utah's teacher educator programs are not catering to the unique needs of the millennials—to get them in the profession, keep them in the profession, and make them successful. The second need he suggested is reverse engineering the teacher preparation programs and constantly reinventing them. He doesn't feel an urgency to move forward with change.

Superintendent Bruce Northcott, Daggett District, was asked to share his thought about current graduates from teacher education programs. Superintendent Northcott noted that In general, the young teachers are digital natives and are way ahead of many teacher in the technology area. One thing they don't learn in college is classroom management, as it has to be learned in the classroom; another area of weakness is working with parents. He indicated he would like teachers that know the core standards, that can use formative assessment to drive their instruction, and are able to adapt on the go. He expressed hope that the colleges are teaching instruction from the point of view of the teaching standards the Board has adopted.

Member Cummins asked if the scope of NTEP includes other forms of licensure such as alternative routes. Dr. Suddreth responded that they are definitely talking about alternative groups and different pathways.

Dr. Suddreth reiterated that the Board sets the standards for teacher preparation programs, and any recommendations from the project will be brought to the Board for approval. She indicated that right now the focus is on whether the right goals are being considered and what the barriers are.

Vice Chair Johnson voiced that is isn't evident in the document what changes are being recommended for program approval. Dr. Suddreth noted that more clarification may be needed about the changes, and suggested that this could be an area of greater emphasis.

Member Allen suggested that sometimes the Board causes roadblocks by creating

requirements in which teachers aren't trained.

Member Castle suggested that a goal is needed to develop a process for holding higher education accountable for its teacher education programs.

Member Stokes expressed that he would love to see districts identifying master teachers to go into universities and colleges to teach. He suggested giving licensure to higher education preparation programs, and that if colleges and universities don't meet the requirements, the Board wouldn't recommend their students for licensing. He also suggested there needs to be more collaboration between public and higher education on how the graduates are trained.

Dean Fawson responded that the deans try to be very collaborative with the USOE in order to meet the Board's requirements. The constitution of the NTEP group is novel and is addressing the challenges there have been in the past.

Adjournment

The study session adjourned at 5:35 p.m.

Following the study session, the Board met as the Governing Board for the Utah Schools for the Deaf and the Blind (minutes under separate cover). Following the USDB Board meeting, the Finance, Law and Licensing, and Standards and Assessment standing committees met.

UTAH STATE BOARD OF EDUCATION MEETING - April 15, 2016

A regular meeting of the Utah State Board of Education was held April 15, 2016 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted.

Board Members Present:

Chair David L. Crandall	Member Linda B. Hansen
1 st Vice Chair David L. Thomas	Member Mark Huntsman
2 nd Vice Chair Jennifer A. Johnson	Member Stan Lockhart
Member Dixie L. Allen	Member Spencer F. Stokes
Member Laura Belnap	Member Terryl Warner
Member Leslie B. Castle	Member Joel Wright
Member Brittney Cummins	

Board Members Excused:

Member Barbara Corry
Member Jefferson Moss

Executive and Board Staff Present:

Sydnee Dickson, Interim Superintendent	Lorraine Austin, Board Secretary
Scott Jones, Deputy Supt.	Emilie Wheeler, Board Communications Specialist
Rich Nye, Acting Deputy Supt.	Debbie Davis, Internal Audit Director
Angie Stallings, Associate Supt.	Nicole Call, Assistant Attorney General
Joel Coleman, USDB Superintendent	
Darin Brush, USOR Executive Director	

Others Present:

Jay Blain, Lisa Nentl-Bloom—Utah Education Association; Joylin Lincoln; Kris Fawson, Utah Statewide Independent Living Centers; Chris Godfrey, Utah School Employees Association; Karen Peterson, Governor's Office; Brad Asay, AFT Utah; Bruce Davis, State Charter School Board; Alene Schwei, Utah Public Employees Association; Jonathan Knop

Opening Business

Chair David Crandall called the meeting to order at 8:07 a.m. Member Terryl Warner led those present in the Pledge of Allegiance.

Members Barbara Corry and Jefferson Moss were excused.

Board Member Message

Vice Chair Jennifer Johnson gave a profile of Florence Nightingale. She expressed that

she is deeply impressed by the difference Florence Nightingale made during her life. Florence lived in a family of great wealth, yet went into nursing, which was a very lowly profession at the time. She nursed infantry soldiers, which was also considered a lowly profession. Florence spent a great deal of time working with data and statistics to make differences in outcomes. Her influence changed two very lowly professions of the time, nurses and soldiers, and still affects us today.

Vice Chair Johnson observed that a challenge in front of the Board today is that, unfortunately, the profession of a teacher seems to grow much lower than it once was. She expressed that the use of statistics and modeling things in visual ways can bring change, and noted that the Board has been moving over the years to a greater understanding of data. She also suggested that just as Florence Nightingale cared for those who were dying, no student should be given up on. With great patience, great changes can be made.

Introduction of New Employees

H.R. Director Dave Rodemack introduced new employees Rabecca Cisneros, Stephen Oler, Lexi Garrison, Tammi Walker, and Casey Jenkins.

Acknowledgment of Student Artwork

Cathy Jensen, Fine Arts Specialist, informed the Board about the student art work hanging in the Board room, from Draper Elementary, White Horse High School, and Canyons Elementary School. She also distributed catalogue of Utah High School Art Show.

Member Castle suggested the Board purchase artwork from the catalogue for the building.

Public Comment

Julie King, mother of four school-age children and social worker - expressed concerns about the Board creating a student database that includes the school name, address, gender and age. She shared an experience about how the release of data put her family in a dangerous situation. She voiced that the creation of the database is out of the purview of the Board and requested it be rescinded.

Lisa Nentl-Bloom, Utah Education Association (UEA) - expressed that often UEA gets the

label of just worrying about teachers in trouble. The great majority of UEA's work is about lifting up the profession, working on teaching and learning. They were very interested yesterday about the conversation on teacher shortages and licensure. The Board talked about recruitment and retention, and UEA agrees those are both important. Teacher recruitment needs to start much earlier than college. The fact is that current teachers don't recommend teaching as a profession. Teacher preparation is also an area that needs further discussion, and UEA stands ready to help.

General Consent Calendar

MOTION was made by Member Warner and seconded by Vice Chair Johnson that the Board approve the General Consent Calendar, with item A, minutes of the March 17-18 meeting minutes, removed.

