

## UTAH STATE BOARD OF EDUCATION MEETING MINUTES

December 6-7, 2018

### **BOARD MEETING**

A regular meeting of the Utah State Board of Education was held December 6, 2018 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 Linda B. Hanson
First Vice Chair Brittney Cummins	Member Carol Barlow Lear
Second Vice Chair Alisa Ellis	Member Scott B. Neilson
Member Laura Belnap	Member Kathleen Riebe
Member Michelle Boulter	Member Spencer F. Stokes
Member Janet A. Cannon	Member Terryl Warner (by phone)
Member Lisa Cummins	Member Joel Wright
Member Jennifer Gravier	

#### **Executive Staff Present:**

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

#### **Minutes taken by:**

Lorraine Austin, Board Secretary

#### **Others Present:**

Joylin Lincoln—Utah Association of Public Charter Schools; Kat Martinez; Don McDaniel—PayPal; Moses Baca, Arianna Meinking, Taisei Summerhays, Kiyon Banuri, Ramis Banuri, Matthew Kim, Zach Bradford, Madeline Galian, Hanna Rice—West High School; Olivia Hoffmann; Rich Young—Pearson; Jalayne Engberg—Alpine School District; G. Norma Villar, Mary Ann Erdman—Jordan School District; Steve Matherly—Utah Department of Health; Cade Douglas—Sevier School District; Monica Beane—ETS; Kant Anderson—City of West Jordan; Jennie Earl—State Board of Education Member-elect; Valerie Bergera—Granite School District; Kim Frank—Utah Charter Network; Craig Frank; Nancy Tingey, Susan Edwards—Cache School District; Cindy Philips—Weber School District; Alexx Goeller—Refugee Services Office; Aaron Popham—Brigham Young University; Emilie Wheeler, Darin Nielsen, Natalie Grange, Deborah Jacobsen, Zac Christensen, Jerry Record, Keith Lawrence—USBE staff.

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

**Executive Session**

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

Upon voice vote of Members Boulter, Cannon, Ellis, Graviet, Hansen, Huntsman, Lear, Riebe and Wright, the Board went into Executive Session at 8:05 a.m.

Those present included the Members above and Sydnee Dickson, Bryan Quesenberry, Michelle Beus and Lorraine Austin.

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

Motion carried. The Board came out of Executive Session at 8:10 a.m.

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

Upon voice vote of Members Cannon, Ellis, Graviet, Hansen, Huntsman, Lear, Riebe and Wright, the Board went into Executive Session at 8:11 a.m.

Those present included the Members above, Members Boulter, L. Cummins, Neilson and Stokes, and Sydnee Dickson, Emilie Wheeler, Bryan Quesenberry, Michelle Beus and Lorraine Austin.

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

Motion carried. The Board came out of Executive Session at 9:06 a.m.

**Opening Business**

The Board reconvened in open meeting at 9:23 a.m. Member Michelle Boulter led those present in the Pledge of Allegiance.

**Introduction of New Employees**

Superintendent Sydnee Dickson introduced the Employee of the Month, Kim Waggoner.

Michelle Watts, H.R. specialist, introduced the following new employees: Christine Manning and Tami Long. Michelle Beus, the Board's new attorney from the Attorney General's Office, was also introduced.

#### Board Member Message

Member Spencer Stokes welcomed the Board. He shared that he has reviewed over the past week lessons he has learned while being on the Board and things he will miss—particularly the school art. He has learned that the teachers, principals, superintendents and board staff have spent their lives studying about public education and have been the boots on the ground, and as much as you think you know about public education, they know a vast amount more. He closed with a statement that Alan Simpson made as a speaker in President George H.W. Bush's funeral yesterday, "Humor is the universal solvent against the abrasive elements of a life," and expressed that no truer words could be spoken.

#### Acknowledgment of Student Art Work

Educational Specialist Cathy Jensen informed about the art work hanging in the Board room by students at River Heights Elementary and Lewiston Elementary.

#### Education Highlight – West High School Debate Club

Diana Suddreth, Director of Teaching and Learning, welcomed students from West High School that recently participated in a national debate championship in New York City.

Moses Baca, the West High Debate Coach, was invited to speak, and he acknowledged the West High Principal and Vice Principal in the audience. He informed that at West High approximately 100 students have elected to take a debate class this year. Last spring West High debate won the state championship for the first time in the school's history and qualified four debaters for the Tournament of Champions—a tournament held at the end of the season which only invites the most successful teams that compete at the national level, a status more typically earned by students attending private schools. Most importantly, the debaters are developing skills that help them succeed in the classroom and beyond.

