

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

June 1-2, 2017

STUDY SESSION - June 1, 2017

A study session of the Utah State Board of Education was held June 1, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Board members present included Chair Mark Huntsman, 1st Vice Chair Terryl Warner, 2nd Vice Chair Brittney Cummins, 3rd Vice Chair Alisa Ellis, Laura Belnap, Janet Cannon, Lisa Cummins, Jennifer Graviet, Linda Hansen, Carol Barlow Lear, Scott Neilson, Kathleen Riebe, Spencer Stokes, Terryl Warner and Joel Wright.

Others present included Sydnee Dickson, Rich Nye, Scott Jones, Angie Stallings, Lorraine Austin, Diana Suddreth, Travis Rawlings, Lisa Brown–USBE staff; Youngmei Ni, Andrea Rorrer–Utah Education Policy Center.

Call to Order

Chair Mark Huntsman called the meeting to order at 2:05 p.m.

Strategic Plan Review - Teacher Recruitment and Retention

Deputy Superintendent Rich Nye introduced the discussion item from the Board Strategic Plan–teacher recruitment and retention. Diana Suddreth, Teaching and Learning Director, Travis Rawlings, Educator Licensing Coordinator, and Lisa Brown, Educator Preparation Specialist, joined him for a presentation of the goals and strategies to address the teacher shortage in Utah and to support recruitment and retention of effective educators.

Chair Huntsman noted that parents aren't listed in the plan, and it was clarified that parent involvement is be part of school climate.

Member Hansen observed that at some universities it takes six years to get a teaching degree, which could be discouraging for students.

Member Riebe expressed that one hindrance to retaining teachers could be that

creativity in the classroom is being taken away. With everything teachers are required to do spontaneous situations. Also, the requirements for what teachers must do are being changed frequently.

Member L. Cummins suggested that the reason the number of teachers diminished in 2011 was that the Common Core was implemented in 2010.

Member Graviet mentioned that when she asks students in her classroom how many want to become teachers, there are only two or three hands. She expressed that teachers are much more anxious now with increased responsibilities and accountability, and suggested that doesn't provide a creative environment where students can discover. If students don't like the way they feel in the classroom they won't want to work in the classroom.

Member Ellis agreed and expressed that a disservice is being done to teachers by trying to push down accountability measures from the state.

Member L. Cummins suggested freedom comes with fewer mandates and the best way to support teachers would be to have fewer mandates.

Member Riebe observed that she works in very low income schools and there is the tendency for the standards to be modified for children who come from challenged homes, and that is the reason she feels the guardrail of standards to which everyone is held are extremely important.

Dr. Suddreth reported that last year the Board contracted with the Utah Education Policy Center (UEPC) regarding teacher retention and they released three policy briefs: 1) Teacher Turnover in Utah 2013-14 and 2014-15; 2) Beginning Teachers in Utah between 2008-09 and 2014-15; and 3) Teacher Retention in Utah: Exploring 2011-12 SASS and 2012-13 TFS Survey Data. Drs. Andrea Rorrer and Youngmei Ni from the Center were invited to review the briefs.

Dr. Rorrer reviewed the Center's recommendations for next steps to collect data on why people are leaving the field, the reasons for leaving, and what provides their satisfaction.

Chair Huntsman suggested that a timeline of significant events that have affected public education would be helpful.

Dr. Suddreth indicated that staff are looking at a three-pronged research event with the UEPC and are considering the second stage. State Superintendent Dickson suggested the Board could play a part in developing questions for institutional surveys and exit surveys. Dr. Suddreth also reviewed next steps coming out of the Board's Strategic Plan.

Terry Shoemaker, Executive Director of the Utah School Superintendents Association, was asked to comment. He indicated there is no more hot topic than this among school boards and superintendents and the salary piece has exploded. He acknowledged that salary is a local issue, but stated that there are also equity issues that need to be considered as there are wide disparities, and the State Board has a role in those issues.

Board Meeting Schedule

The Board discussed some options for changing its meeting schedule: 1) Hold committees the week before Board meeting, thus allowing more time for Board members to review other committees and receive public input; 2) keep to the current schedule, but hold Board meeting the first day and standing committee meetings the second day, with action on committee items occurring the next month.

Board members gave feedback and Chair Huntsman summarized that Board members want more time to make informed decisions, but realize it would be difficult to change the schedule this year. He indicated the current schedule will remain in place, but Board Leadership will discuss the issue further.

Board Member Conference Reports

Vice Chair Brittney Cummins reported on the conference she attended recently in Oklahoma City with Utah's Network for Transforming Educator Preparation (NTEP) team. She expressed excitement about what is being done at the Board level that is paralleling the NTEP work and indicated she will be sending Board members suggestions of possible areas for Board participation.

Member Lisa Cummins reported on the National Association of State Board of Education (NASBE) Legislative Conference she attended in March along with Members B. Cummins, Ellis

and Boulter. There were well-informed discussions about school choice, charter schools, teacher retention, ESSA, FERPA and federal bills. The group also heard from U.S. Secretary of Education Betsy DeVos. In addition, the Board members met with Utah's congressional delegation and their staff.

Vice Chair Ellis also reported on the conference stating that it was good to network with people across the nation and hear different perspectives. She felt the congressional visits were very important.

Board Training

Board Members received information regarding accessing the Finet system.

Executive Session

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

Upon affirmative voice vote of Members Belnap, Boulter, B. Cummins, L. Cummins, Ellis Gravier, Hansen, Huntsman, Lear, Neilson and Riebe the Board moved into Executive Session at 4:28 p.m.