Motion carried, with Member Belnap opposed.

Consent Calendar

A. Minutes of Previous Meeting

Minutes of the Utah State Board of Education meetings held February 25, 2016, March 3, 2016, and March 10, 2016 were approved.

B. Contract Report

A reports of pending contracts over \$100,000 was provided for Board information.

C. Requests for Temporary Authorizations

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

D. R277-100 Rulemaking Policy

The Board repealed R277-100 *Rulemaking Policy* on third and final reading.

E. List of Educator Licenses Processed

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

MOTION was made by Member Warner and seconded by Member Hansen that in the April 14-15 meeting minutes, method #2 of the motion on the financial literacy endorsement be changed to read: “2) an individual who taught a financial literacy course during a prior year, up through the 2015-2016 school year, and completes the USOE General Financial Literacy Boot Camp.”

The wording, “up through the 2015-2016 school year,” was added to provide clarification of Member Warner’s intent when she made the original motion.

Motion carried.

Monthly Budget Report

Deputy Superintendent Scott Jones reported on the budget for the month ending February 29, 2016. The budget is on an even trajectory for expenditures, and the key takeaway is 61.4% execution rate on the percentage of the budget spent to date.

Superintendent Jones reported that the federal mineral lease funds are diminishing, which will affect operations in FY 17.

Superintendent Jones expressed confidence in the tracking of the current year appropriations. He indicated that a key going forward is that programs won’t be co-mingled within one line item. Also, when there are carryforward balances at year-end, those balances will remain with the cost codes. Superintendent Jones stated that what he doesn’t yet have confidence in are the carryforward balances from past years.

Member Lockhart asked for a report on the new financial system. Superintendent Jones indicated he briefed the Finance Committee on the RFP that is in process to purchase a new system. The goal is to get the best system with the money appropriated for that purpose.

Vice Chair Johnson reiterated that there is no question the systems currently in place are making things difficult, but it is not solely systems that were the problems in the past. There were deficiencies in capabilities and manpower both, and incorrect practices. The problems can’t be corrected without that acknowledgment. She thanked current staff for the amount of work they are doing to identify problems and change practices.

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

USOR Executive Director Darin Brush gave the a report to the Board on the transition to the Division of Workforce Services (DWS), the status of Vocational Rehabilitation audits, and the Order of Selection.

Executive Director Brush reviewed the timeline for the transition to DWS and noted that two plans are emerging—the plan required in the law and a secondary plan with the hundreds of details that are necessary. The secondary plan has been narrowed to seven major areas of focus, and the goal is to have a draft plan ready by April 27.

Director Brush reported on the three audits of the Vocational Rehabilitation program. He expressed appreciation for the collaborative experience with the Office of the Legislative Auditor General on its audit.

Director Brush gave an update on the Vocational Rehabilitation Order of Selection for serving clients. He stated that he doesn't know how soon USOR will be able to open the waiting list further. He committed that staff will continue to watch it carefully.

Mr. Brush reported on the Work Ability Job Fair for people with disabilities. There were 43 employers present, and it was very successful. His team was deeply involved with the Fair.

Director Brush reported that he will come back with the Independent Living Plan next month after it has received public comment. Vice Chair Johnson voiced a concern over the objective of legislative advocacy efforts on page 13 of the plan, and that public money will be used for lobbying efforts. Mr. Brush shared that individual and systems advocacy is recognized as one of the core activities of independent living, because disability is recognized as a civil right. Systems advocacy is not considered just lobbying, but is personal advocacy for access. He suggested that the wording of the objectives could be changed, and will forward the feedback.

Interim Superintendent Sydnee Dickson lauded Director Brush and his staff. She acknowledged that the transition is very consuming, and yet they carry out their daily duties in amazing ways. She has talked with Jon Pierpont, Director of DWS, and DWS is full of praise for Director Brush and his staff.

Open and Public Meetings Act (OPMA) Training

Assistant Attorney General Nicole Call gave a presentation on the Open and Public

Meetings Act.

Member Castle asked whether closed sessions need to be advertised. Ms. Call indicated she will research the answer.

AAG Call cautioned against Board members communicating with each other through electronic means during a Board meeting on items that are the public's business. She made the following recommendations concerning meetings: 1) Presume meetings are open; 2) interpret OPMA broadly for transparency; 3) strictly construe exceptions for closed meetings; and 4) attend required annual training.

Audit Committee Report

Audit Committee Chair David Thomas reported on the following items from the last Audit Committee meeting.

Release of Vocational Rehabilitation Audit Report

Debbie Davis, Internal Audit Director, and Kevin John, Internal Auditor, gave a report on Audit Brief 15-05, Utah State Board's Office of Rehabilitation VR Targeted Case Review.

MOTION from Committee that the Board release the report to the public.

Motion carried. Members Allen, Huntsman, and Stokes absent.

LEA Audit Committees

Vice Chair Thomas reported that there is a statute in place that requires local education agency (LEA) audit committees. It has become more and more apparent that the rules governing those committees may need to be clarified in statute. The Audit Committee is trying to bring together the chairs of the legislative education committees and State Auditor Dougall to determine whether changes are needed.

Designation of the Office of the Board

Assistant Attorney General Nicole Call discussed issues that arise when there are contracts that have been created under the name of the State Office of Education (USOE). The State Office of Education was created by motion of the Board, but there is no statute that gives

the office authority to contract or be sued. There is significant risk in having contracts in the name of USOE because it is not a legal entity. Ms. Call suggested that an amendment could be attached to every contract that is currently in the name of the USOE changing the proper contracting party to the Utah State Board of Education. She reported that she is in discussions with State Risk Management to determine whether that is necessary.

Deputy Superintendent Jones reported that all future contracts will be in the name of the Board.

Vice Chair Thomas questioned by what the name the office of the Board's staff should be called. He voiced that in the past, legislators and others have commonly asked for the position on issues from both USOE staff and the State Board of Education. With the improved relationship between the Board and legislature, it is time to re-brand the office to make clear that the Board and staff are not separate. He suggested the name, "Office of the State Board of Education," with the State Superintendent of Public Instruction as the executive officer.

Member Hansen responded that was part of an office that went through a name change, and it was much more costly than originally anticipated.

Superintendent Jones indicated that staff is doing an analysis of the costs. In an initial look, the Information Technology Section anticipates the cost will be 367-1/2 man hours or \$12,000. Changes in supplies could cost from \$10,000 to \$15,000, with additional costs for signage. The total is approaching \$30,000, and more information is being sought.

