

**UTAH STATE BOARD OF EDUCATION  
MEETING MINUTES**

**April 12-13, 2018**

**UTAH STATE BOARD OF EDUCATION MEETING**

A meeting of the Utah State Board of Education was held April 12, 2018 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 Linda B. Hansen
First Vice Chair Brittney Cummins	Member Carol Barlow Lear
Second 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 Terryl Warner
Member Lisa Cummins	Member Joel Wright
Member Jennifer Graviet	

**Executive Staff Present:**

Sydnee Dickson, State Superintendent  
Scott Jones, Deputy Supt.  
Patty Norman, Deputy Supt.  
Angie Stallings, Deputy Supt.

**Minutes taken by:**

Lorraine Austin, Board Secretary

**Others Present:**

Vincent Newmeyer—Catalyst Group; Betsy Kleba; Steven Fuhrman; Duane Jeffery; Susie Gardiner—Science Standards Review Committee; Judith Neugebauer; Candace Penrod; Clifford Roskey—Equality Utah; Cade Douglas—Sevier School District; Kim Frank—Utah Charter Network; Jay Blain—Utah Education Association; Jose Ortiz; Terry Shoemaker—Utah School Boards Association/School Superintendents Association; Rich Young—Pearson; Haddi Williams; Emilie Wheeler—USBE staff

**Call to Order**

Chair Mark Huntsman called the meeting to order at 8:10 a.m.

**Executive Session**

**MOTION** was made by Member Belnap and seconded that the Board go into Executive Session for the purpose of discussing security systems.

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, Ellis, Hansen, Huntsman, Lear and Warner, the Board moved into closed Executive Session at 8:11 a.m.

Those present included the members above and Members L. Cummins, Graviat, Neilson, Riebe, Stokes and Wright; and Sydnee Dickson, Scott Jones, Josh Scott, Aaron Brough, Jared Felt, Chuma Uzoh, Gavin Packard, Jared Hill, Troy Jessup, David Thomas, Bryan Quesenberry and Lorraine Austin.

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

Motion carried. The Board came out of Executive Session at 8:58 a.m.

### **Opening Business**

The Board reconvened at 9:13 a.m. Member Joel Wright led those present in the Pledge of Allegiance.

### Board Member Message

Member Michelle Boulter offered an invocation.

### Introduction of New Employees

New employees Bryan Ross, Ysaac Amarillas, Young Le, Kim Baker, Ellen Bailey and Annette D'Agostini introduced themselves.

### Acknowledgment of Student Art Work

Member Warner and Educational Specialist Cathy Jensen informed about the art work hanging in the board room from Mt. Logan Middle School and Indian Hills Elementary.

### Education Highlight

Richard Scott, USBE Science Specialist, introduced four students from dual immersion school North Davis Preparatory Academy who participated in an international science competition, Science in Action, in Ermua, Spain.

The students shared their experiences in Spain and talked about their science experiments. They also thanked all the adults that helped them along the way.

Board members asked questions and applauded the students.

### **Public Comment**

Michelle Ormond, Utah Science Teachers Association (USTA) Executive Board high school representative – commented that in the Board’s March meeting, comparisons between Utah science standards and the Next Generation Science Standards (NGSS) review grades were repeatedly made to suggest that NGSS standards are lacking and should be disregarded as a primary source for updating Utah science standards. She stated the Fordham Report is a subjective, not quantifiable, analysis of the standards, and several areas the report reviewed are not comparative. John Taylor, USTA President and university dean, used a statistical coefficient of determination to determine relationships between Fordham grades and other performance standards, and found there is little to no correlation between Fordham grades and ACT or NAEP achievement data, and the Fordham report should not be used as a reasoning for why NGSS standards should or should not be a primary resource for Utah standards.

Ashley Russon, 8<sup>th</sup> Grade Science Standards Writing Team member – reported that throughout the standards writing process the committee met, reviewed, and adjusted when necessary, every comment that was made, including from State Board of Education members. During this process educators from public education, higher education, and the informal science community all worked together with the Board to produce the best standards they could for Utah students. She appreciated the ability to use the most current framework. Utah has phenomenal scientists and teachers and she asked the Board to trust them again to do what is best for all the Utah students.

Candace Penrod, Utah science educator – expressed support for the recommendation to use the framework of NGSS as a foundation for the science standards revision. She has been

working with teachers and leaders across the nation that use these standards and cannot imagine putting a cap on the state of Utah, as the state produces so many students that work in the STEM fields. Utah is building a global community and our students deserve the best.

Susie Gardiner, Science Standards Review Committee - knows well what Utah science education looks like at home and wishes it had been more inquiry based for her children that have graduated. She has researched NGSS and loves everything she read about it, and this is how she wants her eight-year-old to learn science. She voted for NGSS to be the main resource because she wants the best science education America has to offer. She asked the Board to honor the committee's recommendations.

Marta Adair, science educator – has taught every level of science education and wholeheartedly begged the Board to consider using NGSS. The standards we now have are outdated and are memorization and fact-based and low on technology and engineering. NGSS will raise that level. Since 2003 there has been much educational research on how students learn, and the NGSS standards will bring in new ways of teaching that will better foster hands-on learning and thinking. She quoted from a poster, “no amount of talking about a turtle or reading about a turtle can convey turtleness like holding a turtle,” and asked the Board to go with the new model.

