

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

January 9-10, 2019

STUDY SESSION

A study session of the Utah State Board of Education was held on January 9, 2019 at the State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members present included Chair Mark Huntsman, Vice Chair Brittney Cummins, and Members Laura Belnap, Michelle Boulter, Janet Cannon, Lisa Cummins, Cindy Davis, Jennie Earl, Alisa Ellis, Jennifer Graviet, Linda Hansen, Scott Hansen and Carol Lear. (Member Scott Neilson was absent.)

Others present included: Sydnee Dickson, Scott Jones, Patty Norman, Angie Stallings, Natalie Grange, Darin Nielsen, Leah Voorhies, Jerry Record, Debbie Davis, Keith Lawrence, Emilie Wheeler, Lorraine Austin—USBE staff; Bryan Quesenberry, Michelle Beus—Assistant Attorneys General.

Chair Mark Huntsman called the meeting to order at 2:02 p.m.

Swearing in of Board Members

Chair Huntsman welcomed family and friends here to see the swearing in of newly-elected and reelected Board members.

Lieutenant Governor Spencer Cox administered the Oath of Office, as outlined in the Utah Constitution, to Jennie Earl, District 1; Scott Hansen, District 2; Linda Hansen, District 3; Laura Belnap, District 5; Brittney Cummins, District 6; Cindy Davis, District 9; and Mark Huntsman, District 14.

Open and Public Meetings Act/Ethics Training

Assistant Attorney General Michelle Beus made the presentation to the Board, *Ethical Conduct of Public Officers*.

Assistant Attorney General Bryan Quesenberry provided training to the Board on the Utah Open and Public Meetings Act.

[For additional details, see General Exhibit No. 19-1.]

Mathematics Standards

Wendy Hart, an interested citizen, and Mark Minson, Mathnasium, were invited to discuss with the Board their concerns regarding the Utah Core Standards for Mathematics.

Mr. Minson voiced his experience that students are not mastering the basics of mathematical instruction. He indicated teachers have shared with him that they spend too much time on test preparation rather than teaching math instruction.

Ms. Hart played a recording from Chad Copier, math instructor at Skyridge High School--
<https://www.youtube.com/watch?v=-VwVj12frgY&feature=youtu.be>. Mr. Copier indicated that far too many high school freshmen and sophomores are entering his class without the basic math skills. He strongly believes the methods being taught in elementary school are ineffective and include simple tricks that don't lead to understanding of any concepts. He added that it is impossible to teach all the standards so teachers pick which standards they will teach, resulting in a different scope and sequence at different schools.

Ms. Hart gave a presentation concerning math skills that are missing and proposed solutions, including adopting standards with a track record of success, focusing on practicing foundational concepts, removing pedagogy from standards and test questions; and re-sequencing and providing more options if current standards are kept.

Nathan Auck, USBE Early College and Stem Specialist, distributed and reviewed the infographic, *2007-2018 Utah Public Schools Mathematics Performance*.

Deputy Superintendent Patty Norman introduced panelists invited to discuss the Mathematics Standards: Melissa Garber, Jordan School District Elementary Math Specialist; Wendy Hart; Mike Spencer, Juab High School math teacher and representative of the Utah Council of Teachers of Mathematics; and Amanda Angelosi, University of Utah Department of Mathematics. The handout, *Standards, Curriculum, Instruction, and Assessment* was distributed.

Panelists provided the following comments on specific topics.

Successes in Implementation of the Standards

- Shift in how math has been taught, to a more collaborative approach
- Students no longer learn in isolation, but meet in groups and discuss situations, strategies and applications of math—creating a learning community in the classroom
- Standards with rigorous requirements and balance between conceptual, procedural and representational understanding
- Strategic work with teams of teachers for content and pedagogy
- Teacher growth in content

Challenges with Implementation of the Standards

- Full implementation of the standards
- Meeting the need for professional development for teachers
- Educator role in teaching conceptual understanding and procedural fluency
- Changing standards too rapidly to allow a fair chance for execution of the standards
- Confusion about standards versus curriculum
- Testing pressure

Determination of Best Standards using Research and Data

- Currently Utah has the best standards it has ever had
- Notion of “best” standards is difficult
- Instructional strategies are important
- Students are more prepared for university math classes
- University math classes are transforming as well

How Standards have Impacted Student Learning

- Deeper emphasis on data and statistics
- Students more willing to engage in challenging problems
- Development of math language has improved
- Coherence doesn't build and students are missing geometry concepts
- Fluency is lacking because of having to show multiple methods
- Teachers are more concerned about students passing the statewide test teaching concepts

[For additional details, see General Exhibit No. 19-2.]

