

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

September 6, 2013

A study session and meetings of the Audit, Communications, USDB, and Instruction, Assessment and Technology Committees of the Utah State Board of Education were held September 5, 2013 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. All members were present, with the exception of Dean Rowley, Teresa Theurer and Isaiah Spencer.

A regular meeting of the State Board of Education was held September 6, 2013 at the Utah State Office of Education. At the request of the Chair, Vice Chair David Crandall conducted.

Board Members present:

Chair Debra G. Roberts
Vice Chair David L. Crandall
Member Dixie L. Allen
Member Keith M. Buswell
Member Kim R. Burningham
Member Leslie B. Castle
Member Barbara W. Corry
Member Heather Groom
Member Michael Jensen

Member Jennifer A. Johnson
Member Marlin Jensen (non-voting)
Member Jefferson Moss
Member James V. (Jim) Olsen (non voting)
Member C. Mark Openshaw
Member Tami W. Pyfer
Member Isaiah (Ike) Spencer (non-voting)
Member Teresa L. Theurer (non-voting)
Member David L. Thomas

Board Members Excused:

Member Laura Belnap (non-voting)
Member R. Dean Rowley (non-voting)

Executive staff present:

Martell Menlove, State Superintendent
Brenda Hales, Deputy Superintendent
Judy Park, Associate Superintendent

Bruce Williams, Associate Superintendent
Don Uchida, USOR Executive Director
Lorraine Austin, Board Secretary

Others present:

Jim Lekas, SITLA; Eleasha Grossman, The Living Planet Aquarium; Randy Crouse, The Living Planet Aquarium; Kory Holdaway, UEA; Jay Blain, UEA; Rich Cunningham, Utah House of

Representatives; Casey Snider, Trout Unlimited; Deon Turley, Utah PTA; Lydia Nuttall, parent; Steve Ostler, SITLA Board; Kris Fawson, USILC; Jan Ferré, LCPD; Joon OHley-Zeman, American Preparatory Academy (APA); Belinda Durling, APA; Clara Durling, APA; Denelle Durling, APA; Rick Referson, APA; Kevin Semus, APA; Finnegan McVicar, APA; Connor Evancich, APA; Tim Evancich, APA; Alison Memmott, APA, Daniel Baker, APA

Opening Business

Vice Chair David Crandall called the meeting to order at 8:04 a.m. Member Mark Openshaw led the Board in the Pledge of Allegiance. Members Belnap and Rowley were excused.

Board Welcome Message

Member Heather Groom welcomed the Board. She indicated that as today is the funeral for a Draper police officer killed while on duty, and this date is close to the anniversary of the September 11 attacks, her thoughts have turned to those in public service that put themselves in harm's way. She asked for a moment of silence to honor those who have given their lives. She then offered an invocation.

Conversation with United States Congressman Chris Stewart

U.S. Representative Chris Stewart was welcomed to the meeting. He informed the Board of his philosophy that as much as possible, education decisions should be made at state and local levels, and federal involvement should be minimal. He reported that the House of Representatives has passed a bill for the reauthorization of the Elementary and Secondary Education Act, but it is unlikely the issues will be resolved this fall. He also indicated that he has not taken a position on the Common Core, but does not want that to be considered unwillingness to support the Board.

Board members thanked him for coming and encouraged further open dialogue.

General Consent Calendar

Motion was made by Member Heather Groom and seconded by Member Tami Pyfer that R277-403 *Student Reading Proficiency and Notice to Parents* and R277-404 *Requirements for*

Assessments of Student Achievement be removed from the Consent Calendar. Member Groom expressed that she would like further discussion on the issue of teachers using CRT tests for grading.

Amended motion was made by Member Kim Burningham and seconded by Member Jennifer Johnson that the Board approve the General Consent Calendar with the exception of R277-403 and R277-404.

Motion carried.

1. Minutes of Previous Meeting

Minutes of the State Board of Education meeting held August 2, 2013 were approved.

2. Contracts

The following contracts were approved by the Board.

A. NFB-Newsline, \$214,819, 6/1/2013 to 5/31/2018

To provide Newsline service to blind and visually impaired individuals in the State of Utah.

B. Utah Restaurant Association, \$1,690,500, 7/15/2003 to 6/30/2018

To prepare high school juniors and seniors for a career in the restaurant and food service industry. Funding is appropriated by the legislature to aid with training, mentoring, equipment, supplies and competitions in Utah high schools.

C. Shmoop University, Inc., \$450,000, 9/1/2013 to 8/31/2016

To provide College Admission Test Online Preparation program.