Several West High students shared their experiences with speech and debate and listed the following benefits of participating and skills developed in these programs: use of rhetoric; synthesis and acting skills to communicate their beliefs in a form of art; association with a broad community of teachers and peers; introduction to academia in an empowering and inspiring way; finding ways to make a difference in the world; inspiration to become a lawmaker; public speaking; critical thinking; better and more effective note-taking; learning about political environments; building communities in a different setting; unifying students; ability to portray and strengthen their beliefs; advantage in college applications; establishes great work ethic; and becoming a better student.

Board members asked questions and applauded the students.

### **Public Comment**

Jackie Ball, mother of a hard-of-hearing son – shared that her son attended the Utah Schools for the Deaf and the Blind (USDB) for two years, which helped him flourish, and is now in mainstream school. He has two devices that go on his head and has no barriers to communication because he has done spoken language. She distributed information on Listening and Spoken Language (LSL) programs, and stated that deaf students need extensive LSL techniques. She indicated that she is all about parental choice, but voiced that there are some issues with the spoken language program at the Utah School for the Deaf.

Jalayne Engberg – was employed by Alpine School District for over 30 years, 27 as teacher of the blind and dual impaired. She expressed her concerns about a new law where USDB wants to provide free services to all school districts for deaf and blind students and the potential problems that could arise. She is worried that there is already a shortage of teachers of the blind and visually impaired and is concerned that many teachers will not change districts to work at USDB because of retirement. This situation could cause a shortage of teachers for the blind. She voiced that sometimes the needs of teachers of the blind working in school districts have not been reflected. She also indicated sometimes those students aren't receiving Braille.

Vince Newmeyer – voiced that as science is being taught in the schools there is a certain element of arbitrary data that isn't necessarily connected with observable, measurable science; it's more related to a philosophy or dogma. He shared his shock when he was on the science standards review committee and heard an educator say that there is no evidence challenging Darwinian evolution—our educators aren't even aware of some of the fundamental problems with the science that they teach as absolute truth. This is what's happening in the Next Generation Science Standards and the Board's new science standards.

Kat Martinez, Murray School District early childhood educator - asked the Board to work with legislature to eliminate the way schools are graded. It is an inaccurate way to score schools and provide resources to them.

### **Recognition of Outgoing Members**

Outgoing Board Members Kathleen Riebe, Spencer Stokes, and Joel Wright were recognized by the Board, and were given the traditional bells. Chair Huntsman mentioned that Member Terryl Warner couldn't be here today but will be recognized at a future time.

### **General Consent Calendar**

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

Motion carried unanimously; Members Belnap and Warner absent.

#### Consent Calendar

##### 4.1 Meeting Minutes

The Board approved the minutes of its November 1-2, 2018 meeting. [For additional details, see General Exhibit No. 18-427.]

##### 4.2 Approval of Contracts/Agreements

The Board approved contracts/agreements over \$100,000 with the following entities: Department of Workforce Services, Utah Center for Assistive Technology;

Utah Department of Human Services, Division of Substance Abuse and Mental Health; NCS Pearson, Inc. [For additional details, see General Exhibit No. 18-428.]

#### 4.3 Review of Contracts/Agreements

The Board was provided for review contracts/agreements under \$100,000 with the following entities: Utah State University; University of Utah Bookstore; Utah Interactive, LLC; Dynamic Internet Solutions; Boys Town National Research Hospital; Utah Education Policy Center; Department of Human Services, Division of Substance Abuse and Mental Health; Amplify Education; Utah System of Technical Colleges. [For additional details, see General Exhibit No. 18-429.]

#### 4.4 Requests for Temporary Authorizations

The Board approved temporary authorizations for educator licenses as submitted by the local education agencies. [For additional details, see General Exhibit No. 18-430.]

#### 4.5 R277-122 Board of Education Procurement

The Board approved R277-122 *Board of Education Procurement*, Draft 2, on final reading. [For additional details, see General Exhibit No. 18-431.]

#### 4.6 Carryover Spend Plans

The Board approved the Charter Schools Section and Teaching and Learning Section spend plans for 2018 carryover funds. [For additional details, see General Exhibit No. 18-432.]

#### 4.7 Teacher Supplies and Materials Work Group

The Board approved USBE staff establishing work group, as requested by the Finance Committee, to look at the teacher supplies and materials appropriation.

#### 4.8 Utah Instructional Materials Commission (IMC) Recommendations

The Board adopted the recommendations of titles for instructional materials from the Instructional Materials Commission and directed staff to award contracts to the various publishers. [For additional details, see General Exhibit No. 18-433.]

#### 4.9 Amendments to 2016 Meeting Minutes

The Board approved amendments to the minutes of its March 17-18, 2016 meeting. [For additional details, see General Exhibit No. 18-434.]