Betsy Kleba, Science Standards Review Committee member – asked the Board to vote in favor of the committee's recommendations, keeping in mind that not all students will go on to be scientists, but all will live in a world shaped from the scientific process. Students need to be prepared to take information, evaluate it and draw their own conclusions. Next Generation Science Standards are a way of thinking and evaluating information and will teach children to think critically. Finally, Utah is part of a global community and decades-old standards will not prepare students for the reality of that community.

Kara Edwards, Science Standards Review Committee member – as a member of the committee she read through all the current and newly revised 6-8 science standards, and can see a difference between the new and the former standards. Students and teachers in her area all like the revised 6-8 standards, and she would like to see coherence between all science standards. She also researched NGSS and voted to use it as a framework, along with all

committee members, but one. As a parent on the committee, she asked that her voice not be ignored and that the Board reconsider the committee recommendations.

Duane Jefferey, retired Brigham Young University biology faculty and member of Science Standards Review Committee – spoke to a comment made by a speaker at the last Board meeting that charged there is a conspiracy at BYU to teach evolution, and stated it is true, and the conspiracy has a name called education. Courses on evolution have been taught at BYU for the last fifty years and a new course approved by the BYU Board of Trustees is being introduced this fall entitled, Evolution and Human Health. Evolution is a rigorously-tested and highly-productive research program and is the only biological management for biological organisms. It is used in many applications and is a productive science because it works with demonstrated natural principles. By very definition it cannot deal with supernatural matters, but is a hugely productive research program for betterment of human society and our planet's ecosystems.

Steve Fuhrman, local business owner – is on the receiving end of students coming out of the education system into his business that marries software with microbiology technology. The company is founded on innovators they hire out of Utah schools. He encouraged the Board to reconsider and vote for improving the standards for science education in order to foster individuals that will ask questions and challenge the establishment. As a receiver of these individuals into his business it allows the business to compete and provide jobs.

Roger Snow, Science Standards Review Committee member – echoed the enthusiastic responses from other committee members. They all came from diverse backgrounds and were recommended from a diverse pool of individuals with the understanding they weren't all coming from the same philosophy. He ran a test with his children through a summer program based on NGSS standards and compared that learning with what they were receiving with the current standards. In their regular classes they filled out worksheets; with the NGSS class, his children wouldn't quit talking about the experience. Providing teachers with these resources and students with these experiences is the right thing to do, and he asked the Board to trust the committee's recommendations.

Superintendent Cade Douglas, Sevier School District – asked the Board to accept the recommendations from its Trust Advisory Committee concerning R277-477 *Distributions of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program*. The recommendations will provide better flexibility to local education agencies on how the trust funds are spent and will help address mental health challenges that affect student achievement. He urged the Board to approve the changes to the rule.

Vince Newmeyer, Science Standards Review Committee member – stated that it is important to remember that with regards to science, the Board is considering science standards, not methods of teaching. During Science Standards Review Committee discussions there was little discussion on the current standards and there was a great effort to jump to NGSS. The question isn't about NGSS, but what needs to be done to make our science standards better.

Heidi Matthews, President, Utah Education Association – expressed appreciation for the additional meeting of the Law and Licensing Committee to receive input on R277-501 *Educator Licensing* and for making further amendments to the rule. One of goals of UEA is to diligently uphold the teaching profession, and she asked Board members to think about how their decisions assure the credibility of teachers and how the integrity of a Utah teaching license will be upheld.

Frank Strickland – encouraged the Board to use the current science standards as the framework for revising the standards and modifying them to bring them up to national standards, instead of the other way around. Our current standards do need changing and we have the resources in Utah to do that. The same people that are pushing to have a national standard imposed on Utah are the same ones that introduced legislation to eliminate this school board. They want to eliminate local voices as to what happens within the schools.

Nina Wolf, Utah mother – appreciates a school board that cares so much about our kids. We teach our children science because we want to have their minds opened, explore the world around them and get excited about it. She was appalled when she found out some of the things that were going to be promoted in NGSS such as teaching the theory of Haeckel's embryos, which has been debunked for over 150 years. It seems the biggest benefit to NGSS is the way

science is being taught, and there is nothing stopping Utah from making that change and bringing in current research without upending all the standards.

Clifford Rosky, University of Utah law professor and advisor to Equality Utah – addressed the proposed amendments to R277-613 *LEA Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training* and thanked the Board and its staff for being open to the changes. He understands that in the process of making technical updates to the rule the Board didn't have an opportunity to look at what the impacts of the updates would be on LGBTQ children. By working collaboratively with Board staff, the Board's Advisory Committee on Equity of Educational Services for Students (ACEESS) and others, the changes will further simplify the rule to clarify that the training provisions will protect all students from bullying. He expressed appreciation for the Board's patience and wonderful staff.

### **Executive Session**

**MOTION** was made by Member Belnap and seconded that the Board go into executive session to discuss pending or reasonably imminent litigation.

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Warner and Wright, the Board moved into closed executive session at 10:24 a.m.