Chair Huntsman thanked those that participated, and noted that this is an opening discussion to provide awareness to Board members.

Adjournment

The meeting adjourned at 4:35 p.m.

BOARD MEETING

A regular meeting of the Utah State Board of Education was held January 10, 2019 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
Vice Chair Brittney Cummins
Member Laura Belnap
Member Michelle Boulter
Member Janet A. Cannon
Member Lisa Cummins
Member Cindy Davis

Member Jennie Earl
Member Alisa Ellis
Member Jennifer Graviet
Member Linda B. Hansen
Member Scott L. Hansen
Member Carol Barlow Lear

Members Absent:

Member Scott B. Neilson

Executive Staff Present:

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

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

Jay Blain, Tracey Watson—Utah Education Association; Stacey Moore, Paul Sweat, Kirsta Albert, Tristen Ericksen—Wasatch School District; Dawn Monson, Ashley Russon, John Taylor—Utah Science Teachers Association; Rich Young—Pearson; Melissa Mendenhall—Alpine School District; Brad Asay—American Federation of Teachers (AFT) Utah; Sabrina Parrish; Vincent Bates—Weber State University; D’Arcy Dixon—Special Olympics; Mark Barlow; Colin Kingsbury—Utah Department of Health; Stan Holmes—Utah Sierra Club; Allison Miller—Ed Direction; Danell Mieure—USBE Advisory Committee on Equity of Educational Services for Students (ACEESS); Jackie Ball; Tenille Thompson; Sabrina Parrish; Vince Newmeyer; Emilie Wheeler, Debbie Davis, Darin Nielsen, Leah Voorhies, Natalie Grange, Jerry Record, Keith Lawrence—USBE staff

Chair Huntsman called the meeting to order at 8:07 a.m. He excused Member Scott Neilson.

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, Davis, Earl, Ellis, Graviet, L. Hansen, S. Hansen and Huntsman, the Board went into closed Executive Session at 8:10 a.m.

Those present included the Board members above and Members L. Cummins and Lear, Sydnee Dickson, Bryan Quesenberry, Michelle Beus, Lorraine Austin and Scott Jones.

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

Motion carried. The Board came out of Executive Session at 9:02 a.m.

Opening Business

The Board reconvened in open meeting at 9:17 a.m. Member Janet Cannon led those present in the Pledge of Allegiance.

Board Member Message

Member Michelle Boulter welcomed the Board, particularly those new to the Board. She offered an invocation.

Employee Recognition

Superintendent Sydnee Dickson introduced the Employee of the Month, Erica Horsley, from the Teaching and Learning Section. Dr. Dickson also recognized LesLee Snelson, her assistant, who is retiring.

Karen Heaton, H.R. staff, facilitated the introduction of the following new employees: William Hall, Traci Peterson, Silvia Vigil, Mike Collier, Jamie Robinson and Matt Ferris.

Acknowledgement of Student Art Work

Cathy Jensen, Educational Specialist, informed the Board about the student artwork hanging in the Board Room from Thunder Ridge Elementary School in Alpine School District.

Education Highlight

Member Alisa Ellis introduced the highlight from Wasatch School District—the Wasatch Center for Advanced Professional Studies (CAPS) program. Weston Broadbent, from CAPS, explained that CAPS helps students obtain real life skills through partnerships with industry and the community in the areas of business, engineering, agriculture, digital design and health. He introduced student groups in engineering and business to share the projects on which they are working.

The students indicated that through CAPS they have obtained skills in design, technology, decision-making, problem solving, communication, presentation, fund raising, research, and advocacy, and have been able to experience the workplace and explore careers in specific areas, and learn more about themselves and their passions.

Tristan Erickson from Miro Industries shared that the CAPS program leverages the professionalism of these bright and intelligent students and helps these students transform into being very confident in what they want to do and present. CAPS provides real life experiences and real life projects that allow students to build a resume and have experience in the workforce, and business owners in the area rely heavily on these students. The virtue of CAPS is found in the transformation of the students.

