

UTAH STATE BOARD OF EDUCATION MEETING MINUTES
October 4, 2018

A regular meeting of the Utah State Board of Education was held October 4, 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 Lisa Cummins	Member Terryl Warner
Member Jennifer Graviet	Member Joel Wright

Members Excused:

Member Janet A. Cannon

Executive Staff Present:

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

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

Ken Stettler, Angie Alvey—Utah Youth Residential Therapeutic Programs; Jay Blain, Heidi Matthews—Utah Education Association; Duke Mossman—Northern Utah Education Services; Hillary Emmer, Sheila Allen—Utah Schools Counselor Association; Victoria Petro-Eschler; Peter Bromberg—Utah Library Association; Allison Whitworth—Utah Department of Human Services; Cindy Davis, Avalie Muhlestein; Rita Heagren—AFT Utah; Rob Cuff, Bernard Jackson—Utah High School Activities Association; Diane Fisher; Ray Timothy, Laura Hunter—Utah Education and Telehealth Network; Phyllis Kimpel—WOW; Donell Pons, Curtis Pons; Angie Alvey, Ken Stetler—National Association of Therapeutic Schools and Programs; Aaron Hogge—Bountiful High School; Emilie Wheeler, Debbie Davis, Natalie Grange, Darin Nielsen, Leah Voorhies, Jerry Record, Keith Lawrence, Zac Christensen—USBE staff

Call to Order

Chair Mark Huntsman called the meeting to order at 8:07 a.m.

Executive Session

MOTION was 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, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Lear and Huntsman, the Board went into Executive Session at 8:08 a.m.

Those attending included the Board members above, Members Riebe and Wright, and Sydnee Dickson, Ben Rasmussen, Lorraine Austin and Emilie Wheeler.

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 8:40 a.m.

Opening Business

The Board reconvened in open meeting at 9:17 p.m. Chair Huntsman excused Board Member Janet Cannon. Member Linda Hansen led those present in the Pledge of Allegiance.

Board Member Message

Member Lisa Cummins welcomed the Board. She gave examples from the movie, *Teacher's Pet*, where the main characters clashed on the values of being a teacher or a reporter. In the end, no one was shown to be greater than another. She suggested it is the same for society and the Board—no one is less than another and Board members are here because they have worked hard and stood by their precepts and values. Because they don't agree on an issue, it does not mean they are wrong for the job. She expressed hope that Board members will gain respectful relationships and stand together.

Employee Recognition

The following new employees introduced themselves: Karen Heaton, Kira Hedden, Debbie Don, Gary Sapp, and Bhagavathy Pillai.

Superintendent Dickson introduced the Employee of the Month, Adam Little, an IT Analyst for the Student Support Section.

Acknowledgment of Student Artwork

Educational Specialist Joleigh Honey reported on the artwork hanging in the board room from East High School.

Education Highlight – K-3 Reading

Jennifer Throndsen, PreK-12 Literacy and Library Media Coordinator, introduced Superintendent Paul Sweat, Lana Wright, Eric Campbell, and Jim Judd from Wasatch School District, and Superintendent Dave Brotherson and Jason Young from Duchesne School District, all here to highlight their districts' work on literacy. Ms. Throndsen distributed and reviewed a handout, *Reading Outcomes on the Rise*, pointing out the positive trends in state data for K-3 literacy. She reported that the state, as a whole, has had a four percent gain with Wasatch and Duchesne Districts, among others, making sizable gains.

Superintendent Sweat gave a presentation and distributed information outlining how the gains were made in his district, including identifying literacy as its top priority for pre-K-12. The goal also includes community literacy.

Superintendent Brotherson and Jason Young, Duchesne's Curriculum Director, reported on the significant progress Duchesne District has made in literacy. The district also made literacy a top priority, with first grading reading a focus. Keys to their success include the Professional Learning Communities (PLC) process and data from state and local assessments that informs instruction.

Board members applauded them on their efforts. [For additional details, see General Exhibit No. 18-335.]

Public Comment

Angie Alvey (Alpine Academy Residential Treatment Center) and Ken Stetler, both representing the National Association of Therapeutic Schools and Programs (NATSAP) – informed that a large portion of the revenue for Utah's 72 residential treatment programs

comes from out of state, particularly California. The programs are currently facing problems over an interstate regulatory disagreement with the Departments of Education in California and Illinois. It is anticipated there may need to be some level of collaboration between the USBE and these programs to resolve the issue as it relates to Special Education.

It was acknowledged that Utah statute designates the Department of Human Services as the agency having statutory oversight over private schools who educate individuals with exceptional needs. California and Illinois require that private schools be certified by a national accreditation agency approved by the state board of education, and the schools must follow the curriculum approved by the board. NATSAP believes that Utah member programs remain compliant with these laws, and therefore, are compliant with the interpretation of the California Department of Education. However, Mr. Stetler does not know what will be required to resolve the matter with California. Failure to demonstrate compliance with California's interpretation will have a material adverse effect on any of NATSAP's member companies, and NATSAP's objective is to find the solution that will not impact this Board. Any help or support the Board may be able to lend to NATSAP in the future would be appreciated.

