

## UTAH STATE BOARD OF EDUCATION MEETING MINUTES

August 3-4, 2017

### **USBE STUDY SESSION, August 3, 2017**

A study session of the Utah State Board of Education was held August 3, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Board Members present included Chair Mark Huntsman, 1<sup>st</sup> Vice Chair Terryl Warner, 2<sup>nd</sup> Vice Chair Brittney Cummins, 3<sup>rd</sup> Vice Chair Alisa Ellis, and Laura Belnap, Michelle Boulter, Janet Cannon, Lisa Cummins, Jennifer Gravier, Linda Hansen, Carol Barlow Lear, Scott Neilson, Kathleen Riebe and Spencer Stokes. Member Joel Wright was absent.

Others present included Sydnee Dickson, Scott Jones, Angie Stallings, Patty Norman, Natalie Grange, Emilie Wheeler, Lorraine Austin, Debbie Davis, Tiffany Stanley and Nicole Ferguson—USBE staff; Royce Van Tassel—Utah Association of Public Charter Schools; Terry Shoemaker—Utah School Boards Association/School Superintendents Association; Tracey Watson—Utah Education Association; Assistant Attorneys General David Thomas and Bryan Quesenberry.

### **Call to Order**

Vice Chair Terryl Warner called the meeting to order at 2:16 p.m., excusing Chair Huntsman for a short time.

### **Utah Professional Practices Advisory Commission (UPPAC) Overview**

UPPAC Executive Secretary Ben Rasmussen gave a presentation regarding the processes governing the Utah Professional Practices Advisory Commission (UPPAC), referring to statute and Board rule. He reviewed UPPAC activities including holding hearings, conducting investigations, reviewing criminal background checks, preparing options for UPPAC recommendations and reports to the Board, providing notification to NASDTEC and the educator, publishing twice-yearly newsletters, processing information received from the Bureau

of Criminal Investigation (BCI), providing ethics training upon request, working with the Licensing Section to resolve individual problems, and working closely with human resources personnel in districts and charters who receive information and reports. Mr. Rasmussen indicated he will send the newsletter to Board members.

Member Lear asked for an analysis of the number of hearings to determine if the number has increased in the last four years.

Member L. Cummins asked whether the Commission member representing the community is ever chosen from outside an organization. Mr. Rasmussen responded that the statute requires the names for consideration to be submitted by the largest parent organization in the state. Member Cummins questioned whether it could be a church organization. Mr. Rasmussen responded the exact language would have to be reviewed by the Board's attorney. Member Lear noted that the largest parent organization is the PTA and they have sometimes recommended people outside of the organization.

Member L. Cummins questioned whether international teachers have background checks. Mr. Rasmussen replied that currently only national checks are conducted and he would defer to staff that handles the international programs.

Member Riebe suggested that a one-page document for teachers about UPPAC and teachers' rights and trends of which they should be aware would be helpful in mitigating the number of cases in front of the Board.

Mr. Rasmussen informed that when there is a new case the district superintendent and H.R. director are notified. He also noted that a focus has been working with local education agencies (LEAs) about reporting, and reporting has increased. He also sends letters to LEAs when a letter of admonishment is given, though it is not required in Board rule. Member Lear suggested perhaps the rule should be changed to reflect practice.

Member Lear reported that there have four different outside reviews of UPPAC over time and asked whether the last one was ever discussed or accepted by the Board. Mr. Rasmussen indicated they were done before his time at the office, but to his knowledge, they haven't been accepted.

Member Riebe asked how the Board can help educate people who are involved in the process to make sure all the right steps are being taken. Mr. Rasmussen noted that there are

several recommendations that are geared toward education and training in the report of UPPAC done by former state superintendent Patti Harrington.

Chair Huntsman asked for recommendations from Mr. Rasmussen and his staff on things that could improve the process. Mr. Rasmussen reported that R277-515 will come to the Board for continuation in the next few months and he hopes to bring some suggestions then to strengthen the educator standards. Chair Huntsman suggested the education piece may need strengthening, and Mr. Rasmussen added that this is one major recommendation that hasn't been implemented. It might be helpful to have group formed to look at it.

Member Lear suggested the Board should look at having the Department of Occupational and Professional Licensing (DOPL) take over some of the process.

Member Hansen stated that it is important to let the public know that only a fraction of a percent of educators are ever disciplined.

### **Board Strategic Plan**

Sydnee Dickson, State Superintendent of Public Instruction, gave a presentation on the Board's Strategic Plan, summarizing the discussion the Board had during its workshop on July 15. She walked the Board through the key ideas they discussed during the workshop and how staff would propose moving ahead with the strategic plan, then look at business cases that have been submitted and how they work with the plan.

Superintendent Dickson reviewed four main ideas discussed: 1) determining role of the Board to set conditions and direction to direct and inform work; 2) striving to find balance between mandates and local flexibility; 3) focusing on policy and resources to support teachers; and 4) adding civic and character education to quality learning.

She showed examples of planning templates that lead to outcomes and indicated that staff is trying to think about planning in this way. She proposed that staff take actionable strategies and play them out using the new format. She also presented a list of things that the Board brainstormed and asked for clarity from the Board on the role of the Board and the staff for those areas. Member Riebe suggested a column be added for reflection or evaluation.

Board members discussed the challenge of transitioning the plan when new Board members are elected. It was suggested the long-term goals and objectives need to stay in place, but strategies and programs for accomplishing the objectives could change.

### **Budget Priorities Formulation**

Deputy Superintendent Scott Jones discussed the process to determine whether the current budget adequately provides the resources to achieve the Board's objectives. He reviewed a budget tracker that will link to business cases for individual budget requests. It was suggested that a column be added to show how the request fits in with the Strategic Plan.

Member Hansen asked how much staff has been collaborating with stakeholders on legislative priorities. Superintendent Dickson responded that staff have been involved with the Joint Legislative Council of the Utah School Boards Association/Utah School Superintendents Association/Utah Association of School Business Officials and will continue to work with them once the Board determines its priorities.