Those present included all Board members above and Sydnee Dickson, Scott Jones, Angie Stallings, David Thomas, Bryan Quesenberry, Emilie Wheeler and Lorraine Austin.

**MOTION** was made by Member Cannon and seconded that the Board come out of executive session.

Motion carried. The Board reconvened in open meeting at 10:34 a.m.

### **General Consent Calendar**

Member L. Cummins requested the non-disclosure agreement with Pearson be pulled from item 4.3, List of Contracts for Review.

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

Motion carried.

## **General Consent Calendar**

### **4.1 Approval of Minutes**

The Board approved the minutes of its March 1 and March 15-16, 2018 meetings. [For additional details, see General Exhibit No. 18-131.]

### **4.2. Contracts/Agreements for Approval**

There were no contracts/agreements over \$100,000 for approval.

### **4.3 Contracts/Agreements for Review**

The Board was provided with information for review on the following contracts/agreements under \$100,000: Department of Health—Child Care Licensing; Department of Health (kitchen inspections); Utah State Office of Rehabilitation/Utah Schools for the Deaf and the Blind; Utah State University; Student Nest; Division of Workforce Services/Utah Data Research Council/State Board of Regents/Utah System of Technical Colleges; Southern Utah University. (A non-disclosure agreement with NCS Pearson was pulled of the consent calendar for further discussion.) [For additional details, see General Exhibit No. 18-132.]

### **4.4 Requests for Temporary Authorizations**

The Board approved temporary authorizations for educator licenses as requested by local education agencies. [For additional details, see General Exhibit No. 18-133.]

### **4.5 List of Educator Licenses Processed**

The Board was provided with a report of educator licenses processed in February 2018. [For additional details, see General Exhibit No. 18-134.]

### **4.6 High Quality School Readiness Expansion Grantees**

The Board approved High Quality School Readiness Expansion grant awards to Cache School District; Davis School District Community Preschool; Davis HOPE; Duchesne School District; Granite School District; Iron School District; Jordan School District; Logan School District; Murray School District; Salt Lake City School

District; Sevier School District; Washington School District; Weber School District. [For additional details, see General Exhibit No. 18-135.]

#### 4.7 Special Education State Systemic Improvement Plan

The Board was provided with the Special Education State Systemic Improvement Plan as required by the U.S. Department of Education. [For additional details, see General Exhibit No. 18-136.]

#### 4.8 Utah's Proposed IDEA Funding Award Application

The Board was provided with the reapplication/continuation notice of the federal Individuals with Disabilities Education Act (IDEA) Special Education Grants to the States, now out for thirty-day public comment. [For additional details, see General Exhibit No. 18-137.]

#### 4.9 Board Co-sponsorships

The Board received a list of conferences it is co-sponsoring. [For additional details, see General Exhibit No. 18-138.]

#### Non-disclosure Agreement with Pearson

It was clarified that this particular agreement does not cover personally identifiable information, as that is being covered in a separate agreement. The agreement is also in preparation for grades 9-10 state testing.

#### **Monthly Budget Report**

Deputy Superintendent Scott Jones reported that the Board budget remains financially sound to meet all the Board's obligations. Procedures to close out the fiscal year are now under way. [For additional details, see General Exhibit No. 18-139.]

Superintendent Jones explained that last month a motion from Finance Committee concerning use of discretionary funds was inadvertently not forwarded to the Board.

**MOTION** was made by Member Stokes and seconded that the Board authorize the purchase of new tables for the board room.

Motion carried.

**Audit Committee Report**

Committee Chair Alisa Ellis reported on items from the March 2018 Audit Committee meeting.

**School Fees Audit**

**MOTION** from Committee that the Board release the internal school fees audit, with amendments as discussed in Audit Committee.

Motion carried.

[For additional details, see General Exhibit No. 18-140.]

**School Safety Incidents Reporting Audit**

**MOTION** from Committee that the Board prioritize the School Safety Incidents Reporting Audit, specific to USBE.

It was made clear that the audit is very specific to the School Safety Incidents Report and is only applicable to the State Board of Education. The auditors will look at what information is currently being collected, retention, availability of data, and the systems being used, perform a gap analysis, and make recommendations for improvements. It is not the intent to look at other aspects of school safety or solve local education agency problems.

Some Board members expressed concern that this seems to be more appropriate for a policy analysis than an audit.

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

**Finance Committee Report/Recommendations**

Committee Vice Chair Kathleen Riebe reported on the following items from the Committee's March 16, 2018 meeting. [For additional details, see General Exhibit No. 18-141.]

### Recognition of Progress, Achievements or Improvements

Positive outcomes from the legislative session were recognized by the Committee.

### Section Budget Review

The Committee reviewed the budget for the Teaching and Learning Section. [For additional details, see General Exhibit No. 18-142.]

### Board Policy 2001—Board Member Salary

**MOTION** from Committee that the Board approve the following recommendations related to Board Policy 2001—Board Member Salary:

- That when a State Board Member is appointed to participate on a USBE Committee, the Member is compensated for that meeting.
- That the policy allow the Board discretion in statutory compensation language to choose a different pay structure, as long as it does not exceed \$273 per day.
- That the Board request in the next legislative session consistency with the Legislature where the Legislature is given an exemption to receive compensation for meetings.