Those present included the Board members above and Sydnee Dickson, Scott Jones, Lorraine Austin, Emilie Wheeler and David Thomas.

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

Motion carried. The Board reconvened in open meeting at 4:57 p.m.

Adjournment

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

Motion carried. The meeting adjourned at 4:57 p.m.

UTAH STATE BOARD OF EDUCATION MEETING - June 2, 2017

A meeting of the Utah State Board of Education was held June 2, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Board Members Present:

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

Executive Staff Present:

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

Others Present:

Chris Godfrey–Utah School Employees Association; Terry Shoemaker–Utah Schools Superintendents Association/Utah School Boards Association; Dale Lamborn–Rich School District; Joshua Cornic–Western Governors University; Pam Christensen–USDB Education Association; Jay Blain–Utah Education Association; Rich Young–Pearson

Call to Order

Chair Mark Huntsman called the meeting to order at 8:08 a.m.

Executive Session

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

Upon affirmative voice vote of Members Belnap, B. Cummins, L. Cummins, Boulter, Cannon, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe and Warner, the Board moved

into Executive Session at 8:09 a.m.

Those present included Members Belnap, B. Cummins, L. Cummins, Boulter, Cannon, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Stokes, Warner and Wright, and Sydnee Dickson, Rich Nye, Lorraine Austin, Emilie Wheeler, Mike Bell and David Thomas.

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

Motion carried. The Board came out of Executive Session at 9:05 a.m.

Opening Business

Chair Huntsman called the meeting to order at 9:15 a.m. Member Belnap led those present in the Pledge of Allegiance.

Board Member Welcome Message

Member Kathleen Riebe led the Board through a Kahoot, an online game-based learning program, and reported that Kahoots are used in classrooms every day. In the exercise Board members answered questions that reflected the diversity of Utah schools. Member Riebe encouraged Board members, as they make decisions, to reflect on how diverse Utah is and consider all the populations involved.

Introduction of New Employees

Human Resources staff member Michelle Watts introduced new employees Nick Shellabarger and Greg Cox.

Acknowledgment of Student Art Work

Educational Specialist Cathy Jensen informed the Board about an exciting experience for some Utah 11th grade students called the Hamilton project, where students participating in curriculum provided by the Gilder Lehrman Institute of American History, in cooperation with the Utah State Legislature, will be able to attend a matinee of the production, *Hamilton*. She indicated she will make the curricular materials available to the Board.

Ms. Jensen provided information about the student art work hanging in the Board room from Timpanogos Intermediate School and Indian Hills Elementary.

Education Highlight - Davis High School VEX Robotics Program

Doug Livingston, USBE Technology and Engineering Specialist, introduced Dane Leifson, a teacher at Davis High School and the state director for VEX Robotic competitions.

Mr. Leifson introduced students Nick Saunders, Caleb Stephens, Canada Johansen, Daniel Zubeldia, Braxton Hartmann and Joseph Heaton—a robotics team from Davis High School. He reported that Utah has 60 teams actively competing in high school and middle school VEX Robotics competitions. This team from Davis High School competed with 563 other teams in the high school division of the world VRC VEX Robotics championships. The team was one of seven teams that were able to remain undefeated in the qualification rounds, along with another team from Davis High. The team won a division championship trophy given to only the top six teams in the world, and placed sixth in the world overall.

Mr. Leifson informed that the program prepares the students for STEM fields (science, technology, engineering and mathematics) and teaches them to be part of a team. The students spoke to the Board about the program and their future plans and were applauded by the Board.

Ratification of Deputy Superintendent Appointment

Superintendent Sydnee Dickson presented the name of Patty Norman for the Board's consideration and ratification to fill the Deputy Superintendent position being vacated by Rich Nye.

MOTION was made by Member B. Cummins and seconded by Member Cannon that the Board ratify the appointment of Patty Norman as Deputy Superintendent.

Motion carried unanimously.

Ms. Norman thanked the Board for the opportunity and introduced family members present.

Public Comment

Heidi Matthews, President, Utah Education Association - brought a magnifying glass to signify the lens UEA is hoping can be used in light of what is happening in Utah with teacher shortages and retention. She encouraged the Board to leverage what they can and look at how the rules and policies they adopt can support or undermine efforts to support educators in their work, and indicated lack of support is one of the main reasons experienced teachers are leaving the classroom. Regarding R277-531 and R277-533 that specifically deal with educator evaluation, UEA continues to have concerns that the changes in the rules will undermine the system of support for teachers. One of the changes in R277-531 is the requirement that the Board will annually monitor 25 percent of district educator evaluation systems. UEA agrees this is an essential part, but is concerned that the rule eliminates language that requires the Board to "provide professional learning and technical support to districts in implementing the evaluation." She reiterated that through the lens of this critical time of teacher shortage, support, feedback, and professional learning are an essential part of retention.

Jackie Ball, a member of the deaf and hard of hearing community - commented that the USDB PIP program works and she has been so grateful for the program in her life. She has become involved in the Listening and Spoken Language community and is a parent liaison for them. They have concerns that Board rule R277-514 requires all people going through a teacher preparation program for teaching deaf and hard of hearing students to demonstrate basic American Sign Language (ASL) fluency. She voiced that this requirement should only apply if an individual is doing a total communication approach. Teachers of the deaf or hard of hearing should know ASL, but there is no need for fluency. She cautioned that the approach in the rule may lead to a requirement of the total communication approach for deaf and hard of hearing children, which would be counter to parent choice.