Superintendent Dickson distributed a list of key ideas Board members discussed at the Board workshop and asked them to determine what areas on which they want to focus. Once those areas of focus are decided staff will prepare more information and gather data.

Member Stokes questioned why, if the system in place isn't being adequately funded, is the Board looking at adding priorities.

Board members held a lengthy discussion on how to move forward with the process of determining its priorities. Superintendent Dickson agreed to create, for discussion in tomorrow's meeting, a template using areas from the Strategic Plan to show next steps in the process.

### **Adjournment**

Motion was made by Member Belnap and seconded by Member L. Cummins that the meeting adjourn.

Motion carried. The meeting adjourned at 5:25 p.m.

**UTAH STATE BOARD OF EDUCATION MEETING, August 4, 2017**

A meeting of the Utah State Board of Education was held August 4, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

**Members Present:**

Chair Mark Huntsman	Member Jennifer Graviet
1 <sup>st</sup> Vice Chair Terry Warner	Member Linda B. Hansen
2 <sup>nd</sup> Vice Chair Brittney Cummins	Member Carol Barlow Lear
3 <sup>rd</sup> Vice Chair Alisa Ellis	Member Scott B. Neilson
Member Laura Belnap	Member Kathleen Riebe
Member Michelle Boulter	Member Spencer F. Stokes
Member Janet A. Cannon	Member Joel Wright
Member Lisa Cummins	

**Executive Staff Present:**

Sydnee Dickson, State Superintendent	Emilie Wheeler, Communications Specialist
Scott Jones, Deputy Superintendent	
Angie Stallings, Deputy Superintendent	Lorraine Austin, Board Secretary
Patty Norman, Deputy Superintendent	

**Others Present:**

LeAnn Wood—Utah PTA; Jay Blain, Sarah Jones—Utah Education Association; Kathleen Britton—USBE staff; Rhonda Rhodes—Utah Music Educators Association; Peter Madsen—Schools and Institutional Trust Funds Office; Christy Hutchinson—Davis School District; Steve Eliason—Utah House of Representatives; Chris Godfrey—Utah School Employees Association; Rich Young—Pearson

**Call to Order**

Chair Mark Huntsman called the meeting to order at 8:04 a.m.

**Executive Session**

**MOTION** was made by Member Belnap and seconded by Member Cannon that the Board move into Executive Session for the purpose of discussing pending or reasonably imminent litigation.

Upon voice vote of Members Belnap, Boulter, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Riebe and Warner the Board moved into Executive Session at 8:05 a.m.

Those present in Executive Session included Members Belnap, Boulter, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Riebe, Stokes and Warner, and Sydnee Dickson, Patty Norman, Angie Stallings, Bryan Quesenberry, Michael Bell, Lorraine Austin, Emilie Wheeler and Ben Rasmussen.

**MOTION** was made by Member Riebe and seconded by Member L. Cummins that the Board come out of Executive Session.

Motion carried. The Board reconvened in open session 8:22 a.m.

### **Opening Business**

Vice Chair Terryl Warner conducted in the temporary absence of Chair Mark Huntsman. Vice Chair Brittney Cummins led those present in the Pledge of Allegiance.

### **Board Member Message**

Member Spencer Stokes welcomed the Board with this quote from Benjamin Franklin: "Tell me and I forget, teach me and I remember, involve me and I learn."

### **Introduction of New Employees**

New employees Isaiah Jensen, Hui Jing, Asarin Selvaraj, Heidi Voss, Melissa Cowder, Tamra Burnside, Todd Call, Liz Williams, and Karl Bowman introduced themselves.

### **Acknowledgment of Art Work**

Educational Specialist Cathy Jensen discussed the art in the Board Room by staff members Tamra Burnside, Tandalaya Stitt, Natalie Grange, Susan McRay and Jaime Barrett.

### **General Consent Calendar**

Member Belnap requested that item 4.9, R277-700 *The Elementary and Secondary School General Core*, be pulled from the consent calendar. The item was removed.

Member Hansen requested that item 4.6, CTE Approved Programs SY18-19 be pulled from the calendar. The item was removed.

**MOTION** was made by Member Cannon and seconded by Member Belnap that the Board approve the General Consent Calendar, as amended.

Member Ellis requested that in the future any contracts or agreements having to do with data not be listed with the other contracts, but as separate items. She also asked for information to be included on the data points that will be collected.

Motion carried.

### General Consent Calendar

#### 4.1 Approval of Minutes

The Board approved the minutes of its July 13-15, 2017 meetings.

#### 4.2 Contracts for Approval

The Board approved contracts over \$100,000 with the following: Performance Matters; Meteri Group; Performance Exams.

#### 4.3 Contracts for Review

The Board was provided for review a list of contracts/agreements under \$100,000 with the following: Utah Education Policy Center (external evaluation of the Read, Graduate, Succeed and Destination Graduation programs); Utah Education Policy Center (evaluation of Student Leadership Pilot); Utah Interactive; One-Stop Partners.

#### 4.4 Grants

The Board approved application or renewal for the following grants: Art Works for Kids (private); Special Education Grants to the States (federal); National School Lunch Equipment Grant (federal); Child Nutrition Technology Innovation Grant (federal).

#### 4.5 Utah Administrative License Appeal

The Board granted an administrative license to Mr. Hanifi Oguz, with conditions as outlined, in accordance with R277-505-4.

4.6 CTE Approved Programs SY18-19 – this item was removed.

4.7 Youth Suicide Prevention Summit Partnership

The Board approved a partnership with Intermountain Health Care to collaborate on a Youth Suicide Prevention Summit.

4.8 R277-113-6 LEA Fiscal and Auditing Policies—Required LEA Fiscal Policies

The Board approved R277-113-6, as amended, on third and final reading.

4.9 R277-700 The Elementary and Secondary School General Core – this item was removed.

#### R277-700 The Elementary and Secondary School General Core

Member Belnap indicated there have been some concerns with R277-700 and presented Revision 1 of the rule for consideration. Policy Analyst Tiffany Stanley reviewed the changes.