D. Utah Department of Human Services, \$128,250, 7/1/2013 to 6/30/2014

To provide funding for inservice training, curriculum development, materials for substance abuse prevention programs and other expenses associated with the substance abuse prevention specialist.

E. Southern Utah University, \$120,000, 8/14/2013 to 8/14/2015, Amend.

To provide monitoring and evaluation for the Smart School Technology program.

F. HMB Information System Developers, \$750,000, 10/1/2013 to 9/30/2018,

Fed.

To enhance the Utah Consolidated Application (UCA) with Utah specific programming that will allow LEAs and the USOE to interface more efficiently and clearly, as well as provide electronic processing of reimbursement requests for grants within the UCA.

- G. A report of contracts expiring within 128 days was provided for Board information.
- H. A report of contracts under \$100,000 approved by the State Superintendent of Public Instruction was provided for Board information.

3. Expanded Eminence Request

Wasatch School District requested an Expanded Eminence Authorization for Maria Heredia under Board rule R277-520-6. The Board approved an Expanded Eminence Authorization for Maria Heredia for 2013-2014.

4. R277-106 Utah Professional Practices Advisory Commission Appointment Process

In its August 2, 2013 meeting, the Board approved amendments to and continuation of R277-106 on first and second reading. The Board approved continuation of and amendments to R277-106 *Utah Professional Practices Advisory Commission Appointment* on third and final reading.

5. R277-113 LEA Fiscal Policies and Accountability

In its August 2, 2013 meeting, the Board approved amendments to R277-113 on first and second reading. Amendments to the rule included updated code references and modification of the definition of school-sponsored activities to only apply to curricular school clubs. The Board approved R277-113 *Fiscal Policies and Accountability* on third and final reading.

6. R277-402 Online Testing

In its August 2, 2013 meeting, the Board repealed R277-402 on first and second reading. The rule was repealed to eliminate UBSCT and pilot requirements and to eliminate duplication. The Board repealed R277-402 *Online Testing* on third and final reading.

7. R277-403 Student Reading Proficiency and Notice to Parents

In its August 2, 2013 meeting, the Board approved amendments to R277-403 on first and second reading. The rule was amended to correct language that was inconsistent with statute.

The rule was pulled from the Consent Calendar for further consideration.

8. R277-404 Requirements for Assessments of Student Achievement

In its August 2, 2013 meeting, the Board approved amendments to and continuation of R277-404. The rule reflects new career and college readiness assessment requirements, eliminates UBSC requirements and includes language which clarifies policy for parent exemption of student assessment requirement. The rule was also continued in accordance with the Utah Administrative Rulemaking Act five-year review and continuation requirement.

The rule was pulled from the Consent Calendar for further consideration.

9. R277-405 Requirements for Assessment Pilot Programs

In its August 2, 2013 meeting, the Board repealed R277-404 on first and second reading. The rule was repealed to eliminate UBSC and pilot requirements and to eliminate duplication. The Board repealed R277-405 *Requirements for Assessment Pilot Programs* on third and final reading.

10. R277-473 Testing Procedures

In its August 2, 2013 meeting, the Board repealed R277-473 on first and second reading. The rule was repealed to eliminate UBSC and pilot requirements and to eliminate duplication. The Board repealed R277-473 *Testing Procedures* on third and final reading.

11. R277-477-4 Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program - Distribution of Funds–Determination of Proportionate Share

In its August 2, 2013 meeting, the Board approved amendments to R277-477-4 on first and second reading. The rule was amended to provide greater clarity and ensure that the rule is in line with statute. The Board approved R277-477-4 *Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program - Distribution of Funds–Determination of Proportionate Share* on third and final reading.

12. R277-502 Educator Licensing and Data Retention

In its August 2, 2013 meeting, the Board approved amendments provided by staff to R277-502 on first and second reading. The rule was amended to reflect a more consistent approach to teacher preparation. The rule was further amended by the committee, and that amendment was inadvertently not forwarded to the full Board for approval. The Board approved R277-502 *Educator Licensing and Data Retention*, with the additional committee amendment, on second and third reading.

13. R277-705 Secondary School Completion and Diplomas

In its August 2, 2013 meeting, the Board approved amendments to and continuation of R277-705. The rule reflects new career and college readiness assessment requirements, eliminates UBSCCT requirements and includes language which clarifies policy for parent exemption of student assessment requirement. The Board approved and continued amended rule R277-705 *Secondary School Completion and Diplomas* on third and final reading.

14. Monthly Budget Report

A monthly budget report was provided to give information to the Board in meeting its fiduciary responsibilities for the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind.

15. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in August 2013 was provided for Board information.

16. Ratification of Hiring

The Board ratified the hiring of Rachel E. Decker as an Educational Specialist in the CTAE Section.