Members held a discussion concerning the meetings for which the Board might receive compensation included in an attachment to the policy.

**SUBSTITUTE MOTION** was made by Member Stokes and seconded that the Board approve Board Policy 2001 Draft 3 dated April 3, 2018.

**MOTION TO AMEND** was made by Member B. Cummins and seconded that Attachment 1 of the policy be amended to remove all outside committees, except ad hoc committee created directly by the State Board of Education.

Member B. Cummins noted that there are not unlimited funds to pay for the all the meetings, and expressed that she would rather the discretionary funds be spent on very strategic priorities of the Board.

Others expressed that by not providing the same compensation for participation on all committees, some Board members may not be able to participate.

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

**MOTION TO AMEND** was made by Member B. Cummins and seconded that under section (4)(a) the word, “for a member of board leadership, a monthly board leadership meeting day,” be removed.

Motion failed, with Members Boulter, B. Cummins, Ellis and Huntsman in favor, and all others opposed.

**MOTION TO AMEND** was made by Member Boulter and seconded that section (4)(c)—“in accordance with attachment 1”—be removed.

Motion to amend failed unanimously.

Motion to approve Board Policy 2001 Draft 3 carried, with Members Belnap, Cannon, L. Cummins, Graviet, Lear, Neilson, Riebe, Stokes and Wright in favor, and Members Boulter, B. Cummins, Ellis, Hansen, Huntsman and Warner opposed.

[For additional details, see General Exhibit No. 18-143.]

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

The Committee reviewed amendments to R277-477 recommended by the Board’s Trust Advisory Committee (TAC) to provide more flexibility in the use the School LAND Trust Program funds. The Committee approved R277-477 Draft 1 on first reading. [For additional details, see General Exhibit No. 18-144.]

**MOTION** from Committee that the Board approve R277-477 Draft 1 *Distribution of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program* on second and final reading.

Motion carried; Member Stokes absent.

R277-113 LEA Fiscal and Auditing Policies

The Committee reviewed R277-113 in accordance with the five-year review requirements in the Utah Administrative Rulemaking Act, including technical amendments. The Committee approved and continued R277-113 Draft 1 on first reading. [For additional details, see General Exhibit No. 18-145.]

Motion from Committee that the Board approve and continue R277-113 Draft 1 *LEA Fiscal and Auditing Policies* on second and final reading.

Motion carried; Member Stokes absent.

**Executive Session**

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

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Warner and Wright, the Board moved into closed Executive Session at 1:48 p.m.

Those present included the Members above and Sydnee Dickson, Angie Stallings, David Thomas, Bryan Quesenberry, Ben Rasmussen, Emilie Wheeler and Lorraine Austin.

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

Motion carried. The Board reconvened in open session at 1:17 p.m.

**Executive Session Action Items**Action on Educator Licenses

**MOTION** was made by Member Lear and seconded that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 17-1394 to issue a letter of reprimand in accordance with the Consent to Discipline, to be in place no less than two years from the date of action.

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

**MOTION** was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case No. 17-1396 to issue a letter of reprimand in accordance with the Consent to Discipline, to be in place no less than two years from the date of action.

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

**MOTION** was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case No. 17-1411 to issue a letter of reprimand in accordance with the Consent to Discipline, to be in place no less than two years from the date of action.

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

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

Motion carried; Member Stokes absent.

[For additional details, see General Exhibit No. 18-146.]

### **Law and Licensing Committee Report/Recommendations**

Committee Chair Michelle Boulter reported on the following items from the March 16, 2018 Committee meeting. [For additional details, see General Exhibit No. 18-147.]

#### Policies and Procedures Update

Deputy Superintendent Stallings and Allison Nicholson provided the committee a progress report on updates to internal policies and procedures.

#### R277-493 Kindergarten Supplemental Enrichment Program

The Committee reviewed proposed changes to the rule that clarify the reapplication process for years two and three of the grant program. The Committee approved R277-493 Draft 1 on first reading. [For additional details, see General Exhibit No. 18-148.]

**MOTION** from Committee that the Board approve R277-493 Draft 1 *Kindergarten Supplemental Enrichment Program* on second and final reading.

Motion carried; Member Stokes absent.

R277-801 *Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deafblind*

The Committee reviewed proposed amendments to the rule as a result of input from Utah Schools for the Deaf and the Blind Superintendent Joel Coleman. The Committee approved Draft 1 of the rule on first reading. [For additional details, see General Exhibit No. 18-149.]

**MOTION** from Committee that the Board approve R277-801 Draft 1 *Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deafblind* on second and final reading.

Motion carried; Member Stokes absent.

R277-533 *Educator Evaluation Systems*

The Committee discussed proposed amendments to the rule and received clarification that the reporting requirements that satisfy the Every Student Succeeds Act (ESSA) do not require information that comes through Utah's Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS) system. Therefore, the Committee amended the rule to strike "through CACTUS."

The Committee approved R277-533 Draft 2, with additional amendments, on first reading. [For additional details, see General Exhibit No. 18-150.]

**MOTION** from Committee that the Board approve R277-533 Draft 3 *Educator Evaluation Systems* on second and final reading.