Member Lear asked for clarification if through the rule the state will be minimizing its requirements, and although local education agencies can offer additional classes, there won't be an incentive to promote those classes. Ms. Stanley responded that the rule specifies courses students are required to take and other courses LEAs would be required to offer. Diana Suddreth, Teaching and Learning Director, added that the rule provides the opportunity for students to sign up for classes, but if there are five or fewer students the school does not have to offer the course.

Member Graviet expressed concern that there are still many questions and complications and that there aren't enough counselors to assist students with their choices.

Vice Chair Cummins voiced that with this rule a small LEA that's not in a district setting would most likely have to cut teachers. She commented that the rule needs more time for input and shouldn't be passed on third reading today as this is one of the Board's major responsibilities. She suggested that a conversation is needed on the value of the courses that were being required and how to provide flexibility without harming the system.

Member Cannon agreed, voicing that passage is premature as the Board has begun a competency based pilot program for which there is no feedback. She also commented that this

will significantly change the role of counselors in schools and there still isn't a good ratio of counselors to students. Although she celebrates personalizing education for each students, she stressed that counselors need to be heard. She also expressed concern that for Native Americans in areas where it is difficult to provide options, the options will be eliminated. She reiterated that because the Board hasn't established any support, guidance or technical assistance it is premature to pass the rule.

Member Hansen reported that she has talked with LEAs in her area and they are in support of the changes in the rule. She expressed confidence in them that they will find the counselors they need and make it work. They can also decide what they require and what they don't require. Member L. Cummins concurred.

Member Boulter agreed and spoke in support of the freedom this gives to LEAs. She has also had positive support from parents. Member Ellis stated that this comes down to an issue of freedom and parents want the freedom to choose electives for their children.

Member Lear agreed that she, too, believes in choice and freedom, but also for the very poorest among us. She cautioned that if the Board doesn't have these requirements and enough opportunity for children to have choice, students will never be able to take classes such as music or physical education.

Member Stokes expressed his support for the concept, but voiced that with this much discussion it isn't ready for passage and suggested it go back to committee.

Member Belnap reminded that the rule doesn't change anything for districts that don't want to change, but gives those who are ready to innovate the opportunity to do so.

**MOTION** was made by Member Belnap and seconded by Member Ellis that the Board approve R277-700 *The Elementary and Secondary General Core*, Revision 1, on third and final reading.

Vice Chair Cummins expressed frustration that this has come to the Board for three months and her comments are only now being reflected when the rule is on the Consent Calendar.

Member Graviet questioned whether the Board is okay with letting go of standards for some of our students, and suggested the Board should have the discussion regarding whether the standards are valuable or not.

Motion carried, with Members Belnap, Boulter, L. Cummins, Ellis, Hansen, Huntsman, Neilson, Warner and Wright in favor, and Members Cannon, B. Cummins, Gravier, Lear, Riebe and Stokes opposed.

#### CTE Approved Programs for School Year 2018-19

Member Hansen noted that the CTE Approved Programs list is for approval of CTE pathways and asked how many classes are involved in the Law, Public Safety, Corrections and Security Pathway. Thalea Longhurst, Career and Technical Education Director, responded that there are multiple classes for these pathways and that there are sequences of courses within the pathways. Some courses, such as Teen Living, appear in multiple pathways.

Member Hansen informed that currently the Board does not approve the standards for CTE, and that the Standards and Assessment Committee held a discussion about the CTE standards in its meeting yesterday. Member Stokes commented that it was his understanding those standards should have been coming to the Board. Ms. Longhurst indicated she would check on when the change in that process was made and come back next month with more information.

Ms. Longhurst reported that the approval of CTE programs is required by Board rule to come to the Board for approval on the Consent Calendar.

Member Stokes observed that the ProStart program has been diminished under the Food Production and Culinary Arts program and stated that it is a great program working with the private sector and should be more prominent.

**MOTION** was made by Member Stokes and seconded by Member Huntsman that this item come back next month to the Standards and Assessment Committee.

Member L. Cummins asked whether registration becomes a problem if this isn't passed today. Ms. Longhurst responded that districts are waiting for this approval as these are the sequences of courses that LEAs choose from to build their class registration systems.

Chair Huntsman Mark commented that LEAs have a perception that ProStart is not endorsed by the Board. Ms. Longhurst explained that ProStart has never appeared on the pathway list. ProStart is a curricular way of teaching culinary arts and appears as a course. By

statute and Board rule the Board does not require specific curricula and staff don't promote specific curricula. The pathways reflect generic standards that a number of curricula can meet.

Member Hansen indicated it would be helpful to see what the actual classes are in addition to the sequences of courses.

**MOTION** was made by Member Stokes and seconded by Member Huntsman that the Board postpone this item to later in the day and direct staff to bring back a list of courses and the applicable Board rule.

Motion to postpone carried unanimously.

### **Public Comment**

Jenny Brown – has a long history of working and fighting against pornography in the state and has worked with Senator Todd Weiler for several years on such legislation. She is working with the Sorenson Foundation on a state campaign to help educate parents on why fighting pornography is so important. She indicated that Board support would be wonderful. A press conference about the campaign will be held on September 14 including information about a website and other tools. The website will be [safeinternetforkids.com](http://safeinternetforkids.com).

Kelly Holt – shared some experiences she had after a discussion with her first-grader and fifth-grader on pornography. Her daughter indicated she had seen pornography at school on the school computer, and after talking with other parents, Ms. Holt found out that one third of the students in the school had been exposed to porn. She questioned why better blockers aren't in place and whether the breakdown is at the state, district or school level. She suggested that schools aren't in compliance with statute and Board rule to ensure student safety online. Ms. Holt asked the Board to encourage administration, teachers and other school employees to work with parents to use and access the tools that are available to protect and safeguard our children from pornography.

Sarah Jones, Utah Education Association – reported that UEA is committed to serving and advocating for students, educators and the teaching profession and is eager to engage with the Board in policy discussions to promote quality public education. As they raise policy issues they do so in the spirit of partnership and want to be a resource in the collaborative work of

advancing effective education policy. She expressed concerns when revisions to rules are made in a setting without the opportunity for stakeholder input, as just happened with R277-700.