After some discussion, it was determined that the issue of concern for Member Groom was not included in R277-403.

Motion was made by Member Heather Groom and seconded by Member David Thomas that R277-403 *Student Reading Proficiency* be approved on third and final reading.

Motion carried.

Motion was made by Member Heather Groom and seconded by Member Jennifer Johnson that R277-404 *Requirements for Assessments of Student Achievement* be sent back to Board

committee for further review and discussion.

It was noted that the language directing teachers to consider using CRT tests as part of grading (R277-404-3-10-d-ii) is consistent with statute, and may need to be addressed with the legislature. Associate Superintendent Judy Park also indicated that approval of the rule—even without that portion—would allow staff to move forward in implementing the requirements of S.B. 175 *Assessment of College Readiness* (2013 Legislative Session).

Motion was amended by Member David Thomas and seconded by Member Mark Openshaw that the Board approve R277-404, and continue the rule, on third and final reading, with the following section R277-404-3-10-ii removed: “A teacher shall consider students’ summative adaptive assessments in determining students’ academic grades for the appropriate courses and students’ advancement to the next grade level.” The rule will be referred back to Board committee for further discussion.

Motion to amend carried, with Members Allen and Burningham opposed.

Amended motion carried unanimously.

Public Participation

The following comments were given to the Board.

Deon Turley, Utah PTA - expressed PTA’s position that they support the right and duty of the School and Institutional Trust Lands Administration (SITLA) Board to look into and contract for the development of trust land, and that the State Board of Education’s duty is as a representative of the beneficiary of the trust—Utah’s school children.

Casey Snider, Trout Unlimited - indicated that in the last few weeks the topic of discussion by sportsmen that he represents has been related to the Book Cliffs development recently agreed upon by SITLA and Anadarko. These sportsmen applaud the majority of the Book Cliffs agreement, but believe there is a small section of the development that needs further consideration in light of efforts of Congressman Rob Bishop and Governor Herbert for use of that land that may provide greater returns on investment.

Rich Cunningham, Utah House of Representatives - was a member of the Board’s School Trust Investment Task Force, and over that time he learned a great deal about SITLA and trust

lands. If the management is done correctly, responsibly, and collectively, the School Trust would be able to take care of the shortfall in public education. The Trust is the fiduciary responsibility of the trustees—the SITLA Board. The fiduciary law applies and the Trust does not function properly if exceptions are made.

Tim Donaldson, on behalf of Utah State Senator Mel Brown - read a statement from Senator Brown with information about the Trust Lands Management Act passed into law in 1994 (Title 53C), and the positive results of that law. The law puts into place a board of trustees that makes the business decisions in relation to the School Trust, and that is still in place. Prior to the Act, school children lost millions of dollars every year because of the way decisions were made.

School and Institutional Trust Lands Administration (SITLA) Action on Book Cliffs Development

On August 20, 2013, the SITLA Board of Trustees directed its staff to execute a five-year lease to Anadarko Petroleum for exploration and possible production of oil on the over 100,000-acre “Book Cliffs block,” a contiguous parcel of school trust lands in Grand and Uintah Counties. The lease contained, among other terms, a 17 percent landowner royalty payment to the State School Fund.

On August 27, Governor Gary Herbert held a press conference and issued a statement that “SITLA’s decision to lease the entire Book Cliffs block could be at the expense of a more vital and potentially valuable land management strategy.” The Governor urged SITLA to reconsider its decision.

On August 28, the Utah State Office of Education issued a press release stating that the “Book Cliffs proposal appears to be in the best interests of the School Trust.” It was then determined that the State Board of Education, as the representative of the beneficiaries of the Trust, would discuss the issue in its October meeting.

Kevin Carter, SITLA Executive Director, distributed and reviewed information about Anadarko’s proposed Book Cliffs development. In response to questions from Member David Thomas, Mr. Carter noted the following:

- The 20,000 acres in the southern rim Bogart Canyon area is the area of concern, and

this area has the greatest oil and gas potential.

- If this area was included in a federal land trade, it is dependent on the land acquired as to whether the 17 percent royalties would be reduced. It would be challenging to find federal resources that could equate to the potential it is believed is in this area.
- Hunters and hikers would not be precluded from the area.
- Any incursion for drilling would probably impact the area because it is now untouched, but he believes the impact would be small.
- Anadarko would be unlikely to enter into the lease if the southern rim was off the table.

Lt. Governor Gregg Bell was welcomed to the meeting, and distributed a joint letter from Governor Herbert and Congressman Rob Bishop regarding the Utah Public Lands Initiative—an initiative designed to resolve long-standing public land disputes in eastern Utah. The letter indicates that sportsmen and environmental groups object to developing the small percentage of land in the southern roadless portion of the Book Cliffs. The Governor and Congressman express their concern that leasing the southern portion of the Book Cliffs could “very seriously jeopardize the broader lands consolidation effort, as well as optimal return for Utah’s school children.”