Public Comment

John Taylor, President, Utah Science Teachers Association – in 16 years at Southern Utah University he has provided preservice teachers guidance in the life sciences. He has been heavily involved with public education and served on the K-2 Science Standards Writing Committee. He encouraged the Board to release those standards to the public for review. He shared that it was rewarding to watch teachers wrestle with the question of what is best for the students. The committee looked into research and what other states have done, and the next

step is for the public to review the standards.

Jackie Ball, parent of deaf students – indicated she and a group of parents have met with some Board members concerning the needs of hard-of-hearing children. She distributed the book, *Thirty Million Words*, about the broad vocabulary base that children need to be able to communicate and speak. She clarified that when USDB Superintendent Joel Coleman reported yesterday that USDB does not teach spoken language with sign at the school, he was speaking about those methods being done simultaneously, and he has assured her that the school has moved away from that practice. Parents are talking about using both modalities in the classroom. Ms. Ball shared statements from audiologists, USDB employees, and parents and asked that an open investigation of USDB be done and those individuals be given time to present.

Tenille Thompson, parent of son attending USDB – encouraged the Board to read through the statements referenced above, and also called for an investigation into USDB. She indicated there are too many conflicting statements between parents and USDB administration, and asked the Board to hear from teachers, aides, audiologists, and PIP advisors past and present, who need to be able to speak without fear of retribution.

Sabrina Parrish, parent of deaf student - introduced her 2-1/2 year old daughter who has been attending the USDB toddler program. She shared that her family has chosen to use spoken language in their home. Last year when they attended the USDB toddler group they had a wonderful experience and learned many things with other parents and children who also have chosen spoken language. They were also provided the Parent Infant Program (PIP), but were almost misled that there was a choice of doing spoken language only. It was brought to their attention by her daughter's audiologist that if they want their daughter to speak, they should just focus on spoken language, not combined with sign. After inquiring, she was informed that language-only is an option in PIP, but she was not initially informed of that option. Also, she was just informed last night that in the toddler group, spoken language-only is no longer an option. She asked for an investigation into USDB because the parents are not being informed.

Jay Blain, Utah Education Association – expressed UEA’s appreciation of the accountability reports that were just released. The dashboard system looks very good and with the new indicators it is very easy to see where resources are needed to go to help students to achieve better in their schools. UEA hopes to work with the Board on the elimination of single letter grade. UEA also looks forward to working together to support the pipeline for new educators.

Vince Newmeyer – told a story of his nephew that died at age 15 of a rare recessive genetic disorder. Recent research regarding this disease has revealed that non-coding portions of DNA hold some answers for people afflicted with this disorder. Failure to consider the significance of these non-coding regions of DNA because of an evolutionary mindset has delayed research in certain vital areas of medicine. Mr. Newmeyer stated that after having reviewed the draft of the proposed science standards, the draft is missing core pieces—the heart and soul of science, particularly when it comes to politically driven agendas such as Darwinian evolution and global warming. These topics are taught as unquestionable facts in the proposed standards, not as scientific theories. Mr. Newmeyer distributed the paper, *An Example of How Evolutionary Dogma has Hindered Our Health and Well Being*.

Vincent Bates, educator, Weber State University – voiced concern about the Utah Pedagogical Performance Assessment Standards that will require all teacher candidates to pass a high-stakes commercial standardized performance assessment, most likely developed by national corporations. He indicated those assessments are based on pre-written samples and a 15-minute video of classroom teaching. He compared this assessment to practice at Weber State using highly qualified teachers to observe in the classroom teacher candidates in several instances over time, and meet personally with the teachers and review their written work—all related to the Utah Effective Teaching Standards. He expressed that Weber State’s approach is far more rigorous and valid than anything that is being proposed. He asked the Board to vote against all drafts of the proposed pedagogical assessment standards.

D’Arcy Dixon Pignanelli, President, Special Olympics Utah – mentioned that rarely does a student with an intellectual disability have an opportunity to compete on a high school level. She reported that Special Olympics Utah now has a partnership with the Utah High School

Activities Association to provide opportunities for those students by bringing Unified Sports to high schools in Utah. Through the program, high schools can choose to offer their varsity letters to students who participate on the Unified Sports teams. She distributed the Special Olympics newsletter, *The Unified Effect*.