Rhonda Rhodes, President, Utah Music Educators Association (UMEA) – spoke regarding Board rule R277-700, stating that while the Association appreciates that the Board policy will provide more flexibility for 7<sup>th</sup> and 8<sup>th</sup> grade scheduling, they worry that some students will be counseled out of taking fine arts courses that would no longer be required by the state, and that opportunities for taking courses that could be key to students staying in school may be lost. The UMEA fears that courses for the arts will be seen as a reward or as elite courses. She also expressed concerns that students moving between districts may find changes in requirements or that courses they were taking are not offered, and that many teachers of the elective subjects may not know if they will have full-time employment, thus increasing problems with teacher retention. UMEA strongly states that music and other fine arts classes are essential for all students no matter their socioeconomic status or their core test-taking abilities. Fine arts courses provide participation in and appreciation for beauty in human expression, a cultivation of good work ethic and effective group interaction, and demonstration of learned skills and applied individual effort—all critical elements to every child’s educational experience. Ms. Rhodes asked that an accurate statistical analysis be conducted to determine the effect of the rule on fine arts courses.

Peter Madsen, School and Institutional Trust Funds Office - commented on his perspectives in working with Tim Donaldson, USBE School Children’s Trust Section Director. Mr. Madsen informed that when he joined SITFO two years ago he had to build the agency from the ground up and one of the critical aspects and success of getting the agency off the ground was navigating state statute. Tim Donaldson provided important support and guidance in that effort. He also mentioned it is no small matter to develop an understanding of the work of the School and Institutional Trust Lands Administration and the School and Institutional Trust Funds Office, and Mr. Donaldson shows an ability to dig into the work and ask appropriate questions to challenge those agencies. He also mentioned that Mr. Donaldson’s demeanor has never been a concern to him.

### **Superintendent’s Report**

Superintendent Sydnee Dickson congratulated the Board's Data Services Section, as Utah has been ranked sixth for data innovation by the Center for Data Innovation. She noted that data privacy is of great concern for staff.

### **Monthly Budget Report**

Scott Jones introduced Interim IT Director Jared Felt, who will be focusing on four tenets: security; the website; the IT organizational structure; and systems.

Natalie Grange, Assistant Superintendent of Financial Operations, reported that today is the close of the first period of FY 2018 and FY 2017 is in the process of being closed. She explained that before the budget reports come to the Board the fiscal month has to be closed and the reports prepared; therefore, a report for July 2017 is not ready. The report of the FY17 close should be ready in a week and will be presented to the Board in September.

Member Belnap asked how the closeout has been this year in comparison to last year and whether it has been clean. She also questioned how the convergence from the BASE to FINET system is proceeding.

Finance Director Deborah Jacobsen responded that compared to last year the closeout has been very smooth and it is clean.

Assistant Superintendent Grange reported that the only things left in BASE are what FINET cannot replicate, such as personnel actions and specific scholarship payments. Those items will be put into the Grants Management System or another solution will be found.

### **SafeUT App Discussion with Representative Steve Eliason**

Representative Steve Eliason, Utah House of Representatives, was welcomed to the meeting. He introduced Christy Hutchinson from Davis School District. Representative Eliason gave a presentation on SafeUT, the School Safety & Crisis Line Services Tip App, which originated three years ago.

Representative Eliason provided the following statistics: In 2017 the monthly chats on the app averaged 680 per month and there were 415 average number of tips during the school year; death by suicide is the leading cause of death for 10-18 year olds in Utah; preliminary

reports show that through July 2017 there were 36 deaths by suicide for youth ages 10-18, which is a twelve percent increase from any worst previous period.

Representative Eliason noted that there has been a dramatic increase in suicides of teenage girls across the country. He also stated that Utah is right in the middle of the suicide belt and its per capita numbers are dramatically above the rest of the nation.

Representative Eliason reported that the original app was initially donated by a group that wanted to receive royalty on it, which was unknown when the agreement was made; therefore, the University of Utah voluntarily wrote a new app from the ground up. The new app was launched July 11 and has dramatically improved functionality. There will be a section where parents can log in and receive assistance concerning their children.

Member L. Cummins questioned what happens with the student data that is received by the app, and whether it follows the student. Representative Eliason reported that with the new app the schools of the students are known as the app tracks the utilization by school, but at no time are individuals asked for their name, age, gender, address or phone number. Those accessing the app can start a chat, submit a tip, call the crisis line, or view existing chats or tips.

Representative Eliason shared some instances of lives that were saved through the use of the app.

Vice Chair B. Cummins expressed gratitude for the opportunity for students to have access to information about mental health issues. She thanked Representative Eliason for all his efforts in this area.

Member Riebe asked which demographic is at the highest risk and how the Board could provide support to those students. Representative Eliason indicated that little is known about the demographics of the students using the app as that information isn't collected. He also expressed that there has been a huge disparity in terms of the efficacy and fidelity with the roll out within schools and districts. He noted that whatever the underlying cause, the tools are effective regardless of the reasons.

Representative Eliason reported that suicide rates are much higher in some rural areas. There is not a psychiatrist from Spanish Fork to St. George and the ability to get people into a clinical therapist in those areas is almost impossible. The benefit of the app is that regardless of a student's geography help is accessible. He stated that he is passionate about public health

legislation and also voiced the importance of providing curriculum in schools that addresses mental health needs.

Christy Hutchinson, Prevention Coordinator, Davis School District, spoke about what Davis is doing on prevention and protective factors that need to be in place including looking at mental health and mental wellness. Davis District schools have started doing mental health screenings for anxiety and depression at parent nights. The district is also organizing a free community youth mental health screening night on October 11 where fifteen different agencies will volunteer their time.

Member Lear asked for Representative Eliason's help with getting adequate funding for support people such as counselors and school psychologists in schools. The Representative responded that he has refiled a bill he ran last year on school psychologists.

Chair Pro Tem Warner thanked Representative Eliason for his presentation.

### **USBE Strategic Plan**

Chair Huntsman resumed chairing the meeting.