Lt. Governor Bell noted that the objective of all involved is to optimize resources for Utah, and asked that long-term goals and strategies be considered. He also expressed concern that the SITLA/Anadarko transactions were done in closed meetings with no public notice.

Congressman Rob Bishop was welcomed to the meeting and addressed the Board. He reported that there is a unique opportunity now on the federal level that has not been there previously to move forward with a land initiative. He has held many meetings on the Public Lands Initiative, but is not yet ready to finalize a map for the land trade. He asked that flexibility for the Book Cliffs southern rim area be allowed, as some of it may be needed for the trade. The Lt. Governor further responded that they are asking for a three-year delay in any development of that area, and requested that SITLA add a provision to the Anadarko contract that would allow SITLA to trade the lands if comparable land is found for Anadarko development.

Motion was made by Member Jennifer Johnson and seconded by Member Mark

Openshaw that the Board hear from SITLA Board Chair Steve Ostler.

Motion carried.

Steve Ostler addressed the Board, and expressed his great respect for Lt. Governor Bell and Congressman Bishop in the work they are doing with the Public Lands Initiative. However, as a member of the SITLA Board, he takes the fiduciary responsibility given to that board very seriously. The decisions made by the SITLA Board in the Anadarko transaction were not made hastily without all the facts, including consideration of the Public Lands Initiative. The SITLA Board's duty is to do what they believe is in the best interest of Utah school children and maximize the value of the Trust. The law clearly states that when trust lands are involved, SITLA has the responsibility to conduct those negotiations. The SITLA Board appropriately discussed the details of the lease in a closed session; the vote was taken in open session and was noticed on the agenda.

In response to a question from Members Thomas and Groom, Mr. Ostler reported that the issue of changing the terms of the contract has been raised, but the SITLA Board has not changed its position and has not gone to Anadarko with a different proposal. He felt that when there is something definite in place for a land trade, Anadarko could be approached then. He indicated that if the State Board of Education recommended a different approach, the SITLA Board would consider it.

Motion was made by Member Keith Buswell and seconded by Member Dixie Allen that the Board support the SITLA Board in moving forward with the Anadarko contract for the Book Cliffs development.

Member Groom expressed concern that once the contract is signed, Anadarko may not consider lands of equal or greater value. She felt the responsibility for that decision should remain with SITLA, and recommended that the Board take no position, but encourage the parties to continue discussion.

Member Castle took a moment of personal privilege to express her appreciation to Lt. Governor Bell for his dedication to preserving Utah wilderness. She expressed sadness to be in a situation where she believes natural resources will be destroyed in order to provide the necessary resources for schools. However, despite her personal feelings, she believes it is the

Board's duty to support SITLA.

An amendment to the motion was made by Member David Thomas and seconded by Member Kim Burningham that the Board support the contract, with the caveat that SITLA consider an option to trade the 20,000 acres in the southern rim of the Book Cliffs for oil and gas property that is of equal or greater value with respect to the royalty SITLA would receive.

Member Johnson spoke against the amendment, feeling that asking for flexibility would impair SITLA and Anadarko moving forward with the development. Other members spoke against the amendment, expressing their trust that the SITLA Board has done its duty. Member Allen expressed her feeling that comparable land is not available, and if development is delayed, the resources may be taken by others.

Member Thomas expressed his feeling that the caveat would not hurt SITLA or Anadarko. If comparable lands are not found, the project will still move forward.

Motion to amend failed, with Members Burningham, Groom, Moss and Thomas in favor, and Members Allen, Buswell, Castle, Corry, Crandall, Jensen, Johnson, Openshaw, Pyfer and Roberts opposed.

Original motion carried unanimously.

Audit Report

Board Internal Auditor Natalie Grange distributed and reviewed a Report on Monitoring of School LAND Trust program for Fiscal Year 2012. Problems have been identified in the schools reviewed, and corrective action plans are in place.

Superintendent's Report

The following items were addressed by Superintendent Menlove and staff.

Scott Jones, the new USDB Business Administrator, was introduced.

Feedback on school grading has indicated that most people have accepted the grades as being consistent with legislation. Senate President Wayne Niederhauser is pulling together a group to discuss school grading. Attendees will include Board members Crandall and Pyfer.

ACT results were reviewed. Utah scores have dropped minimally, but are still the highest

in the nation for any state with 100 percent participation

School fees have been a recent item in the news, and it has been suggested that the State Board and USOE become more involved in school fees schedules.