Member Huntsman asked for a consensus that a correction is needed. He indicated it is quite common for organizations to change their brands. He suggested that an implementation plan including costs and a time line would be beneficial to the Board in making a decision.

MOTION was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the Board officially change the name of the Utah State Office of Education to the Office of the Utah State Board of Education, and task staff to bring back an implementation plan.

Member Wright voiced his opinion that if the Board tried to get out of a contract with the USOE as the contracting entity, given that the Board approved the contract, it wouldn't be a problem. He suggested that rather than trying to change the whole system, the contracts be changed.

Member Cummins agreed with the idea of making sure the contracts are under the

name of the Board; however, she indicated she doesn't support a whole re-branding idea and isn't sure it is necessary. More important than the actual name of the office is how the Board communicates who it is. She suggested that rather than renaming the office, the public use of the name, "Utah State Office of Education," as a separate entity could be removed.

Vice Chair Thomas responded that the Board has tried to do the very thing for which Member Cummins is asking. He suggested that an official act to re-brand is necessary to have a new point of departure. Over the years, the idea has become embedded that the Board and the office are separate. In terms of perception, part of the implementation plan would be re-branding the website.

Vice Chair Johnson voiced that the larger issue is the legal issue. The use of the USOE letterhead is problematic from a legal standpoint. Also, she has seen in private meetings that there is very much a distinction between the staff and the Board by the use of USOE. She expressed support for the motion from both a legal perspective and to create unity.

Member Hansen responded that to make the Board the legal entity would be an easy fix that could be done legislatively. She suggested that the Board doesn't need to elevate itself.

Member Huntsman replied that the Board is aware of the legal issues. He shared that when he first got approached to run for the Board he searched the Internet for information on the entities. Transparency was not there for him, and it was very, very confusing. He felt the Board and office need to be on the same page in the same place. He views it as an opportunity, especially in light of the significant change of USOR moving. He also suggested that change can rejuvenate an organization.

Member Cummins reiterated that most changes could be done in practice and communication. She struggles with the concept of completely tying the office and Board together, as the office is the staff, with the superintendent directing them. She also worried about the message that anything published on Board letterhead would be an official document of the Board.

Member Castle noted that four members are not currently present and felt that the decision should wait until more members are present. She commented that she doesn't care about elevating or not elevating the Board, but is interested in the contract legalities, and also

public perception. She, too, has been asked how the State Office of Education feels about issues. In the education world, there is that constant perception that the Board should listen to the USOE. She emphasized that there shouldn't be a disconnect between what the Board and the staff represent. For her, it's not about a power brand, it's a way to clarify the relationship between the two with the community.

MOTION TO TABLE this item was made by Vice Chair Thomas and seconded by Vice Chair Johnson.

Motion carried, with Member Wright opposed.

Superintendent's Report

Interim Superintendent Sydnee Dickson reported on the following.

- Dr. Dickson attended a recent meeting in Washington, D.C. regarding the federal Every School Succeeds Act (ESSA). She has committed to making sure the Board will have the information it needs to make decisions concerning ESSA.
- The Assessment to Achieve program is now in place and good feedback is being received.
- Some have expressed concerns about the building security. One of the pieces that will be put into place is locking all the interior doors. Staff will need to use their badges to get into various areas of the building, and when visitors come they will need to be escorted to an office. Also, offices will be reconfigured when USOR leaves, including having secure offices for Board staff.
- Leadership management training for directors and coordinators will begin a week from Monday. The first will be on risk assessment and mitigation. Board members were invited to attend.

Board Chair's Report

Board Chair David Crandall reported on the following.

- He and others have met with the Education Interim Committee Co-chairs to discuss the upcoming interim meetings. Two tentative dates have been identified for joint study sessions between the legislature and the Board. The first is June 14, to talk about

assessment and accountability; the second is July 21, for consideration of policy options and open committee bill files.

- Member Huntsman reported on the work of the Superintendent Selection Committee and distributed a timeline.
- Member Cummins gave update on the Accountability Task Force. The Task Force has been reviewing the different accountability reports—the PACE report card and the School Grading Report—and looking at ways to simplify the process.

MOTION from the Task Force that beginning in summer 2016 the Board send out one state accountability report that will be a combination of PACE and the School Grading Report Card.

Motion carried; Members Allen and Stokes absent.

- Vice Chair Thomas gave a recap of visits in Washington, D.C. that he, Chair Crandall, and Superintendent Dickson had with Utah’s congressional delegation staff recently.

Utah State Board of Education (USBE)/State Charter School Board (SCSB) Discussion

State Charter School Board (SCSB) Chair Howard Headlee, and Members Dean Brockbank, Kristin Elinkowski, Rob Enger, Delaina Tonks, and Bruce Davis were welcomed to the meeting. SCSB member Tim Beagley was excused.

Chair Headlee expressed appreciation for the invitation to meet and discuss a number of important issues. The SCSB is excited to move forward after the legislative session and appreciates the support during the session from USBE members on the equity funding. He informed that a report the SCSB commissioned from the Utah Foundation will be coming out soon that captures the current state funding on the charter side.

The SCSB has been engaged in a rewrite of the charter contract, and in its meeting yesterday adopted a new charter contract. The SCSB will continue to move forward to resolve more issues in the contract in order to provide flexibility and clear accountability.

The SCSB is also engaged in a 360 evaluation of its staff and board and have invited input. It part of a review of the whole office to determine how it needs to be organized to accomplish the duties required in statute.

The SCSB has been aggressive in the last couple of years in evaluating charter school

progress and making sure charters are held accountable to their agreements. The charter board is also working on determining how to merge the SCSB probationary process with the school turnaround process. In its meeting yesterday, the SCSB approved moving those schools into the turnaround process, but also put them on warning status. A challenge is that the turnaround process is a two-year plus process; if the SCSB puts a school on probation, it can only do so for 12 months according to USBE rule. Potentially, a USBE rule change will be needed. Chair Headlee suggested this could be an area for the upcoming Charter School Task Force to study.

Chair Headlee announced that the participants on the Charter School Task Force from the SCSB will be himself, Bruce Davis, and Rob Enger.