Concerns were expressed that the educator evaluation tool is not standardized for all public schools, therefore, the data reported cannot accurately assess what is happening with educators in schools. It was clarified that all schools must have an evaluation tool and report summative data to the Board, but no school is required to use the Board's model tool.

A request was made that staff provide information as to what evaluation tools all local education agencies (LEAs) are using.

It was noted that what will be reported in ESSA is not evaluation data, but patterns in distribution of teachers including those teaching out of field, inexperienced or ineffective that are teaching in the most highly impacted schools.

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

#### Data Sharing Agreement External Request - Westat

**MOTION** from Committee that the Board deny approval of the Westat data sharing agreement.

A concern was raised about the denial because it appears the data could be helpful to Utah.

Assistant Superintendent Leah Voorhies and Chief Privacy Officer Whitney Phillips were invited to provide information. Assistant Superintendent Voorhies verified that the information in the study would be very helpful in evaluating special education needs of English learners, which can be very complicated, and the technical assistance would be valuable. She acknowledged that Utah would not have to participate in the study to have access to the information.

It was reported that Committee members felt uncomfortable with participation of Utah students because of who would be approving the data and the understanding that the use of the data would be for federal policy. Information was not provided on how Utah would get access to the data.

It was suggested that the Board's legal counsel review the agreement, and the Board be provided information on the data points being requested; how the state will get access to the information; for what the feds are using the data; and who will interface with the feds.

**MOTION** was made by Member Hansen and seconded that action on the agreement be postponed until the Board attorneys have reviewed the agreement and the requested information is provided.

Motion carried; Member Stokes absent.

The agreement will be placed on the Law and Licensing Committee May agenda.

[For additional details, see General Exhibit No. 18-151.]

#### UDOH Office of the Medical Examiner Data Sharing Agreement (student-level)

**MOTION** from Committee that the Board approve the data sharing agreement with the Utah Department of Health Office of the Medical Examiner, removing the USBE Chief Privacy Officer from the contract as the official signor on behalf of the State Board of Education.

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

[For additional details, see General Exhibit No. 18-152.]

#### **Law and Licensing Committee Report**

Committee Chair Michelle Boulter reported on the following item discussed in a special meeting of the Law and Licensing Committee held April 11, 2018. [For additional details, see General Exhibit No. 18-153.]

#### R277-501 Educator Licensing

The Committee approved new rule R277-501 Draft 3 on first reading in its March 2018 meeting. The Board held an additional meeting on April 11 to hear public comment, and made additional amendments to the rule as a result of the public feedback. The Committee approved R277-501 Draft 5.

**MOTION** from Committee that the Board approve R277-501 Draft 5 *Educator Licensing* on second and final reading.

**MOTION TO AMEND** was made by Member Hansen and seconded that line 229 be amended to add the words, “and instruction” after “basic special education law.”

Motion to amend carried.

Member Lear mentioned several concerns she hopes can be addressed in the future, including the superintendent issuing certain licenses that are requested by LEAs, thus removing the Board’s discretion to license; the appeals panel not being independent of the office; licensing of private school teachers; and development of a meaningful ethics test, instead of an ethics review.

Motion to amend was made by Member Warner and seconded that line 243 be amended to replace “60 days” with “30 days.”

Member Warner spoke to her motion, expressing that the professional learning plan should happen very quickly.

It was noted that as some teachers don’t even get hired until close to the beginning of the school year, it would be difficult for them to complete a plan in thirty days.

Motion to amend the amendment was made by Member L. Cummins and seconded to change line 243 to “45 days.”

Board members discussed the necessity of observation before a plan is established and questioned the definition of when employment begins.

Without objection, the amends were withdrawn.

**MOTION TO AMEND** was made by Member Warner and seconded that the Board approve R277-501 Draft 5 *Educator Licensing* on second reading, striking “and final” from the motion.

Motion to amend carried, with Member Belnap opposed.

Motion as amended carried, with Member Belnap opposed; Member Stokes absent. The rule will come back to the Board in its May meeting for final reading. [For additional details, see General Exhibit No. 18-154.]

**Standards and Assessment Committee Report/Recommendations**

Committee Chair Janet Cannon reported on the following items from the Committee's March 16, 2018 meeting. [For additional details, see General Exhibit No. 18-155.]

**Assessment to Achievement (A2) Consideration**

It was noted that in its March meeting the Committee approving forwarding a recommendation to the Board to use \$360,000 in federal funds to continue the A2A program. Since that meeting, additional information has been provided that the legislature appropriated \$1,000,000 for Assessment to Achievement.

**MOTION** from Committee that the Board approve the use of \$360,000 in federal funds one time from the Assessment Section to continue the A2A program.

**MOTION TO AMEND** was made by Member Cannon and seconded that the Board reinstate contract #156366 between USBE and Education Direction for Assessment to Achievement, using funds from the \$1,000,000 legislative appropriation for the contract; and in addition, that USBE staff amend the contract to reflect the services that will actually be provided.

Assistant Superintendent Darin Nielsen informed the Board that the original contract was for five years and will not need to go through a Request for Proposal (RFP) process until conclusion of the five-year term. There are two years remaining on the contract. He also voiced his belief that the intent of the legislative appropriation was to allow additional schools to participate.