Reports were given on the most recent Legislative Education Task Force and Public Education Appropriations Subcommittee meetings.

New employees Melissa Holt, Marjorie Craven, Todd Vaudry, Connie Nink, Leslie Ronn, Rachel Decker, Laura Ward, and Marie Devey were introduced.

Superintendent Menlove reported that he has prepared a letter informing local education agencies that the Utah State Office of Education does not provide legal counsel for LEAs.

Board Chair's Report

Chair Debra Roberts distributed information and reported on the following.

Information given to the legislative Education Task Force on key elements contributing to high school achievement was referenced. A meeting will be held next Wednesday for education stakeholders, for the purpose of determining the top five things necessary for student achievement. Chair Roberts asked for feedback from Board members.

The Public Education Appropriations Subcommittee has requested that the Board have discussions about: 1) Other Post-employment Benefit (OPEB) liabilities; 2) how effective the teacher salary supplement program has been at attracting math and science teachers; and 3) how educator professional development can be done most appropriately and effectively. The items will be added to future USBE meeting agendas.

Also in the Public Education Appropriations Subcommittee meeting, Senator Pat Jones reported on the effectiveness of the Beverley Taylor Sorenson Arts Program.

It was noted that Mark Bouchard has stepped down as Prosperity 2020 Chair, and Alan Hall will be the new Chair. Member Buswell added his thanks to Mark Bouchard for the time he has invested and the wonderful work he has done over the last four years.

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member Dixie Allen and seconded by Member Jennifer Johnson that

the Board accept the UPPAC recommendation in Case No. 12-1073 and suspend by default the educator's Level 1 Secondary Education License. The educator may request a reinstatement hearing following satisfaction of all conditions provided in the Default document and completion of a criminal background check, no sooner than five years from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

Without objection, the motion was postponed until after Executive Session.

Motion made by Member Dixie Allen and seconded by Member Keith Buswell that the Board accept the UPPAC recommendation in Case No. 10-950 and suspend by default the educator's Level 1 Special Education License. The educator may request a reinstatement hearing following satisfaction of all conditions provided in the Default document and completion of a criminal background check, no sooner than five years from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

Without objection, the motion was postponed until after Executive Session.

Motion was made by Member Dixie Allen and seconded by Member Keith Buswell that the Board accept the UPPAC recommendation in Case No. 12-1111 and revoke the educator's Level 2 Elementary, Middle, and Administrative/Supervisory Education License. The educator pled guilty to two counts of forcible sodomy of a minor. Under UCA 53A-6-501(2)(a)(I), the Utah State Board of Education must permanently revoke the educator license of an educator who is convicted of a sexual offense against a minor.

Without objection, the motion was postponed until after Executive Session.

Board Committee Reports

USDB COMMITTEE

Committee Chair Tami Pyfer reported on the following items from the committee.

Utah Schools for the Deaf and the Blind (USDB) Annual Report Draft

USDB Superintendent Joel Coleman presented a draft of the USDB Annual Report to the committee. The committee gave recommendations for changes. The report will be presented to the Board and legislative Education Interim Committee in September.

Annual Performance Goals for USDB Superintendent

The committee discussed with Superintendent Coleman possible goals for the upcoming year. He will come back to the committee with specific goals.

COMMUNICATIONS COMMITTEE

Committee Chair Tami Pyfer reported on the following items from the committee.

Resolution on Federal Intrusion

This item was postponed.

Communications Committee Plan

The Committee reviewed the Communications Plan and some outreach that has been happening.

ACCOUNTABILITY AND FINANCE

Committee Chair David Thomas reported on the following items from the committee.

Taxing Entity Committee to the Redevelopment Agency of the City of Holladay Village Center Redevelopment Project Area

On February 7, 2006, the Holladay City Redevelopment Agency Taxing Entity Committee approved a resolution consenting and granting approval for the Redevelopment Agency of the City of Holladay to receive 100 percent of the annual tax increment for a period of 15 years for approximately 57.04 acres for the Village Center Redevelopment Project.

Holladay City will request an extension of the project from 15 to 20 years. Because of the economic downturn, the Redevelopment Agency did not collect the amount of tax increment

as requested in the original budget. Extending this project another five years would allow the Redevelopment Agency to collect a total of \$23,461,241 of tax increment, with Granite School District's portion being \$12,268,432, as stated in the original budget.

The primary purpose for the extension is to bring in a retail establishment. The Accountability Committee had concerns about this, and directed the Board's representative to the Taxing Entity Committee to vote against the extension.