Pam Christensen, Utah Schools for the Deaf and the Blind Education Association (USDBEA) President - on behalf of educators at USDB she thanked the Board for the language in R277-514. She addressed two concerns in the rule. She requested that on line 26, "Listening and Spoken Language" (LSL) be capitalized as it is a professional deaf education program. She also noted that lines 39-54 discuss the deaf education program with a list of requirements

within higher education programs; however, line 49 states a need for basic fluency in ASL. She requested that this be clarified so it is associated only with the ASL/English endorsement and not be a general requirement for deaf education programs. It is her understanding that there is an institution of higher education program for LSL and it doesn't require basic fluency in ASL. The educators at USDB appreciate the recognition of the need for both the ASL/English-bilingual/bicultural endorsement and the Listening and Spoken Language endorsement with the associated requirements for each.

Discussion with Governor Gary Herbert

Chair Huntsman welcomed the Governor Gary Herbert and Tami Pyfer, the Governor's Education Director, to the meeting. Governor Herbert expressed that it is an honor to be here with the Board. He commented that his wife would want him to remind people that in Utah STEM is called STEAM to add the arts.

Governor Herbert reminded the Board that he spoke with them a year ago to inform them of things he heard about education in his travels around the state. He observed that most people think the Governor has more responsibility over public education than he has. While he has the ability to propose budgets and provide a bully pulpit, he can't make decisions on policy. The elected school board has that constitutional authority.

The Governor spoke to the positive trend of increasing graduation rates and achievement on assessments and thanked the Board for the leadership it is demonstrating. He believes Utah can accomplish the goal of becoming the best performing education system in the nation.

Governor Herbert referenced a letter he sent to the Board Chair a year ago discussing three different areas: 1) To make sure our children are college and career ready when they graduate from high school, including being ready for civic responsibility; 2) a need for students to understand our system of economics set by our founding fathers—free market capitalism; and
a request for the Board to review the standards and get beyond the Common Core to emphasize that the Board decides what its standards are in the state of Utah.

He expressed his belief that significant headway has been made, but expressed that there is more work to be done because he still gets and calls and letters asking him to change the standards and there is still some confusion that it is the Board's responsibility. He suggested that if there are concerns about data collection, SAGE testing, or other areas, those concerns should be identified clearly and specifically to find solutions to the problem. He emphasized his desire to work together with the Board and indicated he would like the opportunity to come back periodically to the Board and continue the dialogue with the focus on increasing student achievement and making sure Utah children have the best opportunity to get a good education. He questioned how he can help the Board.

Chair Huntsman expressed appreciation for the Governor and his staff's efforts with the legislature and asked for their continued support. He reported that teacher retention and recruitment is part of the Board's strategic plan and moving forward the Board will be looking at specific requirements and programs to determine what is a betterment or a burden for teachers. Chair Huntsman also expressed appreciation for the Governor meeting with individual Board members.

Member Wright thanked the Governor for his the desire to collaborate. He suggested that one way of innovating standards could be to let charter schools choose their own standards and tests.

Member Hansen referenced the Governor's support for more money for teachers and questioned from where the increased funding would come. The Governor responded that there are options such as raising taxes, taking money from one area and putting in into another area, closing some loopholes and tax extension and credits, adjusting sales tax, or creating a healthy economy that would provide additional money. He reiterated that his number one budget priority has been education and there has been an increase in teacher salaries.

Chair Huntsman observed that just as the Governor gets calls on education issues, the Board gets called regarding increasing teacher salaries, which is a local issue. He applauded districts for finding the money for substantial salary increases for next year.

Vice Chair Ellis expressed appreciation for the Governor's goals. She recognized that it is this Board's responsibility to set the standards and suggested the people of Utah need to start

pushing the Board on what they want to see regarding standards. She reported that she has been through the standards and indicated they are still 99 percent aligned to the Common Core.

Governor Herbert stated that standards are necessary, but the key issue is whether the current standards are what we want. He reiterated that the confusion needs to be eliminated. Member Riebe expressed that there is room for flexibility in the standards, but as a teacher she enjoys having the guardrail of standards. She is most excited to hear that things won't change for a while so teachers can be more creative.

Member Neilson noted that he teaches U.S. Government and History and he has told his seniors when they graduate that only in a free republic can the dreams of the people be realized. He expressed appreciation for the Governor's focus on students understanding the foundation of free market capitalism. He voiced that the Board absolutely has a responsibility to help young people understand the foundation of this nation.

Member Cannon indicated she is impressed with the addition of arts to STEM, making it STEAM. She saluted the Governor for bringing people together to support public education. Member L. Cummins informed that she is an immigrant and obtained her citizenship in 2009. Having gone through the immigration process and seeing how little is asked of an immigrant regarding basic U.S. history, she feels the test is not rigorous enough to have adopted it as a graduation requirement.

Chair Huntsman thanked the Governor for sharing his concerns and invited him to come back throughout the year.

General Consent Calendar

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

Motion carried unanimously.

General Consent Calendar

1. Approval of Minutes

The Board approved the minutes of its May 4-5, 2017 meeting.

2. Contracts for Approval

The Board approved contracts and agreements over \$100,000 with the following: Division of Workforce Services, MIDAS, Precision Exams.

3. Contracts for Review

A list of contracts and agreements under \$100,000 was provided for Board information.

4. Instructional Materials Approval

The Board adopted recommendations of the Utah Instructional Materials Commission for approved instructional materials and directed staff to award contracts to the various publishers.