#### 4.10 School Turnaround Plans for Cohort 2

The Board approved School Turnaround Plans for Cohort 2 for Dixie Montessori Academy, Guadalupe Charter School, Paradigm Charter High School, Utah Virtual Academy, and JFK Jr. High School. [For additional details, see General Exhibit No. 18-435.]

#### 4.11 School Turnaround Legislative Report

The Board was provided with the school turnaround report prepared for the legislature. [For additional details, see General Exhibit No. 18-436.]

#### 4.12 Dropout Prevention and Recovery Legislative Report

The Board was provided with the dropout prevention and recovery report prepared for the legislature. [For additional details, see General Exhibit No. 18-437.]

#### 4.13 Core Standards for Utah Public Schools Legislative Report

The Board was provided with the core standards report prepared for the legislature. [For additional details, see General Exhibit No. 18-438.]

#### 4.14 List of Educator Licenses Processed

The Board was provided a list of educator licenses process in October 2018. [For additional details, see General Exhibit No. 18-439.]

### **Superintendent's Report**

State Superintendent Sydnee Dickson reported on the Board's newly-organized Student Advisory Council which held its first meeting in November. The students are very excited and invested in the process. The Council will report to the Board in a future meeting.

Dr. Dickson made a presentation on her fall listening tour, where she visited several districts and schools and met with districts superintendents, school administration and

teachers, and legislators; several Board members participated as well. She found overall that a school safety focus is evident at each district and school; rural and remote schools are using innovative practices; housing for teachers in rural areas is an issue in recruitment and retention; and digital teaching and learning is making a difference in student outcomes. [For additional details, see General Exhibit No. 18-440.]

She thanked the Board for supporting her in doing these tours where she is able to see concrete examples of the Board's work in action.

### **Monthly Budget Report**

Deputy Superintendent Scott Jones gave the monthly budget report along with Finance Director Deborah Jones and Assistant Superintendent Natalie Grange. [For additional details, see General Exhibit No. 18-441.]

### **Audit Committee Report**

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

#### **School Fees Consultation Project Request**

The Committee discussed the Board's direction to identify two FTEs for school fees policy, implementation and monitoring, and staff's recommendation for the use of Internal Audit staff for the project.

**MOTION** from Committee that the Board approve the addition of the School Fees Consultation Project to the Internal Audit Plan as an immediate priority project.

Motion carried unanimously; Member Warner absent. [For additional details, see General Exhibit No. 18-442.]

### USTAR Report Release

The Committee received information about an audit of the last three-year funding cycle for the USTAR program including school years 2015-2017, and whether local education agencies (LEAs) achieved their objectives based on their USTAR proposals.

**MOTION** from Committee that the Board approve the release of the USTAR Program Performance Audit Report to the public.

Motion carried unanimously; Member Warner absent.

### Cyclical Assurance of Standards

The Committee considered a Board member request to review the mathematics standards. The Committee discussed having a more cyclical approach to standards review so that the standards are under constant review to ensure they are the best standards available.

The Committee directed that consideration of a cyclical review of standards be forwarded to Board Leadership for assignment to a standing committee to work with Internal Audit to develop questions that an evaluation or audit would address.

It was noted that the intent of the Audit Committee is that the mathematics standards would be first in line for review.

### Board Bylaws Revisions

The Committee reviewed proposed revisions to the Bylaws to provide clarity and consistency in the name and duties of the Internal Audit Department.

**MOTION** from Committee that the Board approve the amendments to the Bylaws.

Motion carried unanimously; Member Warner absent. [For additional details, see General Exhibit No. 18-443.]

### **Finance Committee Report**

Committee Chair Joel Wright reported on the following items from the November 2 Committee meeting. Items not presented to the Board will be included in the exhibits to the meeting Summary of Actions. [For additional details, see General Exhibit No. 18-444.]

R277-122 Board of Education Procurements

Amendment to the rule was approved on the Consent Calendar.

Results of the School Fees Assurance Form Submissions on or before October 31, 2018

It was reported that every LEA submitted the required school fees forms by October 31. It was noted that the submission of the form doesn't necessarily indicate that the LEA is complying with school fees requirements. [For additional details, see General Exhibit No. 18-445.]

Early Childhood Integrated Data System

The Committee heard from the Utah Department of Health regarding a proposal it submitted to the Board requesting funding to support development of the Early Childhood Integrated Data System (ECIDS).

**MOTION** from Committee that the Board approve using \$300,000 from the statewide longitudinal data system grant for the purpose of developing the Early Childhood Integrated Data System.

Motion carried, with Members Belnap, Cannon, B. Cummins, Graviat, Hansen, Huntsman, Lear, Neilson, Riebe and Stokes in favor, and Members Boulter, L. Cummins, Ellis and Wright opposed; Member Warner absent. [For additional details, see General Exhibit No. 18-446.]