Deputy Superintendent Stallings mentioned there is no statutory or intent language tied to the ongoing appropriation, and if after two years the Board wants to make repurposing the money a fiscal priority, it could.

Motion to amend carried.

Motion as amended—that that the Board reinstate contract #156366 between USBE and Education Direction for Assessment to Achievement, using funds from the \$1,000,000 legislative appropriation for the contract; and in addition, that USBE staff amend the contract to reflect the services that will actually be provided—carried unanimously.

**MOTION** was made by Member B. Cummins and seconded that for use of the remainder of the funding appropriated for A2A the Board direct staff to look at the development of an online tool that could be used across the state for implementation of assessment to achievement principles.

Motion carried, with Members Belnap, Boulter, B. Cummins, L. Cummins, Ellis, Gravier, Hansen, Huntsman, Neilson, Riebe, Stokes and Wright in favor, and Members Cannon, Lear and Warner opposed. [For additional details, see General Exhibit No. 18-156.]

#### Revised Utah Educational Leadership Standards

**MOTION** from Committee that the Board approve the finalized Utah Educational Leadership Standards.

**MOTION TO POSTPONE** was made by Member Hansen and seconded that action on the standards be postponed until the Board's May meeting to give its Advisory Committee on Equity of Educational Services for Students (ACEESS) time to review the Standards.

Motion to postpone carried unanimously.

[For additional details, see General Exhibit No. 18-157.]

#### Implementation of Provisions in R277-404 *Requirements for Assessments of Student Achievement*

The Committee received information concerning the implementation of provisions in R277-404 that allow a parent to request that proficiency on a state assessment fulfill a requirement in a course, and discussed the confusion with schools and parents due to conflicting language within the rule. The Committee was presented with four options for addressing questions in the rule.

**MOTION** from Committee that the Board approve option four presented to the Committee to direct staff to clarify the policy and update the Testing Ethics Manual before the next school year begins.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-158.]

Board member concerns were expressed that things are too broadly defined in the rule, that there are repercussions from this rule throughout the state and that more discussion is needed. It was also suggested that a discussion of parents' rights from all angles concerning SAGE testing is needed.

Chair Huntsman asked Board members to submit concerns they still have with the rule to Board leadership for consideration of future discussions.

### 2017-18 School Accountability

During the 2017 legislative session a provision was passed that allows the Board to withhold assigning overall school ratings (grades) for the 2017-2018 school year. Two options for language to be incorporated into R277-497 *School Grading System* regarding assigning grades were submitted by staff.

The Committee also heard a recommendation from the Board's Assessment and Accountability Advisory Committee (AAPAC) that because of issues related to the timing of the release of the 2017-18 school accountability reports due to the operational field test for the new grades 6, 7 and 8 science assessment items, the Board delay reporting of school accountability for all schools, releasing the school level accountability to local education agencies (LEAs) on November 26, 2018 with a public release on December 10, 2018.

**MOTION** from Committee that the Board adopt option 2 of the language, which reads: "In accordance with Section 53E-5-204(3)(b), for the 2017-18 school year, the Superintendent may not assign an overall rating to a school," and approve the recommendation of AAPAC to release the school accountability reports to LEAs on November 26, 2018 and to the public on December 10, 2018.

Assistant Superintendent Nielsen explained that state statute 53E-5-204 allows for the Board to make two decisions: 1) Specific to the 2017-18 school year, the Board must evaluate a school based on the school's performance level and certain indicators, but is not required to issue an overall rating; 2) under section (3)(a) of the statute, in a school year in which the Board determines it is necessary to establish, due to a transition to a new assessment, a new baseline

to determine student growth, the Board is not required to assign an overall rating to a school in which the new baseline applies.

He further pointed out that the Board must first make a decision on whether it will issue grades in the 2017-18 school year, but should also consider that with the significant changes coming to assessment in 2018-19 with a new vendor for grades 3-8 tests, a new vendor for grades 9-10 tests, an end-of-year assessment for 9-10 instead of an end-of-course assessment, and the removal of writing in every grade except 5 and 8, it is likely staff will come to the Board next year with challenges in determining growth in a comparative way.

Superintendent Nielsen indicated from an assessment and accountability position he isn't aware of consequences of not issuing grades, as school scores will still need to be calculated and determinations made for those schools that need targeted assistance. The Committee discussed that unintended consequences may come from a political or media standpoint.

Chief of Staff Tiffany Stanley pointed out that for Cohort 1 of schools in turnaround, their exit criteria is a letter grade improvement. If grades aren't issued for those schools there would still need to be assignment of a grade or some other scores this fall.

It was pointed out that since a system has been created that relies so heavily on school grades, if the Board moves away from those grades the Board will need to make sure there the policies in place to address schools that are not achieving. Staff indicated if grades aren't given data points will be established.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-159.]

#### Guidance Document for R277-700-5 Middle School Education Requirements

The Committee gave direction to staff for development of a guidance document on middle school requirements and bring back to the Committee. [For additional details, see General Exhibit No. 18-160.]

#### R277-523 Teacher Salary Supplement Program

The Committee reviewed new rule R277-523 which was developed as a result of H.B. 331 Education Provisions, passed in the 2018 Legislative Session. The rule provides for adoption of the Teacher Salary Supplement Program (TSSP) procedures and administration, and establishes an appeals process for eligibility. The Committee approved R277-523 Draft 2 on first reading.