5. Ratification of Appointment

The Board ratified the appointment of Board Member Lisa Cummins to the USBE Student Data Advisory Group.

6. Third and Final Reading of Rules

The outlined action on the following rules was approved on second reading in the Board's May 2017 meeting. No substantive changes were made to the rules since that time. The Board approved the rules on third and final reading.

- R277-101 *Utah State Board of Education Procedures* (Amendment and Continuation)
- R277-103 *USBE Government Records and Management Act* (Repeal)
- R277-111 *Sharing of Curriculum Materials by Public School Educators* (Repeal)
- R277-115 *Material Developed with State Public Education Funds* (Repeal)
- R277-120 *Licensing of Material Developed with Public Education Funds* (New)
- R277-408 *Grants for Online Testing* (Repeal)
- R277-410 *Accreditation of Schools* (Amendment and Continuation)
- R277-460 *Distribution of Substance Abuse Prevention Account* (Amendment and Continuation)
- R277-467 *Distribution of Funds Appropriated for Library Media Materials and Electronic Resources* (Repeal)
- R277-479 *Charter School Special Education Student Funding Formula* (Amendment)

- R277-484 *Data Standards* (Amendment and Continuation)
- R277-485 *Loss of Enrollment* (Amendment and Continuation)
- R277-589 *Early Intervention Program* (Amendment and Continuation)
- R277-493 *Kindergarten Supplemental Enrichment Program* (New)
- R277-514 *Deaf Education in Public Schools* (New)
- R277-520 *Appropriate Licensing and Assignment of Teachers* (Amendment and Continuation)
- R277-531 *Public Educator Evaluation Requirements (PEER)* (Amendment)
- R277-533 *District Educator Evaluation System* (Amendment)
- R277-609-4 *Standards for LEA Discipline Plans and Emergency Safety Interventions – LEA Responsibilities to Develop Plans* (Amendment)
- R277-618 *Educator Peer Attendance and Review Pilot Program (PAR Program)* (Repeal)
- R277-720 *Child Nutrition Programs* (Repeal)
- R277-733 *Adult Education Program* (Amendment and Continuation)
- R277-735 *Corrections Education Program* (Amendment and Continuation)
- R277-911 *Secondary Career and Technical Education* (Continuation and Amendment)
- R277-923 *American Indian and Alaskan Native Education State Plan Pilot Program* (Amendment)

7. List of Educator Licenses Processed

A list of educator licenses processed in April 2017 was provided for Board information.

8. Data Sharing Agreement Requests

The Board was provided with the agreements for sharing data with the Utah Education Policy Center and Hawken and Young.

9. STEM Drop Out Prevention Pilot Grant Application

The application that has been developed for the STEM Drop Out Prevention Pilot grant was provided for Board information.

Monthly Budget Report

Deputy Superintendent Scott Jones presented the budget report for the month ending April 2017. With two months left in the fiscal year approximately 82 percent of the budget has been executed. He reminded Board members that staff have performed monthly

reconciliations throughout the year which has worked considerably well.

Superintendent Jones explained that for some categories that show in the red there is funding to pay the bills, but the problem is in the coding. As the office moves into the Finet system the manual processes will end and better tracking will be in place.

Superintendent Jones reported on the discretionary fund. He indicated there are still concerns with using the fund's one-time monies for ongoing things.

SFY 18 Budget Approval

The base budgets for Fiscal Year 2018 were provided to the Board last month for review. Deputy Superintendent Jones informed that the amounts do not include carryforward money from FY17.

Superintendent Jones reviewed the new format for the budgets. Chair Huntsman requested an addition to show how the future budgets compare to the previous year, with an explanation for a variance of more than five percent. Member Cannon also requested an explanation of the acronyms used.

MOTION was made by Member Stokes and seconded by Member Hansen that the Board approve the Fiscal Year 2018 base budget.

Motion carried unanimously.

Superintendent's Report

Superintendent Sydnee Dickson thanked employees that are retiring or leaving the agency: Mary Bergener, Susan Okroy, Marty Kelly, JoEllen Shaeffer, Gregg Roberts, Glenna Gallo and Rich Nye. They have done incredible work and have helped students throughout the state. She publicly thanked them and the Board gave them a round of applause.

Dr. Dickson shared a presentation, *Education Elevated - Current efforts to set goals and metrics*, outlining the direction in which she recommends the Board proceed.

Superintendent Nye shared that a draft of the state plan required by the federal Every Student Succeeds Act (ESSA) will be out for formal public review and staff will host three different public webinars on the plan. A link to a website where stakeholders can submit

comment on the plan will go live on June 7. Dr. Nye reviewed the timeline for the ESSA plan:

- July - refine and revise the plan based on public feedback.
- August 4 - present the revised plan to the Board.
- August 4 to September 4 - review by the Governor's office.
- August 23 - present the plan to the Education Interim Committee.
- September 8 - final review and approval by the Board with the intent of meeting the U.S. Department of Education's September 18 submission date.

Superintendent Dickson noted that physical changes are being made in the office to facilitate better collaboration and problem solving. She also reported that the program section of the office will be streamlined into Student Learning and Student Support. When a policy or program comes forward, a round table group will be formed with staff from various areas to cover all aspects of the project, including finance, data, technology and P.R. The intent is to create a more efficient, effective and collaborative process.

Dr. Dickson announced that she would like to form a teacher council and a leader council to help inform classroom practice.

Audit Committee Report/Action

Committee Chair Terry Warner reported on the following from the Audit Committee.