Board Budget and Board Discretionary Fund Requests

The Committee reviewed staff proposals requesting the use of unrestricted State, General and Federal Mineral Lease Discretionary Funds, but were unable to forward a motion to the Board.

**MOTION** was made by Member B. Cummins and seconded that the Board approve the recommended Discretionary Fund requests.

Board member concerns were expressed about spending the amount of money requested for strategic communications and development, and justification of the amount was requested. Other Board members voiced that the funding is needed to better communicate the Board's decisions and direction and avoid miscommunication. It was noted that the Discretionary Fund is for internal use and wouldn't be pushed out to schools.

Deputy Superintendent Scott Jones explained that of the \$596,653 requested, \$100,000 would go to a high-quality public relations firm. The rest would be available for research and development in the communications area.

The motion was divided to vote separately on each funding item.

The motion to approve \$603,725.61 for capital improvements carried unanimously; Member Warner absent.

The motion to approve \$13,855.90 for school fees section personnel/travel carried unanimously; Member Warner absent.

The motion to approve \$596,625.77 for strategic communications research and development was addressed.

Members suggested ideas for how this funding would be used, including defending the Board's decisions and creating a tool that benefits the Board. They also discussed the difficulty for staff in deciding how and what things are promoted.

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

Motion to approve \$500,000 for Information Technology research and development carried unanimously; Member Warner absent.

[For additional details, see General Exhibit No. 18-447.]

### Carryover Spend Plans 2018

The spend plans were approved on the Consent Calendar.

### Teacher Supplies and Materials Funding Distribution Study

The study was approved on the Consent Calendar.

### West Jordan City EDA

Member Joel Wright recused himself and left the room.

Representatives of West Jordan City presented a request to the Committee to amend the existing Fairchild Economic Development Area to Project Pepper River.

**MOTION** from Committee that the Board direct its representative to the West Jordan City Taxing Entity Committee to vote in alignment with the Jordan School District.

Motion carried, with Member Belnap opposed; Member Wright absent. [For additional details, see General Exhibit No. 18-448.]

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

Committee Chair Michelle Boulter reported on the following items from the November 2 Committee meeting. Items not presented to the Board will be included in the exhibits to the meeting Summary of Actions. [For additional details, see General Exhibit No. 18-449.]

### External Data Request

**MOTION** from Committee that the Board approve the external data request of Alison Cozad, Ohio State Legislature, for aggregate counts of online school participation.

Motion carried; Members Riebe and Warner absent. [For additional details, see General Exhibit No. 18-450.]

### R277-308 New Teacher Induction

The Committee reviewed stakeholder feedback on R277-308 and heard additional public comment in the Committee meeting. The Committee reviewed Draft 3 of the rule and made additional changes.

The Committee approved R277-308, Draft 3, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-308 *New Teacher Induction*, Draft 4, on second and final reading.

**MOTION TO AMEND** was made by Member Hansen and seconded that the Board approve R277-308, Draft 5, on second and final reading.

Member Hansen explained that the rule was amended in Committee at the request of the district superintendents; the superintendents reconsidered the amendment in a meeting held yesterday and suggested rewording in line 30, outlined in Draft 5, to remove “differentiated” and add “appropriate for each educator.”

Motion to amend carried; Members Riebe and Warner absent.

Motion as amended to approve R277-308, Draft 5, on final reading carried; Members Riebe and Warner absent.

[For additional details, see General Exhibit No. 18-451.]

### **Standards and Assessment Committee Report**

Committee Chair Janet Cannon reported on the following items from the November 2 Committee meeting. Items not presented to the Board will be included in the exhibits to the meeting Summary of Actions. [For additional details, see General Exhibit No. 18-452.]

#### Competency-based Learning Framework and Planning Grant Metrics

Staff presented information to the Committee to advance efforts specific to competency-based learning through a tier of grants outlined in Utah Code and Board rule.

**MOTION** from Committee that the Board approve the competency-based learning planning grant metrics.

Motion carried; Members Riebe, Stokes and Warner absent. [For additional details, see General Exhibit No. 18-453.]

#### R277-495 Required Policies for Electronic Devices in Public Schools

In its October 2018 meeting, the Board considered a recommendation to repeal R277-495. The Board denied the repeal and referred the rule back to committee for further work and

consideration of an amended rule to create minimum standards for the use of electronic devices in schools. The work on the rule has not been completed, but if the rule is not continued by the Board, it will expire in December 2018; therefore, the Committee approved continuation of R277-495 on first reading. It is anticipated the rule will come back to the committee in January for amendment.

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

Motion carried, with Member L. Cummins opposed; Members Riebe, Stokes and Warner absent. [For additional details, see General Exhibit No. 18-454.]