Victoria Petro-Eschler – urged the Board to lead the way on eliminating school grading in the upcoming legislative session. While testing is absolutely a vital tool that is needed, the way schools are being rated is not reflecting the reality of what is happening on the ground. The teachers are doing the heavy lifting. The time is right for a change.

Aaron Hogge, Principal, Bountiful High School – has hired three library media specialists in three different secondary schools and supports having that position be a certified teacher. This would fill a critical need in schools, where literacy is discussed in all aspects and content. This certification would provide another licensed educator in the building that has the preparation and experience to educate students. Teacher-librarians understand nuances of research, citation and plagiarism, and help with teacher retention by supporting classroom teachers.

Heidi Matthews, President, Utah Education Association – noted that teachers across the state are wearing red on Tuesdays to reflect pro public education support. Utah is experiencing some chronic underfunding of teacher education that has led to teacher shortages. UEA urges the Board to be courageous in support of Ballot Question 1. UEA looks forward to collaborating

with USBE in addressing teacher shortages and appreciates the opportunities for input on educator licensing, although there are still concerns about the teacher leadership path and how the structure allows for first-time teachers to learn on the job. UEA is collaborating with another approach through marketing and is focusing on the Educators Rising organization to get students interested in teaching.

Diane Fisher – addressed the EBSCO database which is part of Utah Education and Telehealth Network (UETN) library. She thanked UETN for shutting down the EBSCO K-12 site in a responsible manner. She has seen this reframed and minimized in the news as a few websites that are slightly risqué, but it has been shown how easy it was to find information that was very graphic, including graphic sexual descriptions, sexual marketing to minors, and promotion of risky sexual behavior. She issued a plea and challenge to the Board to protect the children of Utah.

Peter Bromberg, Advocacy Chair, Utah Library Association – voiced that UETN has made a bad choice and has erred in shutting down the EBSCO database. The decision was not based on facts, but on someone using it in an unfiltered environment, unlike the heavily filtered environment that exists in schools. The decision to censor these 275 million articles has a sweeping and negative impact on students and teachers across the state. He is hopeful that in the next two weeks to consider the facts and the impact of the decision, UETN will vote to reinstate access to the database. He invited the Board to express support to UETN for reinstatement of EBSCO.

General Consent Calendar

Upon Board member requests, item 4.11, R277-495; item 4.12, R277-437; item 4.13, R277-477; and item 4.16, Civics Report, were removed from the Consent Calendar.

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

Motion carried; Members Stokes and Wright absent.

Consent Calendar

4.1 Approval of Meeting Minutes

The Board approved the minutes of its September 6-7, 2018 meeting. [For additional details, see General Exhibit No. 18-336.]

4.2 Contracts for Approval

The Board approved contracts over \$100,000 with the following: Wallace Calder dba Calder Law Office; Pingora Consulting, LLC; GuideSoft Inc. (2); Douglas Larson; OsberverTab, LLC; INFINI D Learning. [For additional details, see General Exhibit No. 18-337.]

4.3 Contracts for Review

The Board was provided with contracts under \$100,000 with the following for review: Howell Education Consulting; Karen Kowalski; SPEDSIS (2); Utah State University (2); Utah State University – Scott Hunsaker; Joan Giroux Bramble; Utah Education Policy Center (UEPC). [For additional details, see General Exhibit No. 18-337.]

4.4 Grant Approvals

The Board approved receipt of a five-year federal grant from the U.S. Department of Substance Abuse and Mental Health Services Administration for \$1,688,500 annually, for a total of \$8,442,500.

The Board approved application for a private grant from the Sorensen Legacy Awards for Excellence in Arts Education for \$95,000.

[For additional details, see General Exhibit No. 18-338.]

4.5 Requests for Temporary Authorizations

The Board approved temporary authorizations for educator licenses as submitted. [For additional details, see General Exhibit No. 18-339.]

4.6 English Learner Task Force

The Board approved the scope of work, representation areas, and appointment process for an English Learners Task Force. [For additional details, see General Exhibit No. 18-340.]

4.7 Internal Data Requests

The Board approved data agreements with Blakely Consulting, LLC; Division of Workforce Services; and Navajo Nation. [For additional details, see General Exhibit No. 18-341.]

4.8 Bellweather Consultant Services to USBE Youth in Custody Team

The Board approved the USBE Youth in Custody Section working with Bellwether Education Partners on a continuing project. [For additional details, see General Exhibit No. 18-342.]

4.9 Response to National Safety Transportation Board Report

The Board, in response to National Transportation Safety Board recommendations, approved staff forwarding to the Governor's office a recommendation that the state not legally require (by way of legislation) that all new or existing school buses have lap belts or shoulder belts, but allow local education agencies to make the decision. [For additional details, see General Exhibit No. 18-343.]

4.10 Required Submission to State Finance and the Governor's Office

The Board approved submission of the Federal Receipts Reporting to State Finance and the Federal Funds Request Summary FY2020 to the Governor's Office of Management and Budget. [For additional details, see General Exhibit No. 18-344.]