MOTION from Committee that the Board release audit reports 16-03.J—American International School of Utah, and 16-03.I—Lumen Scholar Institute to the public.

Member Wright recused himself due to conflicts of interest on both.

Motion carried. Member Wright abstained.

Vice Chair Warner reported that after audits are released they will be assigned to a standing committee for follow up.

Executive Session

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

Upon affirmative voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Gravier, Hansen, Huntsman, Lear, Neilson, Riebe, Warner and Wright, the Board moved into Executive Session at 12:03 p.m.

Those present in Executive Session included all Board members above and Sydnee Dickson, Angie Stallings, Ben Rasmussen, Emilie Wheeler, David Thomas, Mike Bell and Lorraine Austin.

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

Motion carried. The Board reconvened in open session at 1:35 p.m.

Executive Session Action Items

Educator Licensing Actions

MOTION was made by Member Belnap and seconded by Member Boulter that the Board adopt the Remand Order in Utah Professional Practices Advisory Commission (UPPAC) in Case No. 16-1325.

Motion carried, with Member Lear abstaining due to a conflict of interest; Members Neilson and Stokes absent.

MOTION was made by Member Belnap and seconded by Member Hansen that the Board accept the individual's voluntary surrender of license in Case No. 15-1306.

Motion carried; Members Neilson and Stokes absent.

MOTION was made by Member Belnap and seconded by Member Hansen that the Board accept the UPPAC recommendation in Case No. 17-76 to clear the individual to proceed with licensure.

Motion carried; Members Neilson and Stokes absent.

MOTION was made by Member Belnap and seconded by Member Boulter that the Board accept the UPPAC recommendation in Case No. 16-1348 to permanently revoke the individual's Student Teacher license.

Motion carried; Members Neilson and Stokes absent.

MOTION was made by Member Belnap and seconded by Member Boulter that the

Board accept the UPPAC recommendation in Case No. 16-1352 to suspend the educator's Level 2 Administrative/Supervisory, Special Education license for a period of no less than two years from the date of Board action.

Motion carried; Members Neilson and Stokes absent.

MOTION was made by Member Belnap and seconded by Member Boulter that the Board accept the UPPAC recommendation in Case No. 16-1337 to permanently revoke the individual's Level 2 Secondary Education license.

Motion carried; Members Neilson and Stokes absent.

MOTION was made by Member Belnap and seconded by Member Boulter that the Board accept the UPPAC recommendation in Case No. 16-1343 to issue a letter of reprimand to be in place for no less than two years from the date of Board action.

Motion carried; Member Stokes absent.

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

USDB Advisory Council Appointments

MOTION was made by Member Belnap and seconded by Member Boulter that the Board appoint the following to the Utah Schools for the Deaf and the Blind (USDB) Advisory Council for two-year terms: Jared Allebest, representing deaf or hard of hearing adults; Melanie Hooten, representing parents of a deafblind child; Vickie Hathaway, representing blind or visually impaired adults; Richard Gurgel, representing persons with interest in or knowledge of deaf, blind, or deafblind; and Stephanie Morgan, representing USDB teachers of the deaf.

Motion carried; Member Stokes absent.

Trust Advisory Committee Appointment

MOTION was made by Member Belnap and seconded by Member Hansen that the Board appoint Superintendent Cade Douglas to the USBE Trust Advisory Committee, representing school district superintendents.

Motion carried; Member Stokes absent.

ACEESS Appointments

MOTION was made by Member Belnap and seconded by Member Cannon that the Board appoint the following to its Advisory Committee on Equity of Educational Services for Students (ACEESS): Danell Mieure and Morgan Stoeber, representing individuals with expertise or experience serving students who are at risk for under-achievement; Kellie May, representing Asian Americans.

Motion carried; Member Stokes absent.

Utah Instructional Materials Commission Appointment

MOTION was made by Member Belnap and seconded by Member Hansen that the Board appoint Superintendent Scott Rogers to the Utah Instructional Materials Commission, representing school district superintendents.

Paraeducator to Teacher Scholarship Committee Appointments

MOTION was made by Member Belnap and seconded by Member Hansen that the Board appoint the following individuals to its Paraeducator to Teacher Scholarship Committee: Michael Madsen and Marilyn Likins, representing the general public; Kathleen Riebe, representing the Board.

Motion carried; Member Stokes absent.

Strategic Plan

MOTION was made by Vice Chair B. Cummins and seconded by Member Lear that the Board make the following changes to its Strategic Plan:

Under the "Teacher Retention and Recruitment" Strategy:

- Strike the first bullet.
- Add a bullet: "Align our state budget recommendations to maximize flexibility for local education agencies to negotiate competitive educator salaries."
- Add a bullet: "Examine future board actions to determine the impact on classroom climate."

After the "Improve professional learning through evidence based practices" bullet:

- Add a bullet: "Support the retention of beginning educators by collaborating with stakeholders to develop standards for education preparation program/local education agency partnerships and educator induction."
- Add a bullet: "Set conditions in the statewide education system that will foster student interest in education as a profession."
- Add a bullet: "Through collaboration with legislators, set parameters for workforce data use and collection."

Under Oversight - Goals and Action Steps:

- Strike bullet #1.

MOTION TO AMEND was made by Member Ellis and seconded by member Boulter that the line, "Examine future board actions to determine the impact on classroom climate," be its own strategy.

It was suggested that the Board pass the amendment and determine later where that item should be placed.

Motion to amend carried unanimously. Motion carried, with Member Belnap opposed.