#### R277-910 Underage Drinking Prevention Program

The Committee reviewed proposed amendments to R277-910 in its October meeting and directed staff to make additional changes. The Committee reviewed in its November meeting Draft 2 of the rule and made additional changes. The Committee approved R277-910, Draft 2, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-910 *Underage Drinking Prevention Program*, Draft 3, on second and final reading.

A Board member concern was voiced that the curriculum goes above and beyond the scope of the legislation.

Motion carried, with Members L. Cummins and Ellis opposed; Members Riebe, Stokes, and Warner absent. [For additional details, see General Exhibit No. 18-455.]

#### Career and Technical Education (CTE) Course Standards Approval

The Committee reviewed a proposed rotation of CTE course standards which are on a 3- to 4-year schedule for review.

**MOTION** from Committee that the Board approve the CTE course standards as submitted.

Motion to amend was made by Member Ellis and seconded that the standards be sent out for a 90-day comment period as part of the process.

Member Ellis expressed concern with the proposed process because it isn't consistent with other standards that have a public review.

CTE Director Thalea Longhurst was invited to provide input. She reported that if the standards that are currently calendared for review are subject to a 90-day review, the process would be delayed so the work would not go into effect for another year, which could make the standards out of date. Director Longhurst informed that a process and tool is provided on an ongoing basis by which industry members can validate and provide feedback on the standards.

Member Ellis indicated she would be amenable to not making the change now as long as adjustments to the timeline to allow for more public input would be considered moving forward. Without objection, the motion was withdrawn.

Motion to approve the CTE course standards as submitted carried; Members Stokes and Warner absent. [For additional details, see General Exhibit No. 18-456.]

#### R277-912 Law Enforcement Related Incident Reporting

New rule R277-912 was drafted in response to S.B. 198 Public School Disciplinary Action Amendments passed in the 2018 Legislative Session. The Committee reviewed Draft 2 of the rule, made additional changes, and approved Draft 2, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-912 *Law Enforcement Related Incident Reporting*, Draft 3, on second and final reading.

Motion carried; Members Stokes and Warner absent. [For additional details, see General Exhibit No. 18-457.]

#### **Executive Session**

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

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Hansen, Huntsman, Lear, Neilson, Riebe and Wright, the Board moved into Executive Session at 1:32 p.m.

Those present included the Members above and Sydnee Dickson, Emilie Wheeler, Bryan Quesenberry, Michelle Beus, Ben Rasmussen and Lorraine Austin.

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

Motion carried. The Board reconvened in open meeting at 2:10 p.m.

### **Executive Session Action Items**

#### Lawsuit Settlement

**MOTION** was made by Member Belnap and seconded that the Board accept the Everette Bacon settlement in Case No. 2:16-cv-01253.

Motion carried; Members Graviet, Stokes and Warner absent.

#### Action on Educator Licenses

**MOTION** was made by Member Belnap and seconded that the Board accept the Utah Professional Practices Advisory Commission (UPPAC) recommendation in Case No. 13-1134 to reinstate the educator's Level 2 Secondary Education license.

Motion carried; Members Graviet, Stokes and Warner absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 14-1197 and reinstate the educator's Level 2 School Counselor, Secondary Education license.

Motion carried; Members Graviet, Stokes and Warner absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1421 and suspend the educator's Administrative/Supervisory, Secondary Education license for a period of not less than one year.

Member Lear recused herself and did not vote.

Some members expressed that in this case there was not sufficient intent to merit the proposed penalty.

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

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1454 to suspend the individual's Level 2 School Counselor license for a period of not less than one year.

Motion carried, with Member Neilson opposed; Members Graviet and Stokes absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1473 to issue a letter of reprimand to be in place not less than two years.

Motion carried unanimously; Members Graviet and Stokes absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1483 to issue a letter of reprimand to be in place not less than two years.

Member Riebe recused herself and did not vote.

Motion carried, with Member L. Cummins opposed; Members Graviet and Stokes absent.

**MOTION** was made by Member Belnap and seconded that the Board adopt the UPPAC recommendation in Case No. 18-1487 and accept the permanent surrender of the individual's license.

Motion carried; Members Graviet and Stokes absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1489 to suspend the individual's Level 2 Secondary Education license.

Motion carried; Members Graviet and Stokes absent.

**MOTION** was made by Member Belnap and seconded that the Board approve the UPPAC recommendation in Case No. 18-1491 to issue a letter of reprimand to be in place for not less than two years.

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

**MOTION** was made by Member Belnap and seconded that the Board approve the UPPAC Consent Calendar, with Case No. 18-251 removed.

Motion carried; Members Graviet, Stokes and Warner absent.

[For additional details, see General Exhibit No. 18-458.]