4.11 R277-495 Required Policies for Electronic Devices in Public Schools (Repeal)

This item was pulled off the Consent Calendar for further discussion.

4.12 R277-437 Student Enrollment Options (Amendment and Continuation)

This item was pulled off the Consent Calendar for further discussion.

4.13 R277-477 Distribution of Funds from the Trust Earnings Account and Administration of the School LAND Trust Program (Amendment)

This item was pulled off the Consent Calendar for further discussion.

4.14 R277-491 School Community Councils (Amendment)

The Board approved R277-491 *School Community Councils*, Draft 1, on second and final reading. [For additional details, see General Exhibit No. 18-345.]

4.15 Approval of Accruals

The Board approved an accrual of \$98,722,431 for fiscal year end close 2018. [For additional details, see General Exhibit No. 18-346.]

4.16 Civics 2018 Annual Report to the Legislature

This item was pulled off the Consent Calendar for further discussion.

4.17 Public Education Appropriations Material

The Board was provided with information that will be presented to the legislative Public Education Appropriations Subcommittee on October 16, 2018. [For additional details, see General Exhibit No. 18-347.]

4.18 Career and Technical Education 2018 Report to the Legislature

The Board was provided with an annual report on how the career and technical education needs of secondary students are being met and what access secondary students have to programs offered. [For additional details, see General Exhibit No. 18-348.]

4.19 List of Educator Licenses Processed

The Board was provided with a list of educator licenses processed in August 2018. [For additional details, see General Exhibit No. 18-349.]

R277-495, R277-437, R277-477

It was noted that these rules will be discussed during committee reports.

Civics Report

Member L. Cummins questioned if there was anything shared during the Civics Report to the Education Interim Committee that is not included in the report. Superintendent Dickson explained that staff were not asked to give a presentation, but to provide the report to the committee and be prepared to answer questions. The Interim Committee did not ask questions about the report. [For additional details, see General Exhibit No. 18-350.]

Monthly Budget Report

Deputy Superintendent Scott Jones gave the monthly budget report and indicated that the Board is financially solvent and able to meet its commitments.

Superintendent Jones referenced the remaining balances in the Discretionary Fund, and reported that in its October 5 meeting, the Finance Committee will be discussing possible uses of those funds.

[For additional details, see General Exhibit No. 18-351.]

Utah High School Activities Association (UHSAA) Report

Rob Cuff, UHSAA Executive Director, and Brennan Jackson, Assistant Director, were welcomed to the meeting for the purpose of providing an annual report as required in state statute. Written information was provided to the Board.

Mr. Cuff discussed realignment of member school classifications and referenced a timetable included in the information provided. There will be a public hearing in December regarding the proposed realignment. He informed that Member Belnap is part of the realignment committee. He also explained that UHSAA is awaiting October 1 enrollment counts, as those numbers are a primary factor in determining alignment of schools.

[For additional details, see General Exhibit No. 18-352.]

Athletic Director Certification

Jodi Kaufman, USBE Health and P.E. Specialist, addressed a request from USBE members for UHSAA to look at certification for school athletic directors. Ms. Kaufman is also Superintendent Dickson's designee on the UHSAA Executive Committee.

Ms. Kaufman reported that the UHSAA Executive Committee discussed in its last meeting whose role it might be to require athletic director (AD) certification. Options included USBE rule, UHSAA registration such as Register My Coach, NIAAA certification, or a range of other things that would qualify an AD such as an administrator license, bullying and hazing training, concussion training and other training coaches receive.

UHSAA's preference was to handle it themselves, possibly adding a requirement to the UHSAA Handbook. Mr. Cuff indicated the issue would go to the UHSAA Constitution and Bylaws Committee with the anticipation of something being in place by next school year.

Every Student Succeeds Act (ESSA) Plan

Superintendent Dickson made a presentation on the Utah ESSA Plan including how the achievement indicator is calculated. She clarified that there was never any danger of Utah losing money or not getting its plan approved due to rate of opt outs from student assessments, and increases in opt outs would not affect future funding. There were concerns about accountability reporting and identifying schools for improvement. The current language in the plan would give the Board some wiggle room, but still allows for one reporting system; however, the use of terms such as "audit" and "remediation" in the plan language has caused confusion.

Dr. Dickson reviewed proposed clarifying language. In response to Board member questions, it was also clarified that the Board is not required to audit assessment participation rates, but must do a needs assessment.

Superintendent Dickson also reviewed an amendment staff is seeking to add language to address the method for determining adequate progress for English learners.

MOTION was made by Member Boulter and seconded that staff seek an amendment to Utah's ESSA state plan to clarify the 95 percent achievement indicator calculation issue to acknowledge the state's inability to meet the 95 percent participation rate requirement due to state law, and to remove references to audits or remediation, as suggested by staff.

It was noted that if staff need to make minor changes in verbiage Board Leadership will assure the changes are in compliance with Board direction.

Motion carried; Member Wright absent.