Standing Committee Reports

LAW AND LICENSING COMMITTEE

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

Approval of Previous Meeting Minutes

The Committee approved the minutes of its May 4, 2017 meeting.

Utah State Hospital Governance and Administration

Currently, UCA 53A-1-403 and 62A-15-609 provide that the Board is responsible for the education of children under the age of 21 residing at the Utah State Hospital. In fulfilling

that responsibility the Board has a Memorandum of Agreement with Provo City School District to provide educational and related administrative services to those students.

The Committee directed staff to create a subcommittee/working group, to include Board members, staff, and Provo City School District administrators, to make recommendations to the Committee and the Board on future USBE management of the Utah State Hospital educational program.

MOTION from Committee that the Board extend the current Utah State Board of Education/Provo City School District Memorandum of Agreement for one year.

Motion carried unanimously.

R277-502 Educator Licensing and Data Retention

In its April 21 meeting the Law and Licensing Committee approved amendments to R277-502 on first reading and presented it to the Board in May for second reading. The Board did not take action, but referred the rule to its Licensing Task Force for further review; however, due to the five-year review requirement in the Utah Administrative Rulemaking Act, the Board must continue the rule or it will lapse.

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

Motion carried unanimously.

R277-608 Prohibition of Corporal Punishment in Utah's Public Schools

The Committee reviewed R277-608 in accordance with the five-year review requirement in the Utah Administrative Rulemaking Act, along with suggested amendments. The Committee approved and continued the rule, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-608 Revision 1 Prohibition of Corporal Punishment in Utah's Public Schools on second reading.

Motion carried unanimously.

R277-401 Child Abuse-Neglect Reporting by Education Personnel

The Committee reviewed R277-401 in accordance with the five-year review requirement in the Utah Administrative Rulemaking Act, along with suggested amendments. The Committee made an additional amendment, and approved and continued the rule, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-401 *Child Abuse- Neglect Reporting by Education Personnel* Revision 1 on second reading.

Motion carried.

R277-112 Prohibiting Discrimination in the Public Schools

The Committee reviewed R277-112 in accordance with the five-year review requirement in the Utah Administrative Rulemaking Act. Staff recommended repeal of the rule as it is no longer necessary. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board approve repeal of R277-112 *Prohibiting Discrimination in the Public Schools* on second reading.

Motion carried.

R277-121 Board Waiver of Administrative Rules

The Board approved R277-121 on second reading in its May 5 meeting. Since that time, Superintendent Dickson requested that an additional provision be added that provides a requirement for annual reporting for LEAs that receive a waiver for a duration of more than one year. The Committee approved the rule, with the additional amendment, on second reading.

MOTION from Committee that the Board approve new rule R277-121 Revision 2 *Board Waiver of Administrative Rules* on third and final reading.

Motion carried, with Member Lear opposed.

The Committee directed staff to bring R277-121 back to the Committee for consideration when R277-419 is discussed.

R277-407 Schools Fees

The Committee reviewed R277-407 in accordance with the five-year review requirement in the Utah Administrative Rulemaking Act, along with suggested amendments. The Committee approved and continued the rule, as amended, on first reading.

While working to revise the rule staff were made aware of some additional concerns related to school fees received via the State Board hotline and during monitoring reviews. Staff requested that the Board consider approving a priority internal audit of school fees.

MOTION from Committee that the Board approve and continue R277-407 *School Fees Revision 2* on second reading.

Chair Huntsman asked Terry Shoemaker, Executive Director of the Utah School Superintendents Association, to comment. Mr. Shoemaker explained that every year the local school boards, by statute and rule, have to approve school fees. He assumes an audit will determine whether or not local boards are applying the law accurately and appropriately across all circumstances.

Motion carried.

MOTION from Committee that the Board prioritize an internal audit of school fees with the objective of doing a comparative analysis between LEAs of fees charged, reviewing how school fees may impact access and equity of public education to students, and the process LEAs use when determining fees and applying fee waivers to inform future Board policy decisions on school fees.

Deputy Superintendent Stallings reported that a court order is in place from 2002 requiring the State Board to monitor the local education agencies' imposition of fees, their fee schedules and fee waiver policies. The Board has been doing that by receiving the fee schedules and fee waiver policies.

Assistant Attorney General David Thomas added that the overall requirement is that the Board oversee compliance with the rule and the statute. The audit would be from the compliance standpoint.

Committee Chair Hansen reported that the individuals from the Board's ACEESS committee pointed out that sometimes fees are being set so high that some students are being left out, and would like to know if it is a statewide problem. Member Lear stated that

she doesn't feel the Board should be setting fees for LEAs, but should focus on the requirements in the law that have to do student intimidation.

USBE Internal Auditor Debbie Davis reported that this is an area of high risk, and that is why the audit was suggested.

Chair Huntsman voiced that policies are in place at the local level and the audit should focus on whether those policies are in compliance with the law.

Motion carried unanimously.

R277-516 Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members

The Committee reviewed amendments to R277-516 that incorporate the provisions of subsections R277-409-3(6) and (7) into the rule. The amendments require certain associations or their member public schools to establish a set of professional standards that are consistent with the Utah Educator Professional Standards described in R277-515, require annual training of coaches and other individuals who oversee or work with students as part of an interscholastic activity of a public school, and monitor LEA compliance with the training requirements. The Committee approved and continued R277-516, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-516 *Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members* Revision 1 on second reading.

Member Stokes reported that it is his understanding the Utah High School Activities Association (UHSAA) doesn't feel they can manage the volunteers that are volunteer coaches. He noted that the Board has the ability to sanction a teacher who is also a coach, but when coaches who are volunteers move between districts there is no system in place to determine whether they should be coaching.