Chair Crandall asked for more information about the new contract. Chair Headlee informed that it is a template containing all the statutory requirements; an Appendix A will be included that will be individual for every school, and will be taken from the charter application. Member Cummins questioned how much flexibility is in the contract. SCSB Member Brockbank responded that the template is a place to start, and there will be places from where the SCSB will be less inclined to sway; however, there are a variety of provisions in the template where the schools can show their uniqueness and show how they can be held accountable. The SCSB will make sure the USBE and the schools are comfortable with what is put into the contract and appendix. The board's full intention is to make it a process in which schools will want to participate.

Member Castle questioned whether there are financial conflicts of interest for members of the SCSB, and if so, how those are handled and made known publicly. Chair Headlee responded that to the extent that SCSB have financial conflicts, they submit disclosures. Non-financial conflicts are also typically disclosed. USBE Member Wright indicated that to his knowledge, SCSB members have disclosed conflicts and it is not a problem. Other SCSB members reiterated that they do disclose conflicts and have recused themselves when appropriate. They take it very seriously.

USBE Member Warner noted that in the SCSB meeting yesterday it was pointed out that there is a statutory requirement for the SCSB to review all leases, lease purchase agreements, or other contracts relating to charter facilities or financing. She asked whether

there is anything with which the State Board of Education can help so the SCSB doesn't have to review every small contract, such as those for lawn maintenance or snow removal. Chair Headlee acknowledged there may need to be a change in statute, and suggested the Board could possibly adopt a rule in the interim.

USBE Member Belnap asked about the following: Indemnification and insurance for charter schools; whether schools have their own legal counsel; the process for SCSB to become a rulemaking body; and a report on how the SCSB is implementing the Board's approval of Eagle Summit with certain conditions.

Assistant Attorney General David Thomas, attorney for the SCSB, responded that there has been a requirement for insurance and indemnification in almost all charter agreements made to this point. All public schools are subject to governmental immunity, which is essentially a series of caps. State Risk Management has indicated those caps are established by rule and regulation, which the SCSB has now incorporated into the contract. The regulations also require that insurance be carried up to the cap amount. That insurance can either be acquired through Risk Management or independent insurance.

One problem with the contracts is that they have no terms; a school could come in and be covered by Risk Management, but could drop out of the process from year to year. Since indemnification is an ongoing responsibility, schools are required to maintain the appropriate levels of insurance. The lack of contract term renewal is a challenge, as term renewal is one way of being able to monitor and control the financial and insurance structure.

AAG Thomas also addressed the provision of the State Board of Education being an additional insured in the contracts. He stated that in every contract he's ever drafted where insurance is being requested, the standard of care is to include yourself as an additional insured. He was told the State Board of Education shouldn't be included in the charter contract for additional insured, but indicated he doesn't think it is inappropriate to include the USBE.

Regarding legal counsel, AAG Thomas reported that there is a specific provision that charter schools must have their legal counsel review contracts, in addition to the authorizers' review. The SCSB is considering an internal policy as to what documentation will be required in addition to the contract to assure that the contract has been reviewed by the school's own

legal counsel, and to ensure that the school's governing board is aware of the provisions in the contract.

Concerning SCSB rulemaking, Chair Headlee responded that the SCSB is not arrogating to themselves quasi-rulemaking authority. He has heard concerns that SCSB policies are the same as rules, but explained that the policies the SCSB adopts do not constrain how charter schools act, but are policies that affect the SCSB. He expressed his feeling that the best place to flesh out the rulemaking authority is with the legislature.

Member Cummins pointed out that in the charter contract it states that based on USBE policy, the SCSB will issue a letter of written notice for probation; however, that policy doesn't exist, therefore, those signing the contract will be bound to a policy that isn't there. Chair Headlee responded that the policy is envisioned in USBE rule.

Chair Headlee addressed the Eagle Summit application, noting that both boards are focused on similar concerns. He reported that AAG Thomas has reviewed the USBE's motion and conditions it made in approving the application. The SCSB will now engage in the contract. A communication was sent to Chair Crandall acknowledging that the SCSB recognizes the points, but feels the concerns raised by the USBE are already addressed in state law and Board rule. As references to state law and Board rule are included in the contract, addressing specific statute or rule explicitly could be problematic. He also suggested that an audit program at the staff level could be executed.

Member Belnap questioned what will happen if the provisions, which are required by the Board motion to approve, are not part of the contract. Vice Chair Thomas replied that to the extent that those conditions are satisfied through the charter agreement and are covered by reference to rule and statute in the contract, he felt that would be sufficient; if the conditions are not fulfilled, the application would not be approved. The USBE will need to look at the contract.

Chair Headlee noted that in the new charter contract, reference to specific federal and state laws and USBE rules have been removed so it does not appear that one is more important than another. The key will be building the provisions into an audit program to ensure they are being implemented.

USBE Member Hansen thanked the SCSB for their hard work and expressed

appreciation for all they do.

Vice Chair Johnson mentioned that the SCSB is subject to the USBE for office space. Chair Headlee reported that an SCSB staffing committee is looking at staff and space requirements, and they don't know if there will be sufficient space at this office. Vice Chair Johnson indicated it would be helpful to the USBE to have a timeline as they are currently considering the use of space that will be vacated by the State Office of Rehabilitation.

Vice Chair Johnson suggested that more time may be needed to discuss the charter contract. Vice Chair Thomas indicated the contract will be part of the Charter School Task Force discussions.

Vice Chair Thomas thanked the Charter Board members for their participation.

Standing Committee Reports

LAW AND LICENSING COMMITTEE

Committee Chair Leslie Castle reported on the following items from the Committee.

Approval of Previous Meeting Minutes

The Committee approved the minutes of its March 17, 2016 meeting.

Utah Military Academy Charter Amendment Request

MOTION from Committee that the Board approve an amendment to Utah Military Academy's charter to increase the total enrollment from 1,080 students to 1,200 students and postpone the opening of the Camp Williams campus until fall 2017.

Motion carried. Members Allen and Stokes absent.

Taxing Entity Committee to the Economic Development Project of the Cedar City Port 15 RDA

It was reported that the Cedar City Port 15 RDA Economic Development Project will be requesting that the Taxing Entity Committee (TEC) approve an amendment to the adopted project area plan to permit the RDA to receive tax increments for a longer period of time than currently allowed under the adopted project plan.

MOTION from Committee that the Board direct its representative to the Taxing Entity Committee to vote in favor of the TEC amendment to the Port 15 RDA with the following conditions: 1) the RDA is extended for no more than ten additional years; 2) the cap on the tax increment available for the developer remain at \$7,178,500; and 3) the cap on the total tax increment to the RDA remain at \$27,723,749.