MOTION was made by Member Belnap and seconded that the Board seek an amendment to Utah's ESSA state plan to change the method for calculating the English Learner indicator within the accountability system to individualize growth targets based on the student's grade level and English proficiency level when the student entered school.

Motion carried unanimously.

[For additional details, see General Exhibit No. 18-353.]

Audit Committee Report

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

Nebo HR Audit Request

The Committee discussed an HR issue in Nebo School District where an audit was requested.

MOTION from Committee that the Board direct the Audit Committee to send a letter, drafted by the Internal Audit Department, notifying the Nebo School Board about an audit request from parents in the Nebo School District. The letter is to include a request for information about Nebo School Board's plan of action regarding the situation and will stress the importance of the children's safety. A copy is to be sent to the Nebo District Superintendent.

A Board member concern was expressed regarding the State Board getting involved in an LEA's personnel matters, and discomfort with the Audit Department's ability to handle HR issues. It was clarified since this is a significant complaint and concern, the Audit Committee initially wants to know if and how Nebo District is addressing the concern. The letter is chiefly an inquiry; however, depending on the response, the item could come before the Board for further action.

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

Member Ellis indicated that the UPPAC report on the situation will be provided to the Board.

Mathematics Standards Audit

The Committee asked for more information about a requested audit of mathematics standards, so did not make a recommendation to forward to the Board.

MOTION was made by Member Belnap and seconded that the Board consider this item.

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

Board Action on Executive Session Items

Actions on Educator Licenses

MOTION was made by Member Belnap and seconded that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 14-1234 and reinstate the individual's Level 2 Secondary Education license.

Motion carried; Member Boulter absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1431 to suspend the individual's Level 2 Special Education license for a period of not less than four years.

Motion carried, with Member Belnap opposed.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1481 to suspend the individual's Level 2 Secondary Education license for a period of not less than two years.

Motion carried unanimously.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1485 to suspend the individual's Level 2 Elementary Education license for a period of not less than one year.

Motion carried, with Members Lear and Wright opposed.

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

Motion carried unanimously.

MOTION was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case No. 17-1452 and issue a letter of reprimand to be in place for not less than two years.

Motion failed, with Members Graviet, Lear and Riebe in favor, and all others opposed.

[For additional details, see General Exhibit No. 18-354.]

Utah Education and Telehealth Network (UETN) - EBSCO

In response to concerns regarding the EBSCO database, which is hosted by UETN and available to all public schools, the Board received information about the concerns and recent action by UETN to disable EBSCO for K-12 schools. EBSCO is a database aggregator with full text journal articles to use for research.

Deputy Superintendent Patty Norman noted she serves as the Board's appointed representative from public education on the UETN Board. She reviewed a timeline of events beginning with a complaint from a constituent regarding an article that was found in the EBSCO database describing content that seemed inappropriate for Utah students. UETN staff contacted EBSCO requesting the information be removed from the K-12 instance of EBSCO, then, in consultation with UETN board members, disabled the links to EBSCO K-12 products and notified constituents.

Throughout the week of September 24 UETN held multiple calls with EBSCO to resolve the issue and gain assurances that only school- and age-appropriate material will be available on the K-12 databases. As part of that agreement, EBSCO implemented more robust filtering on key terms and blocked journals that are marketed to adults and typically not appropriate for K-12 students. The new measures continue to be tested by EBSCO and UETN staff. UETN also contacted the other database providers UETN hosts as well.

On October 1 the UETN Board called an emergency meeting and a motion was made to leave the EBSCO K-12 system off and not available until further research can be done to assure the students are safe in this type of environment and also to research current tools to make sure there aren't the same issues with the other products hosted by UETN.

Superintendent Norman abstained from the vote as she did not have Board direction on this controversial issue. Additional research will be done before the next UETN Board meeting on October 19. Dr. Norman indicated that she will not be at the October 19 meeting, and requested the Board appoint a temporary representative and provide direction for the vote on this issue.

Superintendent Norman reported that a survey was sent to LEAs on options they would use if EBSCO is not available, and teachers and librarians are worried about not having access to peer reviewed articles; although there are other databases that can be used, none are as specific to students.

Dr. Ray Timothy, UETN Executive Director, and Dr. Laura Hunter, UETN Chief Operating Officer, were invited to answer questions. Dr. Timothy reported that UETN is a state entity created by the legislature and is the internet provider for public and higher education. UETN provides a support role to education, but the USBE does not have oversight over UETN.

Laura Hunter mentioned that part of the way schools meet their accreditation requirement is by having online library resources.

The following Board members concerns were expressed:

- EBSCO isn't filtered for K-12 so that academic information is the top priority.
- Illicit material can be accessed on the EBSCO database.
- It isn't known if there are other tools that are as robust as EBSCO.
- If an individual has an online password in UETN, the individuals would have all the links available, and there is no way to block access to one.
- There is no oversight or monitoring of EBSCO and parents don't trust EBSCO to clean up its database.
- Exposure to inappropriate material is a major issue that can lead to addiction that could result in depression and suicide.