#### USEAP Appointments

**MOTION** was made by Member Belnap and seconded that the Board appoint the following to the Utah Special Education Advisory Panel (USEAP): Trent Nelson, representing parents of students with disabilities, for the remainder of the term vacated by Kathryn McKenzie and an additional three-year term ending June 30, 2022; Amy Hurst, representing the Utah Parent Center, for a three-year term ending June 30, 2021.

Motion carried; Members Graviet, Stokes and Warner absent.

#### UETN Appointments

**MOTION** was made by Member Belnap and seconded that the Board appoint Ben Dalton, Kane School District Superintendent and David Long, Logan City School District Superintendent, as representatives of public education to the Utah Education and Telehealth Network (UETN) Board for four-year terms.

Motion carried; Members Graviet, Stokes and Warner absent.

**R277-404 Requirements of Assessments for Student Achievement**

Ben Rasmussen, Hearing Officer, presented the record of the Board's November 1, 2018 public hearing on Administrative Rule R277-404.

**MOTION** was made by Member Belnap and seconded that the Board accept the hearing record.

It was voiced that after the hearing a communication back to the hearing requestors should be made. It was also noted that there were questions of legality on certain issues during the hearing and the Board's attorneys were asked by the Standards and Assessment Committee for advice on those questions. The Board discussed whether it would be appropriate to release the Assistant Attorney General's advice, which is currently under attorney-client privilege, to the public, but came to no consensus.

Motion carried unanimously; Member Gravier absent.

**MOTION** was made by Member Ellis and seconded that the Board direct that R277-404, Draft 1, dated September 25, 2018, be made effective, and that the rule be sent back to Committee for further discussion.

Member Ellis spoke to the motion, indicating that the revised rule needs to be in place due to changes needed in dates and the name of the statewide assessment, but additional changes are needed in the testing manual and CTE tests; additionally, in the spirit of the hearing, she would like the Board to consider the input from the public.

**MOTION** was made by Member Cannon and seconded that the motion be divided to consider making the rule effective separately from sending the rule back to committee. Motion to divide carried unanimously.

Motion to approve the September 25, 2018 Draft 1 of R277-404 on second and final reading carried unanimously.

Motion to send R277-404 back to committee for further discussion carried, with Members Belnap, Boulter, B. Cummins, L. Cummins, Ellis, Huntsman, Neilson, Stokes, Warner and Wright in favor, and Members Cannon, Hansen, Gravier, Lear and Riebe opposed.

[For additional details, see General Exhibit No. 18-459.]

### **School Leadership Working Group Recommendations**

Assistant Superintendent Darin Nielsen introduced Aaron Popham and Valerie Bergera from the School Leadership Working Group, as well as Board Members Riebe and Hansen. Assistant Superintendent Nielsen made a presentation on the work of the group and reviewed the following recommendations from the Group.

- Develop, adapt, or adopt school leader performance assessment that will allow candidates for the principalship to demonstrate their leadership knowledge and skills prior to receiving a credential/license.
- Seek funding to provide scholarships like the T.H. Bell Scholarship that would provide scholarship relief to potential administrators.
- Direct the Superintendent to create a list of resources that would help potential school principal candidates identify experiences that will prepare them for school leadership.
- Require preparation programs to have a confidential recommendation form, with professional requisite skills being rated.
- Require a weighted application for admission into preparation programs that rewards applicants for prior leadership experiences.
- Require preparation programs to provide for meaningful experiences across the entire preparation program with a culminating experience.
- Include in principal preparation programs coursework and experiences related to the implementation of multi-tiered systems of support.
- Seek funding to establish a school leadership development grant to assist LEAs.
- Direct the Superintendent to create a model principal mentoring framework.
- Direct USBE staff to facilitate school principal mentor training to LEA principal supervisors.
- Direct staff to create a business case regarding the details related to the fiscal note associated with these requests.
- Utilize the Principal Support Network to provide all school principals opportunities to collaborate (cross-district) with each other.
- Direct the re-licensure requirement associated for educators with administrative endorsements to become more rigorous.

- Provide a menu of skill-specific, evidence-based professional learning experiences to school principals.
- Create a depository of school principal professional learning resources.

Superintendent Nielsen acknowledged that the recommendations do not address contingencies if full funding for the plan isn't provided. He indicated that approval of the recommendations would provide direction to staff, and at that point, business cases for funding would be prepared.

**MOTION** was made by Member B. Cummins and seconded that the Board accept the School Leadership Work Group recommendations.

Concerns were expressed about the expectation for school leaders to provide responses to mental health issues for which they are not trained. It was acknowledged that greater support is needed in this area.

Motion carried unanimously; Members Graviet, Stokes and Warner absent. [For additional details, see General Exhibit No. 18-460.]