Superintendent Dickson distributed and reviewed a sheet summarizing how the Board's Strategic Plan and Education Elevated metrics fit together. She reminded that the imperatives of Equity, Quality Learning and System Values were defined by the previous Board and are the Board's fundamental elements in decision making. The decision-making filters are all targeted on the number of students who are prepared for success after high school by 2022. She provided an example of how the proposed tool for laying out the goals will be used.

**MOTION** was made by Member B. Cummins and seconded by Member Cannon that the Board direct staff to input the Board's current strategic documents into the proposed format.

Motion carried; Members Neilson and Stokes absent.

Chair Huntsman indicated the chart will be used next month in the strategic planning discussions.

### **FY 2019 Budget Process**

Deputy Superintendent Scott Jones reviewed the budget tracker and business cases that will be used to determine Board legislative budget priorities in September. He noted that

stakeholders will be an integral part of the process. He reported that links to the business cases will be embedded in the tracker and that version will be provided to the Board as soon as possible. He encouraged Board members to review the budget cases already provided.

Assistant Superintendent Natalie Grange informed that the business cases will be due to the Governor's Office prior to the Minimum School Program budget projections being complete. Therefore, the actual dollar amount to increase the value of the WPU will be an estimate until projections are finalized around the first week of November.

Chair Huntsman directed that a column be added to the budget tracker to include areas of focus from the Strategic Plan.

### **Licensing Task Force Report**

Task Force Chair Terryl Warner thanked Diana Suddreth, Director of Teaching and Learning, and Travis Rawlings, Educator Licensing Coordinator, for their work with the Licensing Task Force over the last year.

Dr. Suddreth made a presentation on the work of the Task Force to date and indicated that a proposal to come to the Board is anticipated in September. She reported that the goal of the Task Force has been to eliminate bureaucracy in the licensing process and provide flexibility to attract more individuals to the teaching profession while putting a competent teacher in every classroom. The Task Force sent out a survey and held 12 two-hour focus groups, then followed up with specialists in the Board's office, deans of the Utah colleges of education, teacher candidates, H.R. directors, business administrators, superintendents, and three groups each of teachers and principals in various locations.

Dr. Suddreth noted that the Task Force has not had the opportunity to review the feedback in detail, but shared the following major takeaways: There is nearly unanimous agreement on a two-tier system; more flexibility is needed for teachers coming from out of state; the current renewal process isn't achieving its goals; different content areas shouldn't be treated differently, but there should be rigorous requirements in all areas; having different levels of endorsements is not supported. She reviewed information provided on a proposed two-tier licensing structure including an option for filling hard to fill positions with an LEA license.

Dr. Suddreth reported that the Licensing Task Force will meet on August 17 and will present a report to the legislature's Education Interim Committee on August 23.

### **Every Student Succeeds Act (ESSA) Plan Update**

Deputy Superintendent Patty Norman and Policy Advisor Tiffany Stanley provided an update on the Utah ESSA process and progress. The ESSA Plan has been out for public comment and the Board's Advisory Committee on Equity of Educational Services for Students (ACEESS) has recommended changes that have been incorporated.

Superintendent Norman reported that the Plan will be sent to the Governor for review on August 11 and will go to the Education Interim Committee on August 23. The Plan will be presented to the Board for approval in its September 8 meeting. The deadline for submission to the feds is September 18.

Ms. Stanley reported that the ESSA Plan is not a strategic plan or a reset for Utah, and indicated that most of the requirements are already in practice in the state. Dr. Norman stated that the ESSA Plan represents a funding source to fulfill Utah's state responsibility, as described in state law and the Board's strategic plan, to provide all children equitable educational opportunities.

### **Executive Session**

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

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Huntsman, Riebe, Warner and Wright the Board moved into Executive Session at 12:43 p.m.

Those present in Executive Session included Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Warner and Wright; and Sydnee Dickson, Scott Jones, Angie Stallings, Bryan Quesenberry, Michael Bell, Dana Powers, Michelle Watts, Ben Rasmussen, Emilie Wheeler and Lorraine Austin.

**MOTION** was made by Member Boulter and seconded by Member Cannon that the Board come out of Executive Session.

Motion carried. The Board reconvened in open session at 2:38 p.m.

### **Executive Session Action Items**

#### Educator Licensing Actions

**MOTION** was made by Member Stokes and seconded by Member Boulter that the Board accept the Utah Professional Practices Advisory Commission (UPPAC) recommendation in Case No. 16-1377 to suspend the educator's Level 2 Early Childhood Education and Elementary Education License for no less than one year.

Motion carried. Member Lear abstained due to a conflict of interest.

**MOTION** was made by Member Stokes and seconded by Member Boulter that the Board approve the UPPAC Consent Calendar.

Motion carried.

### **Audit Committee Report**

Committee Chair Terryl Warner reported on the July Audit Committee meeting. She informed that audits will be assigned to committees for follow up in September.

**MOTION** from Committee that the Board release the Mana Academy Report.

Motion carried. Member Wright abstained due to a conflict of interest.

### **Standing Committee Reports**

#### **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 July 13, 2017 meeting.

#### Digital Teaching and Learning Qualified Grant (R277-922) Update

The Committee received a report and highlights about the Digital Teaching and Learning Qualified Grant.

#### UETN Canvas K12 Digital Teaching and Learning Program

In the 2016 legislative session funding was appropriated to the Utah Education and Telehealth Network to support infrastructure for the Digital Teaching and Learning Program. The UETN Board approved the use of \$1.3 million one-time monies from those funds to provide the license for Canvas, a learning management system software, for all K-12 schools and districts. UETN is asking that the Board request an ongoing appropriation to UETN of \$1.9 million to cover the Canvas license for future years.

**MOTION** from Committee that the Board consider including a \$1.9 million ongoing request on the USBE legislative budget priorities list for FY2019 to support a statewide adoption for Canvas for K-12 schools.

Member Belnap informed that she voted no in the committee because she thinks the license might not be what every district needs. Digital Teaching and Learning Coordinator Sarah Young clarified that the \$1.9 million will not come from the Digital Teaching and Learning Grant, but would be new money.