A suggestion was made that the Board's attorney look at the legality of providing material to minors that has non-serious value and review the state requirement that a content provider shall restrict access to material as defined in Code that is harmful to minors.

Dr. Timothy stated as the CEO of UETN he takes full responsibility for any problems. As soon as UETN found out about the problem UETN began working with EBSCO, and that is when EBSCO content was divided into different areas. UETN has an instructional support team, and any complaints that come their direction are addressed by Ms. Hunter's staff. A prime concern is protecting students.

MOTION was made by Member Stokes and seconded that the Board direct its representative to the UETN Board to request that UETN take the necessary steps to protect Utah students, and after that expectation is met, request that UETN make EBSCO accessible to schools.

MOTION TO AMEND was made by Member Belnap and seconded that the Board temporarily appoint Superintendent Sydnee Dickson to take the place of Patty Norman for UETN's October 19 meeting.

Without objection, the motion was split.

Motion to temporarily appoint Superintendent Dickson carried unanimously.

Member Stokes spoke to his motion, noting that every library in the state uses this service, and any student can go to the library in his/her neighborhood to access the database. He believes UETN will do everything it can to protect children.

Board members voiced that children must be protected in schools, and expressed varying levels of trust in the handling of filters by EBSCO and UETN. It was pointed out that ultimately parents have the right to restrict or allow access to data by their children. It was also noted that there are many safeguards in place within schools.

Motion giving direction to the Board's representative to the UETN Board carried, with Members B. Cummins, Graviet, Hansen, Huntsman, Lear, Riebe, Stokes and Warner in favor, and Members Belnap, Boulter, L. Cummins, Ellis, Neilson and Wright opposed.

[For additional details, see General Exhibit No. 18-355.]

Finance Committee Report/Recommendations

Committee Chair Joel Wright reported on the following items from the September 7, 2018 Committee meeting. Information on items not reported will be included in the exhibit to the meeting summary. [For additional details, see General Exhibit No. 18-356.]

R277-437 Student Enrollment Options

This rule was pulled from the Consent Calendar, but through an oversight was not addressed in the committee report. No action was taken by the Board. [For additional details, see General Exhibit No. 18-357.]

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

The Committee reviewed amendments to R277-477 concerning references to the School Children's Trust Section Director. The Committee approved the rule on first reading.

MOTION from Committee that the Board approve R277-477, Draft 3, on second and final reading.

It was noted that after the Committee met, an additional amendment was suggested to change language requiring approval from the State Charter School Board to approval from a charter school authorizer. The change has been added to Draft 4.

MOTION TO AMEND was made by Member Wright and seconded that the Board approve R277-477 *Distribution of Funds from the Trust Earnings Account and Administration of the School LAND Trust Program*, Draft 4, on second and final reading.

Motion to amend and approve carried; Member Ellis absent. [For additional details, see General Exhibit No. 18-358.]

R277-491 School Community Councils (Amendment)

This rule was approved on the Consent Calendar.

Approval of Accruals

Accruals were approved on the Consent Calendar.

Law and Licensing Committee Report/Recommendations

Committee Chair Michelle Boulter reported on the following items from the September 7, 2018 Committee meeting. [For additional details, see General Exhibit No. 18-359.]

R277-301 Educator Licensing

The Committee reviewed amendments to the rule in Draft 3 proposed by several Board members in the August USBE meeting and made several amendments to the rule, captured in Draft 4.

MOTION from Committee that the Board approve R277-301 *Educator Licensing*, Draft 4, on second and final reading.

Some concern was expressed that there aren't clear guidelines for educator ethics.

Motion carried unanimously; Member Ellis absent. [For additional details, see General Exhibit No. 18-360.]

R277-303 Educator Preparation Programs

The Committee review amendment options to new rule R277-303 created to govern the general aspects of educator preparation programs under the three-tier licensing structure adopted by the Board and passed by the Legislature in the 2018 Legislative Session. The Committee made additional amendments to Draft 1, and approved R277-303, Draft 1, Option 2, on first reading.

MOTION from Committee that the Board approve R277-303 *Educator Preparation Programs*, Draft 2, on second and final reading.

Motion carried unanimously; Member Ellis absent. [For additional details, see General Exhibit No. 18-361.]

Charter School Expansion Requests

The Committee reviewed expansion requests from Reagan Academy and Excelsior Academy Charter Schools. The Committee approved moving forward Reagan Academy's request to increase the total number of students served from 675 to 820 beginning in the fall of

2019. The Committee also approved moving forward Excelsior Academy's request to increase the total number of students served from 1,215 to 1,410 beginning in the fall of 2019.

MOTION from Committee that the Board approve the expansion requests from Reagan Academy and Excelsior Academy as submitted.

Member Wright informed that he has a conflict of interest so left the room until the voting was over.

Motion carried; Members Ellis and Wright absent. [For additional details, see General Exhibit No. 18-362.]

Board Policy 3006 - USBE Data Governance Plan

The Committee reviewed amendments to Board Policy 3006 made as a result of S.B. 207 Student Data Protection Amendments, passed in the 2018 Legislative Session.