### **School Fees Task Force Report/Recommendations**

Chair Huntsman reported to the Board as the chair of the School Fees Task Force. He recognized members of the Task Force present—Tyler Bastian, Alexx Goeller, Cindy Phillips, Board Members Belnap, Ellis and Wright, and the Task Force facilitator, Julianna Christie.

Chair Huntsman gave an overview of the work of the Task Force accomplished in twelve, four-hour sessions. The following recommendations from the group were provided:

- The Task Force recommends the Board request changes to statute and rule in order to give the Board the authority to suspend an LEA's right to charge fees.
- The Task Force recommends the Board seek legislative changes: 1) to update the definition of "textbook" in statute to be consistent with Board rule; 2) to not allow schools to charge for textbooks unless for concurrent enrollment or Advanced Placement (AP); and 3) to require that textbook fees are waivable.
- The Task Force recommends the Board seek legislation to create a funding program to support equalization of fee waivers among schools within a district.

- The Task Force recommends the Board further define provisions related to school uniforms, including prohibiting elementary schools from having prescriptive uniforms, and if necessary, seek changes to statute or rule.
- The Task Force recommends the Board approve its proposed amendments to R277-407 *School Fees*.

**MOTION** was made by Member Lear and seconded that the Board direct staff to request changes to rule or statute in order to give the USBE the authority to suspend an LEA's right to charge fees.

There was some discussion whether "rule or statute" should be "rule and/or statute." Deputy Superintendent Stallings indicated if the provision is in statute it wouldn't need to be made in rule, but would probably be referenced, and that "and/or" is assumed.

Motion carried; Member Graviet absent.

**MOTION** was made by Member Lear and seconded that staff seek legislative changes to update the definition of textbook in statute; amend statute to prohibit schools from charging fees for textbooks, except for textbooks for concurrent enrollment or AP courses; and if necessary, include a provision that fees for concurrent enrollment and AP course textbooks would be waivable.

Motion carried; Member Graviet absent.

**MOTION** was made by Member Lear and seconded that staff seek legislation to create a funding program to support equalization of fee waivers among schools within a district.

Members questioned whether districts should already be doing this, what the definition of equalization is, and if this addresses small LEAs. It was noted that some districts have far greater disparity than others and some have more outside resources than others.

**MOTION TO AMEND** was made by Member Belnap and seconded that the wording be changed to: "Staff seek legislation to create a funding program to offset the impact of revenue lost from fee waivers."

Motion to amend carried.

Motion as amended carried, with Members B. Cummins and L. Cummins opposed; Member Graviet absent.

**MOTION** was made by Member Lear and seconded that staff seek changes to legislation to prohibit elementary schools from having prescriptive school uniforms.

Motion carried; Member Neilson absent.

**MOTION** was made by Member Ellis that staff further define provisions related to uniforms to go to a Board committee for discussion, and if necessary, look into a statute or rule change.

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

**MOTION** was made by Member Lear and seconded that the Board direct Board Leadership to send R277-407 to a standing committee for review and recommendations.

Motion carried; Member Neilson absent.

Vice Chair Cummins thanked the Task Force for its work.

[For additional details, see General Exhibit No. 18-461.]

### **School Turnaround and Leadership Development Act Overview**

Educational Specialists Max Lang and Leslie Evans-Jones presented information about the three cohorts in the School Turnaround program.

Board member concerns were expressed that schools may be identified for turnaround that may not need to be in the program. [For additional details, see General Exhibit No. 18-462.]

### **FY20 Budget Priorities**

Deputy Superintendent Scott Jones reported that the Governor's budget priorities for the upcoming legislative session were made public this morning. USBE staff will provide a side-by-side comparison with the USBE budget priorities for public education. Revenue estimates were also provided to the Board.

Superintendent Jones reviewed three requests from outside entities for the Board's support of funding: 1) Beverley Taylor Sorenson Arts Learning Program; 2) Board of Regents -

Statewide College Advisor Program; 3) Utah Charter Network - administrative costs for charter schools.

**MOTION** was made by Member Stokes and seconded that the Board add support for the Beverley Taylor Sorenson Arts Learning Program and the Regents College Advisor Program requests to its priorities list.

Motion failed, with Members B. Cummins, Lear, Riebe and Stokes in favor and all others opposed.

The motion was divided and readdressed.

Motion to add the Beverley Taylor Sorenson Arts Learning Program carried; Member Neilson absent.

Motion to add the Regents College Advisor Program was discussed.

Concerns were voiced that money would be coming out of K-12 funding to go to Higher Education. It was noted that Higher Education would be using the money to benefit K-12 students.

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

**MOTION** was made by Member Wright and seconded that the Board approve adding the request for administrative money for charter schools to its priorities list.