Member Graviet noted that the information given in committee indicated a statewide plan is much less expensive; currently some students pay a fee for access, and with the appropriation students would not need to pay a fee. The system is also used in colleges and would provide a good transition for students.

Chair Huntsman noted that adding the request to the priorities list means it will be considered along with other priorities, but will not be final at this point.

Motion carried, with Members Belnap and Boulter opposed.

#### Additional Curricula for Implementation of Child Sexual Abuse Requirements

Utah Code 53A-13-12 Child Sexual Abuse Prevention requires the State Board of Education to approve instructional materials, in coordination with the Department of Human Services, for sexual abuse prevention. A request has been made that the curricula, *Child Safety*

*Matters*, powered by the Monique Burr Foundation for Children, be approved as additional curricula to implement the law.

**MOTION** from Committee that the Board approve Child Safety Matters for implementation of requirements in UCA 53A-13-112.

Member L. Cummins reported that she voted no on this in committee as she is concerned about the validity of the curricula. She indicated it has been used in Florida in five different districts, but is a new program there, and she doesn't feel comfortable supporting the curricula with the limited information provided.

Member Ellis asked whether the program is an opt-in program. Deputy Superintendent Angie Stallings responded that the statute explicitly states the program is an opt-out. Deputy Superintendent Norman clarified that the Board isn't dictating what curriculum schools must use, but as outlined in the statute, is providing a list of approved providers. Superintendent Stallings also informed that notification to parents about the curriculum must be given prior to instruction.

Motion carried, with Member L. Cummins opposed.

#### R277-404-7 Opt-out Provisions/USBE Testing Ethics Manual

The Committee reviewed recommendations for clarifications of the opt-out provisions in R277-404-7 *Requirements for Assessments of Student Achievement—Student and Parent Participation in Student Assessments in Public Schools; Parental Exclusion from Testing and Safe Harbor Provisions* and the USBE Testing Ethics Manual.

**MOTION** from Committee that the Board direct staff to prepare amendments to R277-404-7 and the USBE Testing Ethics Manual to include the recommendations from the Committee.

Motion carried.

#### Standard Setting for School Accountability

The Committee reviewed recommendations from staff, working with the National Center for the Improvement of Educational Assessment, to establish threshold scores for each

performance level of school accountability. It is required in statute that the Board set those scores.

**MOTION** from Committee that the Board approve the recommendations for standard setting recommended by the National Center for the Improvement of Educational Assessment.

Motion carried; Members Wright and Neilson absent.

#### Ninth and Tenth Grade Test Administration

The Committee discussed the ninth and tenth grade test administration for 2018 in its July meeting, but as additional information came to light prior to the July Board meeting, no action was taken. In its meeting yesterday, the Committee received further information about the ACT Aspire test and discussed other options for testing. It was clarified that action must be taken now as a test for those grades is required by statute.

Brad Cummings, Purchasing Director, reported that the ACT assessments for grades 9 and 10 don't meet sole source requirements and it would be difficult to put out a new Request for Proposal (RFP) in time for testing in the upcoming school year.

**MOTION** from Committee that the Board approve the use of SAGE in grades 9 and 10 for the 2017-18 school year.

Member L. Cummins stated that she voted no on the motion in committee as references from ACT and her own research indicate the ACT Aspire tests do align to the Utah Core Standards.

Member Hansen reported that she has been flooded with emails from districts indicating that SAGE is a tremendous waste of money. She asked that Board Leadership approach the legislature with this conundrum.

Member Warner suggested that although some teachers would like to use SAGE to help shape their curriculum, students can opt out, and since no incentives or consequences can be provided for them to take the test, she questioned the purpose of SAGE. She expressed that ACT is critical because it translates into getting into a university and scholarship dollars and is a test that matters. She, too, supported the idea of talking to the legislature regarding other critical needs for the money used for SAGE.

Deputy Superintendent Patty Norman outlined reasons given for not moving forward with ACT Aspire: 1) In late May it was discovered that the ACT Aspire 9<sup>th</sup> and 10<sup>th</sup> grade tests are the same test, so a meaningful calculation of growth is not possible; 2) the tests are not available in other languages; 3) the accommodations for special education students are only to give those students more time; 4) legally ACT Aspire is not a sole source, therefore, an RFP process would have to be in place. Superintendent Norman also indicated that if no test is given there would be consequences for schools in turnaround and the Digital Teaching and Learning Grant, among other things.

Member L. Cummins voiced a concern that data gathered by SAGE is skewed with a large majority of students opting out.

Member Riebe responded that although Park City District has a high percentage of students opting out, other districts don't have that problem. She stated her appreciation of SAGE as a teacher and its ability to show where her students fit within a spectrum. She also indicated that many students use the tests to make sure they are on par with their peers and do take the tests very seriously. She suggested that law shouldn't be dictated by those who don't take all their assignments seriously.

Member Ellis also supported the idea of Board Leadership talking with legislative leadership about the conflicts in statute and requesting that testing be waived for next school year, or that districts be allowed to choose the tests for this one year.

Member Hansen indicated she is hearing from teachers in her district that the SAGE data is bad and she questioned whether the data should be used for turnaround schools.

Member Stokes reminded the Board that there would have to be legislative approval to eliminate any test, and this would be a major change.

Member B. Cummins added that neither Board Leadership nor legislative leadership has the power to change statute. The discussion is important for the future, but couldn't affect the assessment for this year.

Deputy Superintendent Stallings clarified that the Board doesn't have legal authority not to test, but does have some flexibility on which test to administer. UCA 53A-1-611.5 requires that the Board "shall adopt a high school assessment that is predictive of a student's college readiness as measured by the college readiness assessment" that is being used. That

assessment is ACT. Superintendent Stallings reported she has been told that both ACT Aspire 9/10 and SAGE 9/10 tests are predictive and the Board could choose either. The statute requires a test in grades 9 and 10 and ACT in grade 11.

Superintendent Dickson reported that as she has had conversations with superintendents and with some key legislators invested in this issue, it seems it would be good to have a year to push pause and not make any changes. There is support to make sure it is right and can stand for a period of time so accurate measurements can be made. The wait would also give the Board the opportunity to discuss what they want with assessment.