Charter School Building Revolving Subaccount Committee Loan Recommendation

The Charter School Building Revolving Subaccount Committee recommended a revolving loan of \$264,200 to the DaVinci Academy for Science and the Arts. The Accountability Committee expressed concern that some of the items listed were not renovations, but normal maintenance and operations.

Motion from Committee that the Board approved a loan of \$225,000 to DaVinci Academy for Science and the Arts, with the caveat that the items for refinishing the gymnasium floor and replacing the hot water heater and carpeting be removed.

Motion carried unanimously.

Executive Session

Motion was made by Member Tami Pyfer and seconded by Member Jefferson Moss that the Board move into Executive Session for the purpose of discussing the character, professional competence, and physical or mental health of individuals. Upon a voice vote of the members present, the Board moved into closed Executive Session at 12:40 p.m.

Those present in Executive Session included Debra Roberts, David Crandall, Dixie Allen, Keith Buswell, Kim Burningham, Leslie Castle, Barbara Corry, Heather Groom, Marlin Jensen, Michael Jensen, Jennifer Johnson, Jefferson Moss, James Olsen, Mark Openshaw, Tami Pyfer, Teresa Theurer, David Thomas, Martell Menlove, Brenda Hales, Lorraine Austin, Rachel Terry, Heidi Alder, and

Motion was made by Member Debra Roberts and seconded by Member Dixie Allen that the Board come out of Executive Session.

Motion carried. The Board reconvened into open session at 2:00 p.m.

Executive Session Items

UPPAC Recommendations

The following motions which had been postponed were addressed.

Motion to approve the UPPAC recommendation in Case No. 12-1073 carried unanimously.

Motion to approve the UPPAC recommendation in Case No. 10-950 carried unanimously.

Motion to approve the UPPAC recommendation in Case No. 12-1111 carried unanimously.

It was determined that Board rule R277-517 will be assigned to a Board committee for recommended changes.

Board Budget Priorities

The Board reviewed its 2013 USBE Legislative Priorities Planning Tool to determine its funding priorities. It was determined that the Utah Schools for the Deaf and the Blind will submit its own building blocks and present them to the Board. If the building blocks conflict with Board priorities, the Board will address them at that time.

Changes were made to split the Early Reading Initiative into four separate items and remove K-3 Reading Funding as it is already funded. The Communications staffing item was reduced to \$150,000 for FY15, but will be funded for FY14 out of current funds if possible. It was clarified that the Data Collection and Security item will be requested by the Executive Board of the Utah Data Alliance. The item was kept on the list for the Board to support and increased to \$1.8 million. A school improvement item based on the recent release of school grades was added for \$10 million.

Motion was made by Member Tami Pyfer and seconded by Member Kim Burningham that the Board adopt funding of growth as its #1 priority.

Motion was amended by Member Debra Roberts and seconded by Member David Thomas that the Board adopt full funding of growth and a 2.2 percent increase in the WPU as its #1 expectation.

Member David Thomas moved, and Member Tami Pyfer seconded, that the amended

motion be divided.

Motion to divide carried.

Motion to adopt full funding of growth as the #1 expectation carried.

Member Kim Burningham moved, and Member Thomas seconded, that the motion to adopt a 2.2 percent increase in the WPU be amended to “. . . adopt at least a 2.2% increase. . .”

Motion to amend carried, with Member Thomas opposed.

Motion carried, with Member Thomas opposed.

Motion was made by Member David Thomas and seconded by Member Kim Burningham that the Board adopt Secondary Math Initiative as its #1 ongoing priority.

Motion carried unanimously.

Motion was made by Member Dixie Allen and seconded by Member Michael Jensen that the Board adopt Early Reading Initiative as its #2 ongoing priority at \$97 million, combining extended-day kindergarten and preschool options.

Motion was amended by Member Kim Burningham and seconded by Member David Thomas that the amount be changed \$20 million and extended-day kindergarten, preschool options, summer school, and before- and after-school programs be listed as a menu of items from which schools could choose.

Motion to amend carried.

Motion carried unanimously.

Motion was made by Member Kim Burningham and seconded by Member Tami Pyfer that the Board adopt the following in priority order:

Expectation

\$65 million - full funding of growth

\$60 million - at least 2.2 percent increase in value of WPU

Ongoing

\$5 million - secondary math initiative

\$20 million - early reading Intervention

\$2.1 million - USOE/Board staffing needs

\$8 million - graduation initiative/school counselor initiative

\$2 million - student support and school climate

\$5 million - targeted professional development

\$1.5 million - concurrent enrollment

\$1.5 million - high cost special education students

One-time

\$10 million - school improvement pilot programs

\$20 million - 1 to 1 device initiative

\$20 million - transportation

\$5 million - Beverley Taylor Sorenson Arts Program

\$5 million - teacher supplies

Motion was amended by Member David Thomas and seconded by Member Jefferson Moss that the 1 to 1 initiative device funding be increased to \$30 million.