**MOTION** was made by Member B. Cummins and seconded that this item be postponed until the next meeting of the Board.

Motion to postpone carried unanimously.

[For additional details, see General Exhibit No. 18-463.]

### **Legislative Policy/Statutory Priorities**

Deputy Superintendent Angie Stallings reviewed new requests for changes to statute.

**MOTION** was made by Member Lear and seconded that the Board direct staff to work with legislators on a bill concerning provisions for military families to enroll in charter school lotteries outside of the timelines.

Motion carried unanimously; Member Neilson absent.

**MOTION** was made by Member Lear and seconded that the Board direct staff to work with the legislators to change statute to clarify when a second school district is required to provide services to a student who moves to a second district outside of the school district where the student's parent resides.

Motion carried unanimously; Member Neilson absent.

[For additional details, see General Exhibit No. 18-464.]

### **Adjournment**

**MOTION** was made by Member L. Cummins and seconded that the meeting adjourn. Motion carried. The meeting adjourned at 5:59 p.m.

**STUDY SESSION**

A study session of the Utah State Board of Education was held December 7, 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, First Vice Chair Brittney Cummins, Second Vice Chair Alisa Ellis, and Members Laura Belnap, Michelle Boulter, Janet Cannon, Jennifer Graviet, Linda Hansen, Carol Lear and Kathleen Riebe.

Others present: Terry Shoemaker—Utah School Superintendents Association/School Boards Association; Marjorie Cortez—Deseret News; Royce Van Tassell—Utah Association of Public Charter Schools; Tracey Watson—Utah Education Association; Sydnee Dickson, Scott Jones, Angie Stallings, Debbie Davis, Emilie Wheeler, Ben Rasmussen, Ann Michelle Neal, Jared Felt, Chuma Uzoh, Deborah Jacobsen, Tiffany Stanley—USBE staff; Bryan Quesenberry, Michelle Beus—Attorney General’s Office.

Vice Chair Brittney Cummins conducted. She called the meeting to order at 1:43 p.m.

**School Report Card Update**

Assistant Superintendent Darin Nielsen gave the presentation, *School Report Card 2018 Indicator Cut Scores*. The report card is scheduled for release to local education agencies on December 10 and to the public on January 3.

Superintendent Nielsen reminded that in October the Board made the decision to not issue school grades or ratings for the 2018-19 school year; however, there needs to be some way to explain the data. The Board then approved the use of some categories and a meter graphic to explain the information. Those categories and the graphic were reviewed.

Board member concerns were expressed that the ratings aren’t easily understood and definitions of High/Typical/Low aren’t clear. Staff suggested that since the word “typical” is used in two different contexts (at the performance level and the indicator level), in the High/Typical/Low context, the word “typical” could be substituted with “average.” Deputy

Superintendent Jones suggested that the change could be made by IT in Phase 2, but most likely not by the January 3 release date.

[For additional details, see General Exhibit No. 18-1465.]

### **Educator Misconduct Audit Review and Related UPPAC Policies and Work**

Ben Rasmussen, Director of Law and Professional Practices, made the presentation, *Educator Misconduct Report Audit by State Auditor's Office*, and reviewed the audit recommendations.

Mr. Rasmussen reported on work that is in process in response to the audit: opportunities to train LEAs are being actively pursued; all cases in the three districts audited have been reviewed with the district personnel teams, and those cases will be reviewed by UPPAC to determine if there are cases that need to be opened; presentations have been made to the Utah School Superintendents Association and district human resource directors, and a presentation to the charter directors is scheduled, as well as to individual LEAs.

In addition, the Board UPPAC Process Review Task Force is in the process of being formed and will most likely will look at the audit recommendations. Board members requested that the scope of work approved for the Task Force be reviewed to ensure that the audit recommendations are included.

Board member comments included the following: Teachers should receive training every year; past cases should be reviewed in light of the rules in place at the time; perhaps giving an amnesty period would provide an incentive to report.

Mr. Rasmussen indicated he will send the schedule of UPPAC meetings to Board members.

[For additional details, see General Exhibit No. 18-1466.]

**Board Strategic Plan Strategies**

Superintendent Sydnee Dickson and Chief of Staff Tiffany Stanley presented an overview and timeline of the work on the Board's strategic plan and reviewed the approved vision, mission and goals.

Ms. Stanley reported on the process to develop strategies for the plan and presented the strategies for each goal—Early Learning, Personalized Teaching and Learning, Safe and Healthy Schools, and Effective Educators and Leaders. The intent is that the Board will vote on the strategies in its January meeting.

[For additional details, see General Exhibit No. 18-1467.]

**Adjournment**

The meeting adjourned at 3:37 p.m.

Lorraine Austin, Board Secretary  
Minutes approved January 10, 2019