**MOTION** from Committee that the Board approve R277-523 Draft 2 on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-161.]

Extended Core Science with Engineering Education (Extended Core SEEd) Standards for Students with Significant Cognitive Disabilities—Grades 6-8

The draft Extended Core SEEd Standards were sent out for 45-day public comment. The public feedback was reviewed and suggested changes were incorporated into the Standards.

**MOTION** from Committee that the Board approve the final Extended Core Science with Engineering Standards for Students with Significant Cognitive Disabilities—Grades 6-8.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-162.]

**K-5 and 9-12 Science Standards Revision Process**

In its March 12 meeting, the Board did not accept the recommendations of the Science Standards Review Committee, but directed staff to prepare a crosswalk between the current Utah science standards and the Next Generation Science Standards (NGSS). The crosswalk was provided for Board review. Information on the top-ranking states in NAEP-Science and AP science tests was also provided.

**MOTION** was made by Member B. Cummins and seconded that the Board accept the recommendations of the Science Standards Review Committee and move forward with the writing committees for the K-15 and 9-12 science standards.

It was reported that some science teachers have indicated NGSS is a little weak in math, physics and chemistry, and they don't support the integrated model, but would like to see

separate classes in biology, physics and chemistry and that students would need at least two years of physics and chemistry for STEM fields.

Board member concerns were expressed that education is being centralized, that NGSS does not address all the issues that have been identified, and that greater consideration of all voices is needed in this process.

**MOTION TO AMEND** was made by Member B. Cummins and seconded that the science writing committee consider differentiating high school sciences into traditional areas of life science, physical science, and earth and space science.

Motion to amend carried.

**MOTION TO AMEND** was made by Member Ellis and seconded that in addition to the Next Generation Science Standards, the writing committees look at other science standards and document the standards they reviewed.

Motion to amend carried.

Motion as amended—that the Board accept the recommendations from the Standards Review Committee and move forward with the K-5 and 9-12 science standards writing committees; that the writing committee consider differentiating high school science into traditional areas; and that in addition to NGSS the writing committees look at other science standards and document the standards reviewed—carried, with Member Ellis opposed; Member Warner absent.

[For additional details, see General Exhibit No. 18-163.]

### ***R277-613 LEA Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training***

In its February 1, 2018 meeting, the Board approved R277-613 Revision 7 on final reading and the rule was filed with the Office of Administrative Rules and published in the Utah State Bulletin for public comment. The Board's Advisory Committee on Equity of Educational Services for Students (ACEESS) as well as others including Equality Utah submitted feedback on changes to the rule, and based on the feedback, Chair Huntsman directed staff to hold off filing an effective date for the rule so the Board could review the feedback.

Superintendent Angie Stallings explained that an amendment was made to the definition of federally protected class to be legally correct by eliminating gender identity and sexual orientation from that definition, and instead listed gender identity and sexual orientation separately in the reporting section. It was not considered whether to include those areas and naming of other characteristics in the training section. ACEESS and Equality Utah provided input that not only should the reporting requirements be amended, but the language about bullying prevention in the training section should also be amended.

Superintendent Stallings reviewed the major changes in Revision 8 in lines 219-232 and 334-342 proposed as a result of the feedback and to add clarity.

**MOTION** was made by Member B. Cummins and seconded that the Board approve R277-613 Revision 8 *LEA Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training* and direct staff to file the rule with the Office of Administrative Rules in lieu of filing an effective date notice for R277-613 Revision 7.

Motion carried unanimously; Member Warner absent. [For additional details, see General Exhibit No. 18-164.]

### **High School Graduation Course Requirements Task Force**

Task Force Chair Laura Belnap reviewed the updated scope of work for the Board's High School Graduation Course Requirements Task Force (originally the Required Courses Task Force) which in addition to reviewing graduation requirements addresses ways students can earn credit. The timeline has also been expanded.

**MOTION** was made by Member Belnap and seconded that the Board approve the updated scope of work and timeline for the High School Graduation Course Requirements Task Force.

Concerns were raised that the timeline is very long for a task force, especially where board members may change every two years. It was explained that the timeline includes implementation in the schools.

Motion carried; Members Stokes and Warner absent. [For additional details, see General Exhibit No. 18-165.]

**Superintendent's Report**

Superintendent Sydnee Dickson reported on the following.

- On the operations side, staff have been working on minimizing findings in quarterly financial reports. In the first quarter report just received there were no findings.
- Budgets for the sections in the office have been loaded almost two months ahead of when they were ready in the past.
- Staff have engaged in some intensive professional learning through WestEd and the University of Virginia Darden School of Business.
- The addition of a Chief of Staff has been helpful in starting to improve communication within the office.

**Board Chair's Report**

Chair Huntsman thanked Vice Chair B. Cummins Brittney for covering for him last month. He also thanked Board members for their work with the legislature and recognized their patience with the process.

**Board Member Comments**

Member Stokes suggested changes to how backup documents are named in the agenda management system. He also suggested that a recommendation from the superintendency be included with each item on the agenda.