Motion to amend carried, with Member Pyfer opposed.

Motion carried; Member Roberts absent.

Superintendent Menlove reported that the STEM Action Center is developing its budget request. The Center has not totally committed to the Board's ongoing request for \$5 million for a secondary math initiative. He asked for the freedom as he and Member Mark Openshaw work with the STEM Center, that if the Center is willing to commit \$5 million out of its request to a secondary math initiative that is reflective of the Board's desires, its request would be used to fund that priority. It could in no way jeopardize that the initiative is the Board's number one ongoing priority.

Superintendent Menlove also reported that the USOE is currently in the process of hiring a STEM Action Center liaison position, with 90 percent funded by STEM and 10 percent funded by the USOE. He recommended that funding for the position in future years be part of the USOE/Board staffing needs item.

It was requested that a report from the STEM Action Center be given to the Board. Superintendent Menlove will make that request

Charter Schools Committee Report

Committee member Barbara Corry reported on the following items from the committee.

American Preparatory Academy Charter Amendment Request

The State Charter School Board forwarded a request to the Board from the American Preparatory Academy in Draper to modify its charter agreement to open the Draper 3 campus serving 750 students in kindergarten and grades 9-12 in fall 2014. The growth plan begins with 600 kindergarten students and 150 grade 9 students, then for the next five years, the number of kindergarten students decrease as the number of high school grades increase; by 2018-2019, there would no longer kindergarten students.

It was noted by Board members that APA does have a very strong program, but there was concern about kindergarten students being in the school for only one year, then sent to other schools. There was also concern about the kindergarten program being established solely for the purpose of providing numbers for funding.

Motion from Committee that the Board not approve the request, and direct that it be sent back to the State Charter School Board for further consideration.

Motion carried; Members Groom and Roberts absent.

Legacy Preparatory Academy Charter Amendment Request

The State Charter School Board approved a request from Legacy Preparatory Academy to amend its charter, and forwarded the request to the Board for approval.

Motion from Committee that the Board approve Legacy's request to modify its charter agreement to decrease its grades served to K-9 and student enrollment to 1,130 students beginning with the 2013-2014 school year.

Motion carried; Members Groom and Roberts absent.

Lincoln Academy Charter Amendment Request

The State Charter School Board approved Lincoln Academy's request to amend its charter, and forwarded the request to the Board for approval.

Motion from Committee that the Board approve Lincoln Academy's request to modify its charter agreement to update its performance goals and increase student enrollment by +50 (690 students total) in fall 2013 and by +175 (865 students total) in fall 2014. In addition, to waive Board rule R277-482 in order for them to add students this fall.

Motion carried; Members Groom and Roberts absent.

R277-494 Charter School and Online Student Participation or Co-curricular School Activities

Rule R77-494 was reviewed by the Committee consistent with the Utah Administrative Rulemaking Act five-year review requirement. The rule was also amended to change the definition of "charter school" to make it consistent with R277-470.

The Committee approved amendments to and continuation of R277-470 *Charter School and Online Student Participation or Co-curricular School Activities* on first reading, and moved the Board approve and continue the rule on second reading.

Motion carried; Members Groom and Roberts absent.

Board Budget and Legislative Priorities continued

Motion was made by Member David Thomas and seconded by Member Mark Openshaw that the Board approve as its top legislative priority the recommendations from the School Trust Investment Task Force.

Motion carried; Members Groom and Roberts absent.

It was reported that legislators have been contacted or shown interested in running legislation on data security, school grading, educator evaluation, data collection, concurrent enrollment, and trust lands.

Motion was made by Member Kim Burningham and seconded by Member Jennifer Johnson that the minimum expectation for increase in the value of the WPU be changed from "at least 2.2%" to "2.7 percent."

Motion carried, with Members Allen, Burningham, Buswell, Castle, Corry, Crandall, Jensen and Pyfer in favor, and Members Johnson, Moss, Openshaw and Thomas opposed. Members Groom and Roberts absent.

Superintendent Menlove mentioned that it would be helpful if a one-time item of \$450,000 be added to the one-time priorities for implementation of educator evaluation.

Motion was made by Member David Thomas and seconded by Member Dixie Allen that a \$450,000 one-time item for educator evaluation be added as the #3 priority on the one-time list.

Motion carried; Members Groom and Roberts absent.

Board Bylaws

The Instruction, Assessment and Technology Committee completed its review of the Board Bylaws and forwarded its recommended changes to the full Board for approval.