Motion carried, with Members Belnap, Cannon, B. Cummins, Graviat, Lear, Huntsman, Riebe, Stokes, and Wright in favor, and Members Boulter, L. Cummins, Ellis, Hansen, and Warner opposed; Member Neilson absent.

**MOTION** from Committee that the Board open an RFP for the 2018-2019 school year for grades 9 and 10 and remove grades 9 and 10 from the current RFP.

Motion carried unanimously.

#### PTA Resolution on Students with Special Needs

Member Belnap thanked Karen Conder and the PTA for their work on the resolution and for how they plan to work with these exceptional children.

#### Utah Special Education Panel (USEAP) June Meeting Minutes

The Committee received the USEAP meeting minutes. Member Belnap announced that there is a vacancy on the panel for a homeless educator.

### **LAW AND LICENSING COMMITTEE**

Committee Chair Linda Hansen reported on the following items from Committee.

#### Approval of Previous Meeting Minutes

The Committee approved the minutes of its July 13, 2017 meeting.

#### R277-703 Centennial Scholarship for Early Graduation

The Committee reviewed proposed amendments to include deadlines for students to seek deferrals of scholarships and provide a deadline for students to use the scholarship. The Committee approved and continued the rule, as amended, on first reading.

**MOTION** from Committee that the Board approve and continue R277-703 *Centennial Scholarship for Early Graduation* Revision 1 on second and final reading.

Motion carried; Member Neilson absent.

#### United Way of Utah Data Request

The Committee reviewed a request from the United Way of Utah to be provided access to de-identified student data.

**MOTION** from Committee that the Board approve the Interagency Agreement between the State Board of Education and the United Way of Utah, as submitted.

Member L. Cummins questioned what the information will be used for. Corey Klein, United Way Senior Director of Data Operations, was invited to comment. He reported that the data will be used to hold United Way accountable for student outcomes and assess the impact of programs such as after school mentoring. He indicated there is a long list of providers for those programs and individuals would access the data from a secure server with curated visuals they provide.

Member Riebe indicated her support because they are not looking at any personal identifiable information, but are looking for trends.

Member Ellis expressed concern with sending data to anyone who is requesting.

Motion carried; Member Neilson absent.

#### Board Bylaws

The Committee reviewed Section IV—Board Member Ethics—of the Board Bylaws and directed staff to prepare amendments.

#### R277-502 Educator Licensing and Data Retention

The Committee reviewed proposals for amendments to R277-502 to remove the requirements for accreditation by the Council for the Accreditation of Educator Preparation

(CAEP) and to remove Section 8 regarding the Board's ability to charge licensing fees. The Committee approved the rule, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-502 *Educator Licensing and Data Retention* Revision 1 on second reading.

Motion carried; Member Neilson absent.

#### R277-419 Pupil Accounting

The Board reviewed R277-419 in accordance with the five-year review requirement in the Administrative Rulemaking Act. The Committee also reviewed proposed amendments to the rule to clarify language regarding how an LEA may seek a waiver from the minimum school day requirement. The Committee approved continuation of R277-419 on first reading.

**MOTION** from Committee that the Board continue R277-419 on second and final reading.

Motion carried.

Member Hansen reported that the Committee directed staff to seek public feedback on the proposed amendments and bring the rule back to the Committee in September. Member Ellis clarified that she moved the rule be posted for feedback for at least 30 days. Member Hansen recommended that since there is not a rush on the rule that in order to get substantial stakeholder input, the rule not come back in September.

#### R277-474 School Instruction and Human Sexuality

The Committee reviewed proposed technical amendments to R277-474. The Committee approved and continued the rule, as amended, on first reading.

**MOTION** from Committee that the Board approve and continue R277-474 *School Instruction and Human Sexuality* Revision 1 on second reading.

Motion carried; Members Neilson and Riebe absent.

#### R277-512-7 Online Licensing — Licensing Records

The Committee reviewed amendments to R277-512-7 proposed by Member Lear. The Committee failed to pass a motion on the amendments.

**MOTION** was made by Member Lear and seconded by Member Warner that the Board approve R277-512-7 *Online Licensing—Licensing Records* Revision 1 on second reading.

Member Lear explained that she proposed the amendments to provide fairness to educators who made agreements regarding letters of reprimand prior to the rule being passed which directs that notice of such letters be made public on the Board's website.

Assistant Attorney General Bryan Quesenberry reported that the agreement for letters of reprimand prior to the rule included stock verbiage that stated as a final administrative decision the existence of the letter of reprimand is public information. Member Lear responded that at that time the only way the letter could be made public was through a GRAMA request, and the change in how its existence is made public is the issue.

Member Boulter observed that the letter will not be made public; the current rule makes the existence of the letter easier for the public to know.

Member Ellis added that part of her duty is to help parents make the best decision and protecting teachers that made poor decisions isn't something she supports.

Member Graviet reported that she has talked with several teachers that had letters of reprimand and they indicated they would have fought differently had they known the existence of the letter would be on a website. It seems that being retroactive with the notice gives an extra punishment.

Member Ellis voiced that teachers are hired by the government and it is different than being hired in the public sector. Also, after two years teachers can ask to have the information removed. She expressed that she doesn't want to appear to be hiding information from parents and it is inappropriate not to provide notice.

Member Riebe voiced her respect for data privacy for everyone and noted that everything put on the Internet cannot be taken back. The Board needs to take responsibility for the information it provides and shouldn't decide retroactively that data should be there.

Member Hansen reported that she has talked to teachers who like the database because it gives them credit for being good teachers, and she has talked to parents who like having access to the information. She noted that the Law and Licensing Committee discussed sending a letter to everyone whose two years are up notifying them that they can have the notice of the letter of reprimand taken off their record.

Member Cannon commented that she is a parent who would love to know about her children's teachers, but to her the real difference is the way things were negotiated in previous years that are changing now. She asked that the Board have some integrity with the process that was in place for past negotiated agreements with educators.

Member Lear stated that she is not opposed to sending letters to teachers regarding the two years, but that it doesn't address the issue. She would like the Board to contact those that had previous agreements to determine whether they want to come back for a hearing.