Member Riebe reported on a meeting she attended of the Midvale City Community Council where parents express frustration with the varying size of schools. She questioned if there is anything the Board could do to alleviate the frustrations and support LEAs in creating equitable solutions. She also attended a Canyons District School Board meeting where appreciation was expressed for the Board's staff.

Member Riebe reported on the work of the Assessment RFP Selection Committee of which she was a member, and shared that every effort was made to ensure the process was

done correctly. She also commented on her experience in interviewing candidates for the School and Institutional Trust Lands Administration Board as a member of the SITLA Board Nominating Committee, citing one candidate's comment that boards should be "heads in, hands out" when it comes to relationship with staff.

Member Wright voiced his assumption that items placed on the board agenda are things for which both staff and board leadership want a positive vote from the Board. Chair Huntsman responded that there are items with open questions, and his feeling is that while the superintendency will share their expert advice, they recognize the Board's duties and responsibilities over policymaking.

Member Lear voiced that she is appreciative of staff recommendations and the benefits of their expertise. She shared her appreciation for the experience of participating on the SITLA Board Nominating Committee, and mentioned that all the candidates interviewed, when asked what they felt about how policymaking boards should interact with their staff, expressed that the Board's place is to make policy and be respectful of the staff's work. She committed to be more aware of micromanagement of staff.

Member Belnap gave an update on the Utah High School Activities Association Register My Coach program. UHSAA is working on a solution concerning who has liability if a coach does something inappropriate.

### **Adjournment**

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

Motion carried. The meeting adjourned at 4:30 p.m.

**USBE STUDY SESSION**

A study session of the Utah State Board of Education was held April 13, 2018 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, First Vice Chair Brittney Cummins, Second Vice Chair Alisa Ellis, and Members Laura Belnap, Michelle Boulter, Lisa Cummins, Janet Cannon, Jennifer Graviet, Linda Hansen (by phone), Carol Lear and Joel Wright.

Members absent included Scott Neilson, Kathleen Riebe, Spencer Stokes and Terry Warner.

Others present included Brittany Griffin, Allen Rollo, David Damschen—State Treasurer's Office; Jay Blain—Utah Education Association; James Sellick—Utah Highway Patrol; Scott Jones, Angie Stallings, Darin Nielsen, Deborah Jacobsen, Lorraine Austin, Jerry Record, Jaime Barrett—USBE staff; Michael Green, Bryan Quesenberry, David Thomas—Attorney General's Office.

**Call to Order**

Chair Mark Huntsman called the meeting to order at 1:35 p.m.

**State Treasurer Presentation**

Deputy Superintendent Scott Jones introduced State Treasurer David Damschen. Treasurer Damschen introduced Brittany Griffin and Allen Rollo from his office and Assistant Attorney General Michael Green.

Treasurer Damschen indicated that the discussion would focus on the Board's shared responsibilities with the Treasurer's Office, including the Money Management Act and H.B. 404 Land Trusts Protection and Advocacy Act (2018 Legislative Session). He gave a presentation, *Office of State Treasurer Functional Ties to Public Education*. [For additional details, see General Exhibit No. 18-166.]

Treasurer Damschen reported that he chairs the board of the Charter School Finance Authority on which Deputy Superintendent Scott Jones participates. He indicated it is a very strong board and lauded the work of Superintendent Jones.

Mr. Damschen reported his office is offering a charter school finance website and is working on post-issuance compliance monitoring for charter school bonds. He voiced how important it is to vigorously protect Utah's reputation and credit and be respectful of our investors so the flow of public support can be maintained. He stated there is a need look at what is happening now in charter schools that is a credit risk and expressed hope that procedures are in place to assist struggling charter schools.

Treasurer Damschen discussed H.B. 404 and indicated he was neutral about the bill which gives the Treasurer's Office oversight over a newly-created Land Trusts Protection and Advocacy Office and removes beneficiary oversight from the Board of Education. With its passage and effective date of July 1, he will make sure the appointing authorities are solicited who will put forth candidates for the Advocacy Office Director.

Chair Huntsman requested that although the Board has less stewardship, the Board continue to be in the pathway to receive information and give input.

In response to questions from Board members, Treasurer Damschen provided the following information:

- Local education agencies are eligible to participate in statewide cooperative contracts, and could contact the Treasurer's Office or State Division of Finance to be included.
- The School and Institutional Trust Fund Office manages the permanent school trust funds, and has a very diversified portfolio that doesn't rely heavily on exposure to oil and gas.
- The Treasurer's Office is subject to the internal audit function of the Division of Finance, and the State Auditor's Office spends ninety days in his office each year.
- Despite the School and Institutional Trust Lands Administration and School and Institutional Trust Funds Office having an advisory role with the Land Trusts Protection and Advocacy Office, the Advocacy Office will be the watchdog to ensure the beneficiary interests are being met. He considers the relationship between the Treasurer and Advocacy Office Director as an important partnership which will facilitate his inclusion more often.

Board members expressed appreciation to the Treasurer for the discussion and his desire to work with the Board. Treasurer Damschen thanked Board Members for the extraordinarily important work they do.

**Adjournment**

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

Motion carried. The meeting adjourned at 3:48 p.m.

Lorraine Austin, Board Secretary  
Minutes approved May 3, 2018