MOTION from Committee that the Board approve Board Policy 3006 – USBE Data Governance Plan, as amended.

Motion carried; Members Ellis and Wright absent. [For additional details, see General Exhibit No. 18-363.]

External Data Requests

The Committee reviewed requests for data sharing from Lee Hale, Dr. Pam Perlich and Mallory Bateman, and Kelly Striefel.

MOTION from Committee that the Board approve data-sharing as requested by Lee Hale for KUER/NPR Utah.

Member Belnap indicated she did not vote in favor of the agreement in committee because the end product was potentially to be used in media.

Whitney Phillips, USBE Data Privacy Officer, reported that her role is checking on the permissiveness of disclosing the data, and in this case, it is legally permissive.

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

MOTION from Committee that the Board approve data-sharing as requested by Dr. Pam Perlich and Mallory Bateman for the Kem C. Gardner Policy Institute.

Motion carried; Members Ellis and Wright absent.

The Committee took no action on the Kelly Striefel request, indicating there wasn't enough information for the committee to make a good decision.

[For additional details, see General Exhibit No. 18-364.]

R277-487 Public School Data Confidentiality and Disclosure

The Committee reviewed amendments to Draft 2 of R277-487 to reflect legislative updates and recommendations from the data privacy advisory groups. The Committee made additional amendments, and passed R277-487, Draft 2, as amended, on first reading.

MOTION from Committee that the Board approve R277-487 *Public School Data Confidentiality and Disclosure*, Draft 3, on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 18-365.]

R277-444 Distribution of Money to Arts and Science Organizations

The Committee reviewed proposed amendments to Draft 1 of R277-444 to update existing language to match current practice and allow for more time-appropriate deadlines. The Committee made additional amendments, and passed R277-444, Draft 1, as amended, on first reading.

MOTION from Committee that the Board approve R277-444, Draft 2, on second and final reading.

MOTION TO AMEND was made by Member Boulter and seconded that the Board approved R277-444, Draft 3, on second and final reading.

Member Boulter explained that staff requested the addition of a date to lines 125 and 126 to prevent award notices from being given before funding is received.

Motion to amend carried.

Motion as amended carried; Member Ellis absent. [For additional details, see General Exhibit No. 18-366.]

Dyslexia Handbook

The Committee reviewed the Dyslexia Handbook developed by a task force created by the USBE Advisory Committee on Equity of Educational Services for Students (ACEESS) as authorized by the Board. The handbook provides key information and resources to support educators, families and the community in supporting students who struggle to learn to read.

MOTION from Committee that the Board approve the Dyslexia Handbook.

Motion carried; Member Ellis absent. [For additional details, see General Exhibit No. 18-367.]

Standards and Assessment Committee Report/Recommendations

Committee Vice Chair Jennifer Graviet reported on the following items from the September 7, 2018 Committee meeting. Items not reported to the Board will be included in the exhibits to the meeting summary. [For additional details, see General Exhibit No. 18-368.]

Alternate School Accountability

Assistant Superintendent Leah Voorhies reported to the Committee recommendations from a workgroup created to address alternate school accountability. The Committee approved the workgroup recommendation for a definition of an alternate school and how a school applies to become designated as an alternate school as follows:

If a school does not meet the minimum “n” size in the proficiency and growth indicators so that an accountability rating cannot be determined, or if a school receives an accountability rating that places the school in the bottom five percent of schools, but the school has a “special purpose” and needs to have an accountability review that takes that special purpose into account, then the USBE will perform a second-tier review to determine if the USBE is confident that the school is “low performing” and should receive School Improvement or School Turnaround services and supports.

It was clarified that “Special Purpose/Population Schools” are defined as: 1) A special school for students with disabilities; 2) a special school for youth in custody; and 3) an alternative school.

MOTION from Committee that the Board approve the blended definition and statement for alternate school accountability.

Member Ellis expressed concern about the “n” size number of 10 and asked for more research and discussion concerning what a valid “n” size is.

Motion carried, with Members B. Cummins, Gravier, Hansen, Huntsman, Lear, Neilson, Riebe, Stokes and Warner in favor, and Members Belnap, Boulter, L. Cummins, Ellis and Wright opposed. [For additional details, see General Exhibit No. 18-369.]

School Report Card

Staff provided a demonstration to the Committee of the new proposed format for the School Report Card, which was developed with feedback from focus groups.

MOTION from Committee that the Board approve the School Report Card with the following recommendations: 1) Use criterion reference test items; 2) use the meter icon for ratings at the indicator level; and 3) allow LEAs to highlight school commendations.

It was pointed out that the Board exercised its authority to withhold grades for the 2018 school year and could exercise that authority in the future because of changes to assessments to make it difficult to assess growth.

Motion carried; Member Ellis absent. [For additional details, see General Exhibit No. 18-370.]

R277-496 K-3 Reading Software Licenses

The Committee reviewed amendments to the rule to conform with changes made to the statutory language that governs this program. The Committee approve R277-496, Draft 1 on first reading.