Member Lear reported that the Committee discussed the issues at length and the challenge is that to track coaches outside of the system an organization would have to add a

system similar to the Board's Utah Professional Practices Advisory Commission system, which would take quite a bit of time and energy.

Member Stokes suggested that perhaps as coaches volunteer they could sign a waiver so they would go into the UPPAC system. He reiterated that there has to be a way to investigate whether a volunteer has been fired or quit a different district, and a way to keep predators out.

Member Ellis added that a challenge is that local boards are advised by their attorneys that they shouldn't say why people are fired or they could be subject to a lawsuit.

Chair Huntsman suggested rather than targeting UHSAA the Board look at a system that encompasses everyone in the schools outside of teaching. Assistant Attorney General David Thomas advised that due process doesn't apply to an association, but is a governmental action. In order to implement the system suggested, a process would be needed. Chair Huntsman indicated that a discussion of a separate tracking system outside of the system for those licensed will be put on a future agenda.

Motion carried unanimously.

R277-409 Public School Membership in Associations

The Committee received a report on progress to incorporate provisions of R277-409 into other rules.

R277-800 Utah Schools for the Deaf and the Blind

The Committee reviewed amendments to R277-800 to make it consistent with H.B. 60 *Deaf and Hard of Hearing Amendments* passed in the 2017 Legislative Session. The Committee approved and continued the rule, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-800 *Utah Schools for the Deaf and the Blind* Revision 1 on second reading.

Motion carried.

R277-801 Services for Students with Sensory Impairments

The Committee reviewed proposed amendments to remove language in R277-801-5(2) that conflicts with language in R277-801-5(3), and made an additional amendment to remove the term “sensory impairments” and replace it with other appropriate terminology. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-801 *Services for Students with Sensory Impairments* Revision 1 on second reading.

Motion carried.

R277-925 *Effective Teachers in High Poverty Schools Incentive Program*

The Committee reviewed new rule R277-925 in its May meeting and staff were directed to get more feedback on the rule and bring it back in June. Staff met with LEAs and Representative Winder and reported on the feedback. In its meeting yesterday, the Committee directed staff to prepare a simplified version of the rule for Board consideration.

Member Riebe expressed concern that a change might cause a disincentive for teachers, when the program was created as an incentive. It was clarified that the rule would not change anything that is in statute, but would be more explicit on how staff will implement the process.

Member Ellis noted that the Committee asked for the simplified rule to be ready today in the event the Board wants to take action.

The Committee was concerned with the use of the SAGE test scores as outlined in the law. Member Riebe asked for clarification on whether scores in every subject area would be used for elementary teachers. Deputy Superintendent Stallings suggested that it would be helpful for staff to have that determination in the rule.

MOTION was made by Member B. Cummins and seconded by Member Warner that the Board approve the original version of R277-925 *Effective Teachers in High Poverty Schools Incentive Program* and address Member Riebe’s concern that the determination not be on an aggregate, but on growth in an area.

Policy Analyst Tiffany Stanley suggested that the wording in line 44 could be changed from “all” to “at least one” to address the concern.

Motion carried, with Members Boulter and Lear opposed.

R277-512 Online Licensure

The Committee reviewed R277-512 in context with the issues related to letters of reprimand and whether the USBE online license lookup tool should include Board disciplinary actions prior to January 1, 2017. The Committee referred the rule to the full Board for discussion.

Chair Huntsman directed that the rule go back to the Law and Licensing Committee and the Committee forward a recommendation to the Board in July. Member Lear agreed to prepare an amendment to the rule for consideration.

STANDARDS AND ASSESSMENT COMMITTEE

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

Approval of Previous Meeting Minutes

The Committee approved the minutes of its May 4, 2017 meeting.

Digital Teaching and Learning Qualified Grant

The Committee received an update on the Digital Teaching and Learning Qualified Grant program from Educational Specialist Sarah Young.

School Psychologists and School Counselors: Training to Evaluate Students with Disabilities (under IDEA)

The Committee received information regarding the number of school psychologists and school counselors in Utah schools and how they are trained to evaluate students potentially eligible under the Individuals with Disabilities Education Act and USBE Special Education rule.

Kindergarten Supplemental Enrichment Program Grantees

The Committee was presented with information regarding applicants for the Kindergarten Supplemental Enrichment program.

MOTION from Committee that the Board approve the kindergarten supplemental enrichment program grantees as presented.

Motion carried; Members Belnap and Neilson absent.

Utah Educational Leader Standards Revision

The Committee heard information concerning the revision of the Standards.

R277-700 The Elementary and Secondary School General Core

This rule was deferred to the July meeting.

R277-433 Disposal of Textbooks in the Public Schools

The Committee reviewed proposed amendments to R277-433 in accordance with the Utah Administrative Rulemaking Act five-year review requirement. The Committee approved and continued the rule on first reading.

MOTION from Committee that the Board approve and continue R277-433 *Disposal of Textbooks in the Public Schools*, as amended, on second reading.

Motion carried; Members Belnap and Neilson absent.

R277-713 Concurrent Enrollment of High School Students in College Courses

The Committee reviewed R277-713 in accordance with the Utah Administrative Rulemaking Act five-year review requirement. No amendments were proposed. The Committee approved continuation of the rule on first reading.

MOTION from Committee that the Board approve continuation of R277-713 *Concurrent Enrollment of High School Students in College Courses* on second reading.