Motion carried; Members Allen, Lockhart, and Stokes absent.

R277-216 Surrender of License with UPPAC Investigation Pending

The Committee discussed multiple requests from educators seeking to surrender their licenses rather than participate in the Utah Professional Practices Advisory Commission's (UPPAC) investigatory process for allegations of misconduct. The Committee reviewed the proposed new rule, originally numbered R277-208, to put in place a process for surrendering licenses. The Committee approved the rule on first reading.

MOTION from Committee that the Board approve new rule R277-216 on second reading.

Motion carried; Members Allen and Stokes absent.

R277-477 Distribution of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program

The Committee reviewed proposed amendments to R277-477 to clarify funding-related questions and increase transparency for school community council members. The Committee approved the rule on first reading.

MOTION from Committee that the Board approve R277-477 *Distribution of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program*, as amended, on second reading.

Motion carried. Members Allen and Stokes absent.

R277-491 School Community Councils

The Committee reviewed proposed amendments to R277-491 to provide direction for school community council members who work at the school, and to improve communication

concerning Digital Teaching and Learning Grants. The Committee approved the rule on first reading. A revised rule was distributed to the Board.

MOTION from Committee that the Board approve R277-491, as amended, on second reading.

Motion carried; Members Allen and Stokes absent.

R277-752 Adult Student with Disabilities and Informed Consent

The Committee directed staff to create a subcommittee to discuss R277-725 further and bring the rule back to the Committee in May.

R277-750 Education Programs for Students with Disabilities

The Committee reviewed proposed changes to R277-750 to incorporate the Special Education Rules Manual. The Committee approved the rule on first reading.

Motion from Committee that the Board approve R277-750, as amended, on second reading.

Motion carried.

R277-922 Digital Teaching and Learning Grant Program

The Board approved new rule R277-922 on second reading in its March 18, 2016 meeting. Since that time, additional revisions were suggested. The Committee approved R277-922, as amended, on second reading. A revised rule was distributed to the Board.

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

Member Huntsman asked whether the committee discussed the distribution of funds to LEAs. Member Hansen replied that the Committee discussed it with the district superintendents present and agreed on some compromise language. It was also clarified that once a plan is approved it is valid for two years.

Motion carried; Members Allen and Stokes absent.

Board Policy 1002 Rulemaking Procedures

The Committee reviewed proposed Board Policy 1002 that provides procedures for the rulemaking process. An updated policy was distributed to the Board.

MOTION from Committee that the Board approve Board Policy 1002 *Rulemaking Procedures*.

Motion carried; Members Allen and Stokes absent.

Board Bylaws

The last full review of the Board Bylaws was done in 2013, and since that time, Board Policies and Procedures and numbered policies have been added. Due to changes in statute and the addition of the numbered policy procedures, a review of the format and content of the Bylaws and Policies and Procedures is needed.

The Committee directed staff to amend the Board Bylaws and bring them back to the Committee at a future meeting.

R277-200 through R277-207 and R277-210 through R277-215

Member Castle reminded the members that the Board recently received a court ruling which concluded that the Board had not followed proper rulemaking procedures in the adoption of rules R277-200 through R277-207. As a result, R277-210 through R277-215 were drafted to be adopted via appropriate rulemaking procedures.

Executive Session

MOTION from Committee that the Board close the meeting for the purpose of discussing pending litigation and that the Board remain in the Board Room during the closed meeting.

Upon voice vote of the members present, the Board moved into Executive Session at 1:20 p.m.

Those present included Members Belnap, Castle, Crandall, Cummins, Hansen, Huntsman, Johnson, Lockhart, Stokes, Thomas, Warner and Wright, and Sydnee Dickson, Rich Nye, Nicole Call, Emilie Wheeler, and Lorraine Austin.

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the

Board come out of Executive Session.

Motion carried. The Board reconvened in open session at 2:43 pm.

Law and Licensing Report - Continued

R277-200 through R277-207

The Committee approved the repeal of R277-200 through R277-207 on first reading.

MOTION from Committee that the Board repeal R277-200 *Utah Professional Practices Advisory Commission (UPPAC), Definitions*; R277-201 *Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions*; R277-202 *UPPAC Hearing Procedures and Reports*; R277-203 *Request for Licensure Reinstatement and Reinstatement Procedures*; R277-204 *Utah Professional Practices Advisory Commission Criminal Background Review*; R277-205 *Alcohol Related Offenses*; R277-206 *Drug Related Offenses*; and R277-207 *Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions*, on second and final reading, and that staff file the repeal with the Division of Administrative Rules.

MOTION TO AMEND was made by Vice Chair Thomas that the Board hold a voluntary public hearing on the rules on May 12, 2016.

Without objection, the motion was amended.

Motion carried; Member Allen absent.

R277-210 Utah Professional Practices Advisory Commission (UPPAC), Definitions

The Committee approved R277-210 on first reading.

MOTION from Committee that the Board approve R277-210 on second and final reading and direct staff to file the rule with the Division of Administrative Rules.

Without objection, an amendment was added to hold a hearing on the rule on May 12.

Motion carried; Member Allen absent.

R277-211 Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions

The Committee reviewed two versions of the rule, and voted unanimously to adopt

both versions on first reading and recommend that the Board consider both versions.

MOTION from Committee that the Board consider versions #1 and #2 of R277-211, adopt one of the versions of the rule on second and final reading, and direct staff to file the rule with the Division of Administrative Rules.

Associate Superintendent Angie Stallings reviewed both versions of the rule.

MOTION TO AMEND was made by Vice Chair Thomas that the Board adopt Version #1 of R277-211 on second and final reading, direct staff to file the rule with the Division of Administrative Rules, and that a hearing on the rule be held on May 12.

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

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

R277-212 UPPAC Hearing Procedures and Reports

The Committee approved R277-212 on first reading.

MOTION from Committee that the Board approve R277-212 on second and final reading and direct staff to file the rule with the Division of Administrative Rules.

Without objection, an amendment was added to hold a hearing on the rule on May 12.

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

R277-213 Request for Licensure Reinstatement and Reinstatement Procedures

The Committee approved R277-213 on first reading.

MOTION from Committee that the Board approve R277-213 on second and final reading and direct staff to file the rule with the Division of Administrative Rules.