Motion from Committee that the Board approve Section II as amended.

Motion carried; Members Groom and Roberts absent.

Motion from Committee that the Board approve Section III as amended.

Motion to amend was made by Member Jennifer Johnson and seconded by Member Kim Burningham that the statement, “. . . unless approved by a quorum of the Board” be added to the end of Section III-G.

Motion to amend carried.

Motion carried. Members Groom and Roberts absent.

Motion from Committee that the Board approve Section IV as amended.

Motion to amend made by Member David Thomas and seconded by Member Mark Openshaw that the following changes be made:

Section IV-B-1a - strike entire paragraph; item b would remain and be renumbered.

Section IV-B-3b - strike.

Section IV-B-5 - add “financial” after “personal” in the second line.

Section IV-B-6 - strike.

Motion to divide the question was made by Member Kim Burningham. Motion was divided.

Motion to strike IV-B-1a carried. Members Groom and Roberts absent.

Motion to amend striking IV-B-3b was made by Member Jennifer Johnson and seconded

by Member Mark Openshaw, that IV-B-3a, 3b, 3c, and 3d be removed from the Bylaws, and be added to the Policies and Procedures and considered at that point.

Motion to amend carried. Members Groom and Roberts absent.

Motion to change IV-B-5 carried; Members Groom and Roberts absent.

Motion was made by Member David Thomas that the original motion to approve Section IV as amended be divided, to vote on section IV-B-1 through 5 separately. The motion was divided.

Motion to approve IV-B-1 through 5 carried; Members Groom and Roberts absent.

Motion to add IV-B-6 as proposed failed, with Members Allen, Burningham, Corry, Jensen, and Pyfer in favor, and Members Buswell, Castle, Crandall, Johnson, Moss, Openshaw and Thomas opposed; Members Groom and Roberts absent.

Motion was made by Member Kim Burningham and seconded by Member David Thomas that a new IV-B-6 be added that states: "If a Board member applies for a full-time position which falls under the jurisdiction of the Board, the Board member must recuse himself from all deliberations and voting on the matter."

Motion carried. Members Groom and Roberts absent.

Motion to approve the remaining changes in Section IV carried. Members Groom and Roberts absent.

Motion from Committee that the Board approve Section V as amended. Without objection, Section V-C was changed to add the word, "act" after "must" on line 2.

Motion carried; Members Groom and Roberts absent.

Motion from Committee that the Board approve Section VI as amended.

Motion carried. Members Burningham, Groom and Roberts absent.

Without objection, Section VII was approved.

Motion from Committee that the Board approve Section VIII as amended.

Motion to amend was made by Member Tami Pyfer and seconded by Member Jefferson Moss that VIII-B through E be changed as follows:

- VIII-B to : "Agenda items may be added to the Board meeting agenda consistent with timelines established by the Board Executive Committee in consultation with the

Board Secretary.”

- Original wording of VIII-B through E would become subsets of new VIII-B above.

Motion to amend carried. Members Burningham, Groom and Roberts absent.

Motion to amend made by Member Jennifer Johnson and seconded by Member Mark Openshaw that VIII-N-1 be changed to replace the word “seconded” in the first sentence to “considered.”

Motion to amend carried.

Motion to approve Section VIII as amended carried. Members Burningham, Groom and Roberts absent.

Motion from Committee that the Board approve Section IX as amended.

Motion carried. Members Burningham, Groom and Roberts absent.

Motion from Committee that the Board approve Section X as amended.

Motion carried. Members Burningham, Groom and Roberts absent.

Motion from Committee that the Board approve Section XI as amended.

Motion to amend made by Member Jennifer Johnson that XI-B-4c be changed to replace the wording “will be” in the first sentence to “is expected to be . . .”

Motion to amend carried.

Motion carried. Members Burningham, Groom and Roberts absent.

Section XII was not approved by the Committee. The Board discussed whether the Bylaws should be passed by 2/3 of the voting members present or 2/3 of the total voting members.

Motion was made by Member Tami Pyfer and seconded by Member Barbara Corry that Section XII be changed to: “Bylaws (except those established in state law) may be changed/amended by a 2/3 vote of the voting Board members,” and strike “present at any regular Board meeting.”

Motion failed, with Members Allen, Buswell, Castle, Corry, Jensen, Moss and Pyfer in favor, and Members Crandall, Johnson, Openshaw and Thomas opposed. Members Burningham, Groom and Roberts absent.

Adjournment

Motion was made by Member Mark Openshaw and seconded by Member Dixie Allen that the meeting adjourn.

Motion carried. The meeting adjourned at 4:35 p.m.

Lorraine Austin, Board Secretary
Minutes approved October 4, 2013