MOTION from Committee that the Board approve R277-496 *K-3 Reading Software Licenses*, Draft 1, on second and final reading.

Motion carried; Members Ellis and Wright absent. [For additional details, see General Exhibit No. 18-371.]

R277-495 Required Policies for Electronic Devices in Public Schools

The Committee reviewed staff recommendations that the rule be repealed because the provisions of the rule are required in several other areas, including the digital teaching and learning master plan. The Committee approved repeal of R277-495 on first reading.

MOTION from Committee that the Board repeal R277-495 *Required Policies for Electronic Devices in Public Schools* on second and final reading.

The rule had been placed on the Consent Calendar for approval, but Member Lear requested it be pulled for more discussion. She voiced that it is important the Board sets some standards for LEAs using various electronic devices. She pointed out that the Digital Teaching and Learning Master Plan is not a rule, and if the Board wants to hold LEAs to certain standards, a rule should be in place.

Sarah Young, Digital Teaching and Learning Coordinator, reported that staff from various sections reviewed the rule and found the majority of the rule is duplicated in other rules.

Policy Analyst Jeff Van Hulten also noted that the rule is up for continuation and needs to be continued by December or it will lapse.

Motion failed, with all opposed; Member Ellis absent. [For additional details, see General Exhibit No. 18-372.]

R277-620 Suicide Prevention Programs

The Committee reviewed amendments to the rule to add standards response protocols and a definition of the Adverse Childhood Experiences Study (ACES). The Committee approved and continued R277-620, Draft 3, on first reading.

MOTION from Committee that the Board approve and continue R277-620 *Suicide Prevention Programs*, Draft 3, on second and final reading.

A question was asked why areas such as economic status, homelessness, refugee status, and other areas, are not included in the ACES list. Cathy Davis, USBE Suicide Prevention Specialist, noted that the ACES survey was done by Kaiser Permanente and those experiences weren't on the survey. It is understood that poverty and homeless are traumatic experiences for a child.

Another concern was voiced that there aren't other studies included. It was noted that line 54 provides for other empirical data to be added.

It was reported there was a concern during the committee discussion that there is not a protocol or rule in place to notify parents ahead of time when there are going to be discussions involving suicide prevention. Mr. Van Hulten informed that this will be addressed in a separate rule or potential statutory changes regarding parental notification.

Another concern discussed was a statement made in a staff presentation that talking about suicide does not lead to more suicide, and that staff might be using anecdotal evidence as justification to have classroom discussion that teachers may not have the capacity to manage. In addition, it would be important to know in any research that supports talking about suicide, if there are specific parameters or settings that are optimal. Ms. Davis reported there is research that confirms the statement and indicated she will send the study to Board members.

Motion carried; Member Wright absent. [For additional details, see General Exhibit No. 18-373.]

Standard Response Protocol for Student Support

The Committee reviewed draft standard response protocols for student support in elementary and secondary grades and were informed that the protocols are for the purpose of helping students to self-identify when they have anxiety, stress, and emotional triggers in an attempt to reduce risk for suicide, self-harm, substance use and other life problems.

MOTION from Committee that the Board approve the standard response protocols for student supports for elementary and secondary grades.

Motion carried. Member Wright absent. [For additional details, see General Exhibit No. 18-374.]

Board Approved Curricula for Juvenile Justice Modifications (53G-8-211)

The Integrated Model of Responses to School Based Behavior was developed in response to Utah Code Section 53G-8-211 which stipulates that local education agencies shall utilize evidence-based practices approved by the Board, in response to student behavioral needs.

MOTION from Committee that the Board approve the Integrated Model of Responses to School-Based Behavior document.

Motion carried; Member Wright absent. [For additional details, see General Exhibit No. 18-375.]

R277-488 Critical Language and Dual Language Immersion Program

The Committee reviewed amendments to the rule that addressed changes made to the Dual Language Immersion program in the 2018 Legislative Session. The Committee approved R277-488, Draft 2, on first reading.

MOTION from Committee that the Board approve R277-488 *Critical Language and Dual Language Immersion Program*, Draft 2, on second and final reading.

Motion carried. Member Wright absent. [For additional details, see General Exhibit No. 18-376.]

Utah K-12 Computer Science Framework

In June 2018 the Board accepted recommendations from the USBE Computer Science Task Force. The first strategic priority was to develop and implement a statewide K-12 framework for computer science. The Committee reviewed the five concepts within the framework, broken down by grades.

MOTION from Committee that the Board approve the Utah K-12 Computer Science framework.

Motion carried; Member Wright absent. [For additional details, see General Exhibit No. 18-377.]

School Safety Advisory Committee Report

Deputy Superintendent Patty Norman made a presentation about the work of the USBE School Safety Advisory Committee, and informed that this same presentation will be made to the Education Interim Committee. She reviewed the eight foundational conditions for a school safety plan under the school safety framework. The framework includes four areas: mental health supports and prevention programs; public safety and law enforcement; technology and facilities; and crisis response and emergency planning. Board Members Hansen and Warner joined to review areas of the framework along with proposed funding priorities.