Without objection, an amendment was added to hold a hearing on the rule on May 12.

Motion carried; Members Allen, Lockhart and Wright absent.

R277-214 Utah Professional Practices Advisory Commission Criminal Background Review

The Committee approved R277-214 on first reading.

MOTION from Committee that the Board approve R277-214 on second and final reading, and direct staff to file the rule with the Division of Administrative Rules.

Without objection, an amendment was added to hold a hearing on the rule on May 12.

Motion carried; Member Allen absent.

R277-215 Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions

The Committee approved R277-215 on first reading.

MOTION from Committee that the Board approve R277-215 *Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions* on second and final reading, and direct staff to file the rule with the Division of Administrative Rules.

Without objection, an amendment was added to hold a hearing on the rule on May 12.

Ben Rasmussen, UPPAC Executive Secretary, explained the substantive changes to the presumptions in the rule.

Vice Chair Johnson expressed a concern with lines 22-24 regarding the number of times listed for conviction before revocation, feeling it is too permissive.

Motion to amend was made by Vice Chair Johnson that the rule come back to the committee for reworking of lines 22-24.

Chair Crandall ruled the motion out of order.

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

MOTION was made by Vice Chair Thomas and seconded by Member Warner that the Board approve R277-215 on second and final reading with an amendment to line 23 to change “three years” to “five years,” direct staff to file the rule with the Division of Administrative Rules, and hold a public hearing on the rule on May 12.

Member Hansen voiced a concern that misdemeanors are lumped in with felonies, and indicated she prefers the rule go back to the Law and Licensing Committee for amendment.

Vice Chair Johnson stated that if the motion fails, she would make a motion to delete lines 22-24.

Without objection, the motion was amended to delete lines 22-24.

Motion as amended carried.

R277-212 UPPAC Hearing Procedures and Reports

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board reconsider R277-212.

Motion to reconsider carried.

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board approve R277-212, Version 2, on second and final reading, direct staff to file the rule with the Division of Administrative Rules, and hold a public hearing on the rule on May 12.

Motion carried; Members Allen and Lockhart absent.

STANDARDS AND ASSESSMENT COMMITTEE

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

Approval of Previous Meeting Minutes

The Committee approved the minutes of its March 17, 2016 meeting.

Draft Part B IDEA Budget FFY 2016

State Special Education Director Glenna Gallo reviewed the Draft PART B IDEA (Individuals with Disabilities Education Act) Budget for FFY 2016. She explained that this is the second of three required public hearings on the proposed budget.

MOTION from Committee that the Board approve the Part B IDEA budget as presented.

Motion carried; Members Allen and Lockhart absent.

UPSTART Report

The UPSTART program, outlined in Utah Code 53A-1a-1000, is a home-based preschool program developed to prepare preschool children for school and future academic success. An

independent evaluation was conducted to represent the effectiveness of UPSTART.

The Committee reviewed the report and requested that more advertisement be done towards English language learners as well as students at risk.

Elementary Mathematics Core Standards - Revised

The Elementary Mathematics Core Standards have gone through the Board's standards review process and were released for public comment for 90 days. Public comment was received and further revisions were made to the standards.

MOTION from Committee that the Board adopt the Utah Core Standards for Mathematics Elementary Levels (K-5) and Mathematics Grade 6, as revised.

David Smith, Elementary Mathematics Specialist, reviewed the changes to the standards.

Motion carried; Members Allen and Lockhart absent.

Fine Arts Standards - Revised

The Committee reviewed the Fine Arts Standards, which were revised under the Board's standards review process and were released for 90-day public comment. The standards were further revised to reflect public input.

MOTION from Committee that the Board adopt the Utah Fine Arts Standards, as revised.

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

Secondary Social Studies Core Standards

The Committee received a draft of the revised Secondary Social Studies Core Standards for review. The Committee directed that the standards be sent to the full Board and brought back next month for consideration of release for 90-day public review. The Committee also directed staff to work with the School Finance Section to assure there is funding to implement the standards.

R277-700 The Elementary and Secondary School General Core

In its March 18, 2016 meeting, the Board approved the following changes to graduation requirements, which have been incorporated into R277-700:

1) LEAs must move the one-half (0.5) computer technology credit to the 8th grade in the 2017-2018 or 2018-2019 school year.

2) The one-half (0.5) computer technology credit for high school will be replaced with one-half (0.5) digital studies credit, and additional courses will be allowed for this credit.

The Committee made additional changes, and approved R277-700 on second reading. An updated rule was distributed to the Board.

MOTION from Committee that the Board approve R277-700, as amended, on third and final reading.

Vice Chair Johnson noted that in her original motion last year concerning the high school credit, she used the term, “creative STEM,” instead of “digital studies.”

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Lockhart that “digital studies” be changed to “digital STEM.”

Member Cummins asked if in creating the term, “digital STEM,” a definition needs to be created as well. She expressed hesitation in using a term without knowing how it might be applied.

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

Motion carried.

The Committee asked that the rule be brought back in May for further discussion on digital studies.

Procedure to Designate an Alternative or Special Needs School

The Committee heard information regarding the procedure to designate an alternative or special needs school that will receive an exemption from school grading. The Committee directed that changes be made to the rubric and that this item be brought back to the Committee in its May meeting.

The Committee also requested that East Hollywood High attend the May meeting and

present its case for alternative school designation.

Assessment System Contract Process

The Committee heard information from staff regarding the process for identifying a new contractor for the state assessment system. The assessment system with the current vendor will be completed in spring 2017. A timeline outlining the process was reviewed.

MOTION from Committee that the Board approve the timeline submitted for identifying a new contract for the state assessment system, and approve the formation of a steering committee with membership as follows: Two Board members, one member of the superintendency, two members of the USOE assessment team, two teacher representatives, one district assessment director, one State Charter School Board designee, one district superintendent, and one USOE Information Technology staff member.

MOTION TO AMEND was made by Vice Chair Thomas and seconded that a member of the State Board of Education be named as the chair of the steering committee.

Motion to amend carried.

Motion carried; Members Allen and Johnson absent.

SAGE Additional Test Item Development

The Committee heard information from staff regarding the need for additional test items to be developed for the state adaptive assessments.

The Committee directed that this item come back to the Committee in a future meeting with a timeline, cost and further information regarding test item development.

MOTION from Committee that the Board approve the initiation of additional test item development for Utah's assessment system (SAGE).