Member Warner indicated that she is content to put suspensions and revocations online, but is uncomfortable going back to agreements that were negotiated before the website notice was available.

Motion failed, with Members B. Cummins, Cannon, Gravier, Lear, Riebe and Warner in favor, and Members Belnap, Boulter, L. Cummins, Ellis, Hansen, Huntsman, Stokes and Wright opposed; Member Neilson absent.

#### R277-621 District of Residence

The committee directed that the rule come back with changes.

#### **State Charter School Board Member Nominations**

**MOTION** was made by Member Stokes and seconded by Member Boulter that pursuant to 53A-1A-501.5 the Board forward the names of Derek Brown and James Moss to the Governor for appointing one to the State Charter School Board.

**MOTION TO AMEND** was made by Member Lear and seconded by Member Riebe that the Board also forward the name of Sanford Barrett.

Motion to amend failed, with Members B. Cummins, Gravier, Lear, Riebe and Wright in favor and all others opposed; Member Neilson absent.

Motion carried, with Member Riebe opposed; Member Neilson absent.

#### **FINANCE COMMITTEE**

Committee Vice Chair Joel Wright reported on the following items from Committee.

Approval of Previous Meeting Minutes

The Committee approved the minutes of its July 13, 2017 meeting.

R277-420 Aiding Financially Distressed School Districts

The Committee reviewed proposed amendments to R277-420 to address technical changes and simplify the administration process. The committee directed staff to add language to the rule that requires the Superintendent of Public Instruction to inform the Board when a district requests a transfer under the rule. The Committee approved and continued R277-420, as amended, on first reading.

**MOTION** from Committee that the Board approve and continue R277-420 *Aiding Financially Distressed School Districts*, Revision 1, on second reading.

Motion carried; Members Ellis, Lear, Neilson and Stokes absent.

R277-423 Delivery of Flow Through Money

The Committee discussed staff recommendations that R277-423 be repealed as it outlines practices that have changed with the transition to FINET. The Committee approved repeal of R277-423 on first reading.

**MOTION** from Committee that the Board approve R277-423 *Delivery of Flow Through Money* on second reading.

Motion carried; Members Ellis, Lear, Neilson and Stokes absent.

R277-424 Indirect Costs for State Programs

The Committee reviewed proposed stylistic changes to R277-424. The Committee approved and continued R277-424, as amended.

**MOTION** from Committee that the Board approve and continue R277-424 *Indirect Costs for State Programs*, as amended, on second reading.

Motion carried; Members Ellis, Lear, Neilson and Stokes absent.

R277-426 Definition of Private and Non-Profit Schools for Federal Program Services

The Committee reviewed proposed amendments to R277-426 and directed staff to make further revisions to add definitions to the rule for the DUNS number and the exempt organization determination letter. The Committee approved and continued R277-426 on first reading.

**MOTION** from Committee that the Board approve and continue R277-426 *Definition of Private and Non-Profit Schools for Federal Program Services, Revision 1*, on second reading.

Motion carried; Members Ellis, Lear, Neilson and Stokes absent.

#### R277-454 Construction Management of School Building Projects

Staff recommended to the Committee that R277-454 be continued with the anticipation it will come back later and potentially combine with R277-471. The Committee approved continuation of the rule on first reading.

**MOTION** from Committee that the Board approve continuation of R277-454 *Construction Management of School Building Projects* on second reading.

Motion carried; Members Ellis, Lear, Neilson and Stokes absent.

#### Minimum School Program (MSP) Carryover Balance Report, Transfer Authorization

Financial Operations staff reviewed with the Committee the reconciliation and closeout of the MSP for FY 2017 and the resulting ending balances.

**MOTION** from Committee that the Board approve the transfer of funds from PRA Voted Leeway to cover the deficit in PRB Board Leeway. Also, to transfer funds from PPF Special Education Add-on to cover the deficit in PPG Special Education Preschool in the carryforward budget.

Motion carried; Members Ellis, Lear, Neilson and Stokes absent.

#### Approval of Significant Year End Accruals

The Committee received information that at the end of each fiscal year the Board must provide an accrual to State Finance to estimate the outstanding reimbursement requests from LEAs for federal funds. Staff reviewed the calculations for the accrual as of June 30, 2017 with the Committee.

**MOTION** from Committee that the Board approve the \$89,228,030 accrual amount.

Motion carried; Members Ellis, Lear, Neilson and Stokes absent.

### **Notice of Action Pursuant to U.C.A. § 53A-16-101.6**

Chair Huntsman removed this item from the agenda. He announced that Tim Donaldson, School Children's Trust Director, has tendered his resignation and it has been accepted.

### **CTE Approved Programs, School Year 2017-18**

**MOTION** was made by Member B. Cummins and seconded by Member Cannon that this item be taken off the table.

Motion carried.

The Board revisited the motion to send the CTE Approved Programs item to the Standards and Assessment Committee.

Motion carried; Members Lear, Neilson and Stokes absent.

### **Interim School Children's Trust Director**

**MOTION** was made by Member Wright and seconded by Member Boulter that the Board authorize the Board Chair to appoint an Interim Director of the School Children's Trust Section until such time as a director is appointed.

Motion carried; Members Lear, Neilson and Stokes absent.

### **Board Chair's Report**

Chair Huntsman showed a brief video with the ending, "Change your words, change your world." He recognized Board staff who have changed the narrative with good messaging and acknowledged there has been a change with the legislature. He complimented Board members for their patience and willingness to serve on committees, and thanked Board members for being kind and having regard and respect for everyone in the education community.

**Board Member Comments**

Member Belnap thanked the Board for its condolences on the loss of her brother.

Member Hansen thanked staff for providing permanent parking spaces for the Board.

Member Riebe expressed appreciation to Canyons School Board Member Chris Tandy for attending today.

**Adjournment**

**MOTION** was made by Member Riebe and seconded by Member Cannon that the meeting adjourn.

Motion carried. The meeting adjourned at 5:08 p.m.

Lorraine Austin, Board Secretary  
Minutes approved September 8, 2017