Motion carried; Members Belnap and Neilson absent.

School Counseling Program Model

The Committee received an updated model of the program for review.

Accountability of 11th Grade Students in Fall 2017

The Committee reviewed information regarding the inclusion or exclusion of 11th grade students in the fall 2017 accountability system.

MOTION from Committee that the Board not include the 11th grade SAGE data in the fall 2017 accountability system.

Deputy Superintendent Rich Nye reported that LEAs were consulted and impact data was gathered showing that the change would be very minimal in terms of school grade changes.

Member Riebe expressed concern that results of school grading could possibly change as a result of this action. It was noted that administration of 11th grade SAGE is already optional.

Motion carried; Members Belnap and Neilson absent.

Implications for Failing to Improve School Performance

The Committee received information specific to Cohort One of the School Turnaround Program regarding implications for failing to improve school performance.

The Committee directed staff to draft a rule to include statistical measures with appropriate thresholds for exit criteria, a definition of the statistical metric for extensions and suggestions for extension ideas, and a process that establishes the implications and what may happen if a school is not successful in turnaround.

R277-489 *Early Intervention Program*

The Committee reviewed proposed amendments to R277-489 that will separate the K-3 early intervention program and K-3 reading software program into two rules. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-489 *Early Intervention Program* Revision 2 on second reading.

Motion carried; Members Belnap, Ellis, and Neilson absent.

R277-496 K-3 Reading Software Licenses

The Committee reviewed new rule R277-496, which includes provisions removed from R277-489, adds new provisions to define "technology provider's dosage recommendations," and includes probation requirements for a school to reenter the program after losing the school's access to licenses. The Committee approved the rule on first reading.

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

Motion carried; Members Belnap, Ellis, Neilson and Wright absent.

R277-488 Critical Languages Program

The Committee reviewed proposed amendments to R277-488 to reinstate language referring to critical language which had been removed. The language is still necessary because the pilot program is still a requirement in statute. The Committee approved and continued the rule on second reading.

MOTION from Committee that the Board approve and continue R277-488 *Critical Languages Program*, as amended, on third and final reading.

Member Lear noted that one of her concerns about this program in general has been the background checking of the educators involved.

Motion carried; Members Belnap, Neilson and Wright absent.

FINANCE COMMITTEE

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

Approval of Minutes

The Committee approved the minutes of its May 4, 2017 meeting.

Enterprise Grants Management System Demonstration

The Committee viewed a demonstration of the grants management system, which will be developed over the next year.

Section Budget Reviews

The Committee received budget updates from the Child Nutrition Programs, School Children's Trust, Special Education, Law and Professional Practices, and Career and Technical Education sections.

Budget Process

The Committee received information about the timeline for submitting budget recommendations to the Governor's Office and the process that will take place for the Board to determine and finalize budget requests.

R277-445 Classifying Small School as Necessarily Existent

The Committee reviewed R277-445 in accordance with the Utah Administrative Rulemaking Act five-year review requirement and the technical changes proposed. The Committee also heard from representatives of rural schools regarding concerns with the statute. The Committee approved and continued the rule on first reading.

MOTION from Committee that the Board approve and continue R277-445, as amended, on second reading.

Member Hansen mentioned that in speaking with staff, she understands we don't know how the formula was created. Chair Huntsman reported that staff will be looking at the formula and regression tables.

Motion carried; Members Belnap and Neilson absent.

R277-753 LEA Reporting Requirements for Section 504 Students

The Committee reviewed additional changes made to new rule R277-753 since the May meeting to include dyslexia, dysgraphia and dyscalculia. The Committee approved the

rule on second reading.

MOTION from Committee that the Board approve R277-753 *LEA Reporting Requirements for Section 504 Students* on third and final reading.

Member B. Cummins noted that the changes were recommended by the Board's ACEESS committee.

Motion carried; Members Belnap and Neilson absent.

Aspire Student Information System Determination

The Committee reviewed courses of action outlined in *A Performance Audit of USBE's Aspire Student Information System*. The Committee approved course of action Option 1.

MOTION from Committee that the Board maintain the status quo and continue to offer the Aspire system free of any charge to local education agencies.

Member B. Cummins added that the Committee also discussed not charging a fee unless the users group requests a revision that isn't tied to state reporting.

Vice Chair Warner suggested that the Board review what data is being required and make sure Aspire can cover it. Superintendent Dickson mentioned that some fiscal reports have been eliminated. It was also noted that the Board's Eliminating Barriers to Educational Excellence Task Force will bring recommendations for changes to the Board as well.

Motion carried; Members Belnap and Neilson absent.

Dual Language Immersion Audit Follow Up

The Committee received information regarding findings in the Office of the State Auditor Report 00E-17-SP2 Dual Language Immersion Program - Federal Grants Management. The Committee discussed financial ramifications of the findings.

MOTION from Committee that the Board approve using \$213,500 from the Teaching and Learning budget to pay current LEA reimbursements related to the DLI program; and that the Board withhold \$800,000 in reserve in anticipation of a future federal audit, and to release funds annually as the audit risk declines, based on the statute of limitations.

Motion carried; Members Belnap and Neilson absent.

Board Chair's Report

Chair Huntsman announced that a workshop for the Board has been scheduled for Saturday, July 15 at the USDB Openshaw Center.

Adjournment

MOTION was made by Member Riebe and seconded by Member L. Cummins that the meeting adjourn.

Motion carried. The meeting adjourned at 4:37 p.m.

Lorraine Austin, Board Secretary
Minutes approved July 14, 2017