Vice Chair Thomas asked if there is funding available to cover the costs of the additional science test item development. Deputy Superintendent Jones responded that there is money in the Assessment budget for approximately \$6 million for item development from various sources. Vice Chair Thomas asked for clarification that the \$6 million is what will be left after what is owed on the current SAGE contract is paid. Deputy Superintendent Jones responded

that it is, and gave the following detail: Of the \$5,971,402 that is available, \$1,658,054 is state money; \$1,964,217 is from a federal grant; \$832,071 is from other federal money; \$1,517,058 is from SAGE licensing fees.

Vice Chair Thomas asked how much the item development will cost. Deputy Superintendent Jones reported that 1200 items will be needed for science, plus additional items in other areas, costing an estimated \$2 million.

Vice Chair Johnson noted that any SAGE licensing money left after this year can be used for risk mitigation, and asked the Board to be mindful that there is a potential funding correction of \$4 million due that will be needed due the correction in how WPU's have been counted.

Member Castle commented that the Board has made a commitment to put forth the new Science Standards and the tools to move forward need to be put in place, including the testing.

MOTION TO AMEND was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the \$2 million for the test item development come out of the approximately \$4.4 million state and federal money in the Assessment budget, and that money from the test item licensing revenue be set aside.

Motion to amend carried.

Motion carried; Members Allen, Huntsman, and Wright absent.

School Turnaround Plan Approval Process

The Committee heard information regarding the school turnaround plan approval process. By law, the plans have to be approved within thirty days of April 1, when they were received. Several options regarding the approvals were presented.

MOTION from Committee that the Board direct the USOE superintendency to designate a committee to review and approve the turnaround plan applications, and that the plans come back to the Board in May for final approval.

Motion carried; Members Allen and Wright absent.

SAGE Writing and ACT Writing

The Committee began discussion regarding the discrepancy between Utah Code and Board rule concerning requirements for testing. This item will come back in May for further discussion.

FINANCE COMMITTEE

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

Approval of Previous Meeting Minutes

The Committee approved the minutes of its March 17, 2016 meeting.

Recognition of Successes/Improvements/Achievements

Internal Accounting Director Deborah Jacobsen reported to the Committee on improvements to the handling of receivables.

Section Budget Reviews

The Committee received reports on the State Board of Education, USOE Administration, USOR, Special Education Section, and Data and Statistics Section budgets.

Glenna Gallo, Director of Special Education, noted in her report that last year the extended year stipend for special education teachers was increased from five days, and there is carryover money available. She asked for an increase in the stipend to six days.

MOTION from Committee that the Board approve six days of stipend for special education teachers for professional development.

Motion carried.

Appropriation of State Turnaround Funds for Administration

Staff appraised the Committee that statute allows up to four percent of the money appropriated for the School Turnaround Program to be used for administration of the program, and requested that the Board consider approving that provision.

MOTION from Committee that the Board approve the use of four percent of the School Turnaround funds for administration.

Motion carried; Members Allen and Wright absent.

Request to Collect Student Addresses from Local Education Agencies (LEAs)

Deputy Superintendent Jones reported to the Committee that several districts have approached staff for assistance in solving a potential problem regarding verification of where students reside when determining local replacement funding.

Vice Chair Johnson gave an example from Jordan School District that estimates ten percent of its students are in charter schools, but what is currently being reflected in the calculations is close to 17 percent. It is significant not only in terms of funding, but in planning for entry of high school students.

There is the possibility of USOE staff trying to verify the addresses, but that would require technology the office currently doesn't have.

The Committee will continue discussion next month and additional feedback from the field will be gathered. The Committee directed staff to come back with a final plan that has been circulated to districts and charters for input. Vice Chair Johnson also asked for feedback from Board members.

Correction of Enhancement for At Risk Students Formula

Finance staff reported to the Committee that they have found errors with the calculation of the Enhancement for At Risk Students formula. Vice Chair Johnson referenced information distributed to the Board showing what would have been received by LEAs using the incorrect formulas, and what will be received using the corrected calculation.

Modification of the Weighted Pupil Unit (WPU) Calculations Methodology

Vice Chair Johnson reviewed information distributed to the Board regarding a correction in the WPU calculations. The issue is that in the past, the way WPUs were being calculated for charter schools and district schools was different. For charter schools there are bands of grades that are weighted. The order of calculation matters whether the growth over all the bands is averaged, or the growth is calculated for each band. In correcting the formula, this changes the estimations by about 777 WPUs, which is a \$2.5 million difference. The

appropriation from the legislature was based upon an estimations using the old calculations. Since the determination of WPU is already changing, it was suggested that this is the year to make the corrections to the formula calculations.

There is no action at this time, but an understanding that correcting these formulas has altered the estimation of the number of WPUs versus what was estimated by the Common Data Committee (LFA, GOMB, and Board staff).

Career and Technical Education (CTE) Maintenance of Effort

It was reported to the Committee that in the 2016 Legislative Session, the Special Education and CTE add-on WPU value was modified, increasing it to the value of the regular WPU. The value of the add-on WPU is part of the local education agency CTE maintenance of effort calculation set forth in R277-911-4. With the increase of the value of the add-on WPU, LEAs will see their state MOE requirements increase in FY 2017. LEAs have expressed concerns that the increase will restrict local or general education funds.

Vice Chair Johnson referenced information distributed to the Board.

Statewide Online Education Program (SOEP) Home and Private Tuition Courses of Action for Enrollments

The Committee received information requested last month concerning the arrangement between Juan Diego High School and Canyons School District in enrolling students in the SOEP program. Vice Chair Johnson reported that Juan Diego teachers develop curriculum and administer the courses; Canyons District approves the courses and sponsors the courses to be on the SOEP list. Canyons takes a 15 percent cut, and the remaining 85 percent flows to Juan Diego. The information was provided as context for the committee discussion.

The Committee discussed the problem of limited funds for an expanding program, especially a program expanding with block enrollments. Several courses of action were presented to the Committee.

The Committee directed staff to review option #2—earmarking the award between home and private school students—but move it to a 50/50 or 60/40 split, and to send a description of the arrangement between Juan Diego and Canyons to the Public Education

Appropriations Co-chairs so they are aware of this information. This item will come back to Committee for action.

Compensatory Increases to USOE Employees for SFY 17

In the 2016 Legislative Session, a two percent compensation increase for state employees was authorized. The Committee reviewed three courses of action for awarding compensatory increases to staff.