Board member concerns were expressed that schools are now taking on safety, crisis management, and health care. It was suggested that school personnel shouldn't be in charge of all the safety in our schools, but be liaisons with other organizations, and that teachers need to move back to just being educators.

Superintendent Norman indicated the advisory committee would concur and reported that the advisory committee is a collaborative body that is facilitating agreement on the legislative request but is not implying ownership by schools only.

Superintendent Dickson voiced that the recommendations are designed to provide funding to LEAs so they can make their own decisions and get safety professionals in their schools as needed. The recommendations are intended to provide support to schools, not to add to the work of school employees.

Chair Huntsman thanked those on the committee for their work. [For additional details, see General Exhibit No. 18-378.]

School Fees Task Force Recommendation

Mark Huntsman, Chair of the USBE School Fees Task Force, brought forward a recommendation from the Task Force and indicated there will be others in subsequent Board meetings.

MOTION from the Task Force that the Board identify dedicated FTEs to work on school fees monitoring, compliance, and training as outlined in R277-407 *School Fees*.

Chair Huntsman spoke to the motion, stating that it is clear from the two audits on school fees that USBE has been identified as not having sufficient resources to facilitate

monitoring, compliance and some training; this is a Board responsibility whether additional funding is provided or not, and needs to start now.

Member Lear, a member of the Task Force, concurred, as the consequences for LEAs could be dramatic and up-front training is essential.

Motion carried; Members Hansen, Stokes, Warner and Wright absent.

Staff were directed to come back to the Board in the next meeting with a plan for assigning and funding the FTEs.

FY20 Budget Priorities

Deputy Superintendent Jones reviewed the budget tracker for Fiscal Year 2020. The tracker is organized by categories: A - increase to value of WPU and growth; B - LEA funding; C - USDB funding; D – USBE Office Budget. The business cases for new funding requests must be submitted to the Governor’s Office by October 12.

Category B – LEA Funding

The Board was informed that the business case for health and safety is currently \$95 million, but adjustments may be made after next week’s legislative interim meetings.

MOTION was made by Member B. Cummins and seconded that the request of \$1.2 million for teacher librarians be moved from ongoing to one-time funding for \$3.6 million.

With no objection, the change will be made.

Members discussed whether the school nurse item should be included in the school health and safety funding or kept as a separate request.

MOTION was made by Member B. Cummins and seconded that the Board remove the \$5 million request for school nurses.

Member Cummins spoke to her motion, agreeing that nurses need to be a priority, but schools would be given more flexibility to fund them as needed if the option is included in the \$30 million for school health and safety. She pointed out that as line items are added, flexibility for local boards is diminished.

Other members voiced that due to the responsibility for untrained school personnel to provide medical care to students, school nurses are imperative; if not a separate item, the

funding could be absorbed by other school safety needs. It was also noted that the school nurse request includes a proposal for a full triage team. Another concern expressed was that the Board isn't in the nursing business and shouldn't be taking on the responsibility and accountability for school nurses.

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

Budget Priorities

MOTION was made by Member Belnap and seconded that the Board approve all the funding requests as the USBE budget proposal in Categories A, B, C, and D, as amended.

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

[For additional details, see General Exhibit No. 18-379.]

Legislative Policy/Statutory Priorities

Deputy Superintendent Stallings and Policy Advisory Jeffrey Van Hulten reviewed staff requests for legislative changes, requests for staff input from the Legislature, and Board-approved requests for statutory changes.

With no objections to the requests for legislative changes, staff were directed to move forward in working with legislators on the proposed changes.

Board members were invited to contact Deputy Superintendent Stallings with items they would like added to the list.

[For additional details, see General Exhibit No. 18-380.]

SAGE Science Standard Setting

Assistant Superintendent Darin Nielsen reviewed that in 2015 the Board adopted new science standards in grades 6, 7 and 8. After the new standards were adopted, staff began the

process of creating assessment questions to measure those standards. This year the items were field tested, and the next step is to approve performance level descriptors. Teams comprised of 33 educators were organized and met in a two-day workshop, using a process that is an industry standard, to develop the descriptors to recommend to the Board.

Superintendent Nielsen reported that all of these items are Utah written items, and none are leased. He also clarified that Utah owns the questions and they will go into the new delivery system.

MOTION was made by Member Belnap and seconded that the Board accept the performance standards as recommended.

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

The approved science achievement standards are as follows:

Grade	Level 2 Approaching Proficient	Level 3 Proficient	Level 4 Above Proficient
6	841	849	862
7	841	851	861
8	842	851	861

[For additional details, see General Exhibit No. 18-381.]

Superintendent's Report

Superintendent Dickson thanked the Child Nutrition Programs Section for facilitating the planting and harvesting of the new USBE garden at the building this year, and reported it has been a very positive thing for the office. The produce was taken to a refugee center.

Adjournment

MOTION was made by Member Riebe and seconded that the meeting adjourn. Motion carried. The meeting adjourned at 6:20 p.m.

Lorraine Austin, Board Secretary
Minutes approved November 1, 2018