MOTION from Committee that the Board approve compensatory increase Course of Action No. 1 for Utah State Office of Education employees.

This course of action implements a process for SFY 17 where employees will receive a discretionary amount based on performance.

Motion carried; Members Allen and Lockhart absent.

MOTION from Committee that the Board approve compensatory increase Course of Action No. 3 for Utah State Office of Rehabilitation employees.

This course of action provides across-the-board increases.

Motion carried; Members Allen and Lockhart absent.

USOE Spend Plan Process

Vice Chair Johnson referenced the spend plan process provided by Deputy Superintendent Jones. A copy of the Board's Strategic Plan was also distributed to the Board. Vice Chair Johnson recommended that as part of the Board's upcoming retreat, the Board look at tailoring the spend plan to the Strategic Plan.

Enterprise Resource Planning System Update

It was reported that an RFP for the system has been drafted and the scope of work is being reviewed by the Attorney General's office. It has also been given to State Finance.

Requests for Data/Information

Information on the Child Nutrition Survey was distributed to the Board.

The Committee received information that four rural schools that did not receive their

federal grant awards several months ago, due to an oversight by the office, have been approved to receive their awards.

Student Data Discussion

Member Lockhart reported that several local school boards and districts have expressed to him their concerns over the security of student data collected at the state level. He suggested that reducing the instances where information is transferred from one location to another will reduce the opportunity for security breaches to happen.

Associate Superintendent Rich Nye reported that staff is doing an analysis on its own collection of data to determine what is needed.

Member Huntsman expressed that he appreciates the dialogue regarding data. He suggested the Board address in a study session the issues between the legislative requirements to demonstrate compliance through analysis of data, and the public and LEA concerns about data breaches. Member Lockhart suggested the Board may also want different reporting requirements for rural schools versus urban schools. Superintendent Nye indicated that this falls in line with requirements in H.B. 358 *Student Privacy Amendments*, passed in the 2016 Legislative Session. Staff will also collect information on data points the LEAs are collecting.

Designation of the Office of the Board - continued

MOTION was made by Vice Chair Thomas and seconded by Vice Chair Johnson that this item come off the table.

Motion carried.

MOTION was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the sunset of the term, "Utah State Office of Education," begin, and that the Board direct the Superintendent to prepare a plan to execute the transition and present the plan in the Board's May meeting.

Motion carried, with Member Hansen opposed; Member Allen absent.

EXECUTIVE SESSION

Motion was made Vice Chair Johnson and seconded by Vice Chair Thomas that the

Board go into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of individuals.

Upon voice vote of the Board members present, the Board moved into Executive Session at 4:03 p.m.

Those present in Executive Session included Board Members Belnap, Castle, Crandall, Cummins, Hansen, Huntsman, Johnson, Lockhart, Stokes, Thomas, Warner and Wright; and Sydnee Dickson, Scott Jones, Rich Nye, Nicole Call, Emilie Wheeler, Ben Rasmussen, and Lorraine Austin.

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

Motion carried. The Board reconvened in open session at 5:07 p.m.

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

Upon voice vote of the Board members present, the Board moved into Executive Session at 5:08 p.m.

Those present in Executive Session included Board Members Belnap, Castle, Crandall, Cummins, Hansen, Huntsman, Johnson, Lockhart, Stokes, Thomas, and Wright; and Sydnee Dickson, Scott Jones, Rich Nye, Nicole Call, Emilie Wheeler, and Lorraine Austin.

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

Motion carried. The Board reconvened in open session at 5:14 p.m.

Executive Session Items

Licensing Actions and UPPAC Consent Calendar

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board adopt the Utah Professional Practices Advisory Commission (UPPAC) recommendation in Case No. 15-1257 and suspend the individual's Level 2 Secondary Education License for a period of five years from the date of Board action, consistent with the terms of the Default Order.

Motion carried; Members Allen and Warner absent.

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board adopt the UPPAC recommendation in Case No. 12-1106 and revoke the individual's Level 2 Secondary Education License from the date of Board action, consistent with the terms of the Default Order.

Motion carried; Members Allen and Warner absent.

MOTION was made by Member Stokes and seconded by Vice Chair Thomas that the Board adopt the UPPAC recommendation in Case No. 14-1211 and reinstate the individual's Level 1 Secondary Education (6-12) License.

Motion carried; Members Allen and Warner absent.

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board adopt the Board Decision in UPPAC Case No. 12-1058, and accept the individual's voluntary surrender of his expired Level 2 Education License, with conditions outlined in the Decision.

Motion carried; Members Allen and Warner absent.

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board adopt the Board Decision in UPPAC Case No. 15-1282, and accept the individual's voluntary surrender of his Level 2 Education License, with conditions outlined in the Decision.

Motion carried; Members Allen and Warner absent.

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board adopt the Board Decision in UPPAC Case No. 15-1294, and accept the individual's voluntary surrender of his Level 2 Education License, with conditions outlined in the Decision.

Motion carried; Members Allen and Warner absent.

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

Motion carried, with Member Belnap opposed; Members Allen and Warner absent.

State Rehabilitation Council Appointment

MOTION was made by Member Stokes and seconded by Vice Chair Thomas that the Board appoint Mark Turley to the State Rehabilitation Council as a representative of blind or

visually impaired individuals, to fill the remaining term vacated by Deja Powell through September 2018.

Motion carried; Members Allen and Warner absent.

Advisory Committee for Equity of Educational Access for Students (ACEESS) Appointments

MOTION was made by Member Hansen and seconded by Vice Chair Thomas that the Board appoint the following individuals to its Advisory Committee for Equity of Educational Access for Students:

- At-large representatives - Karee Atkinson, Alexx Goeller, Douglas Goldsmith, Mike Harman, Mindi Holmdahl
- African American representatives - George Ferris, Marian Howe-Taylor
- Asian representative - Ram Jayakumar
- Pacific Islander representatives - Emilie Martinson, 'Afa Palu

Motion carried; Members Allen and Warner absent.

State Charter School Board Nominations

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board nominate Greg Haws and Dan Griffiths for consideration of appointment to the State Charter School Board, and forward the nominations to the Governor.

Motion carried; Members Allen and Warner absent.

ADJOURNMENT

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

Motion carried. The meeting adjourned at 5:18 p.m.

Lorraine Austin, Board Secretary
Minutes approved May 13, 2016