Dawn Monson, Utah Science Teachers Association (USTA) Executive Director – expressed that she has seen standards come and go, but the Science Standards for 6th, 7th and 8th grades have been the most exciting she has seen. Teachers are able to lead and guide their students as they follow cross-cutting concepts and science and engineering practices to address real world problems. Students are developing a mindset of asking questions and learning how to find answers. The USTA calls on the Board to release the Science Standards drafts for grades K-5 and 9-12 for public review.

[For additional details, see General Exhibit No. 19-3.]

General Consent Calendar

Upon request of Member L. Hansen, item 4.4 Requests for Temporary Authorizations of Licenses was pulled from the Consent Calendar.

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

Motion carried.

General Consent Calendar

4.1 Approval of Meeting Minutes

The Board approved the minutes of its December 6-7 and December 11, 2018 meetings.

4.2 Contracts for Approval

The Board approved contracts over \$100,000 with the following: Corwin Press; Evaluation and Training Institute; a contractor to be determined for the Utah Datacenter Backup Refresh Project.

4.3 Contracts for Review

The Board was provided with the following contracts under \$100,000 for review: Meteri Group, LLC; Utah Education and Telehealth Network; Utah State Higher Education; Clifton Larson Allen; RMC Research.

4.4 Requests for Temporary Authorizations

This item was pulled for further discussion.

4.5 NESS Workgroup Meeting Report

The Board approved forwarding the Necessarily Existent Small School Workgroup recommendations to the Legislature.

4.6 Transportation Standards Manual

The Board approved the Transportation Standards Manual.

4.7 Internal Data Sharing Request – RTI

The Board approved a research sharing agreement with RTI International.

4.8 UPPAC Review Task Force Scope of Work

The Board approved additions to its UPPAC Task Force scope of work to: 1) Review the UPPAC audit; and 2) to consider “time served.”

4.9 Sorenson Legacy Awards for Excellence in Arts Education Grant

The Board approved applying for a grant from the Sorenson Legacy Foundation for the Sorenson Legacy Awards for Education Excellence, and approved acceptance of the grant, if awarded.

4.10 List of Educator Licenses Processed

The Board was provided with a list of educator licenses processed in November 2018.

[For additional details on the Consent Calendar, see General Exhibit No. 19-4.]

Requests for Temporary Authorizations for Licenses

Member L. Hansen explained that she requested this item be pulled from the Consent Calendar as she has concerns with teachers being hired to teach elementary education and special education who have no experience in teaching, no degree, and are in no programs, and that parents may be unaware of those teachers' experience. She expressed dismay over the shortage of qualified teachers.

Travis Rawlings, Coordinator of Educator Licensing, informed that if the Board doesn't approve temporary licenses for the teachers identified, the LEAs concerned would have to determine their next steps. There would not be any financial impact to the LEAs until June 30.

Board members acknowledged that some LEAs are so small they have no options because of the requirements to teach certain courses and no individuals in the area qualified by industry standards to teach those courses. Board members also suggested further discussion on the process.

MOTION was made by Member B. Cummins and seconded that the Board approve the Temporary Authorizations for Licenses.

Motion carried, with Members Boulter, Cannon, B. Cummins, L. Cummins, Davis, Earl, Ellis, Lear and Huntsman in favor, and Members Belnap, Gravier, L. Hansen and S. Hansen opposed.

[For additional details, see General Exhibit No. 19-5.]

Monthly Budget Report

Deputy Superintendent Scott Jones presented the monthly budget report. He reported that there two federal agencies from which the Board receives funding—the Department of Education and Department of Agriculture—that may be affected by the partial government shutdown. The Education Department is funded through September 2019; funding for the Department of Agriculture is available through March, and for staff that are paid through that department, payroll can be sustained through May, subject to continuing development with the shutdown.

Superintendent Jones reported that staff has acted on the Board's direction for use of the Discretionary Fund.

[For additional details, see General Exhibit No. 19-6.]

FY20 Board Budget Priorities

Governor's Education Budget

Jacob Wright, Governor's Office of Management and Budget, reviewed the Governor's budget priorities for education. It was noted that for every one percent increase in the value of the WPU, property tax would increase by \$4.7 million; thus for a four percent increase, property tax would increase by approximately \$18.8 million. Mr. Wright reported that the Governor's approach is to provide local flexibility with the proposed four percent WPU increase.

Request for iSEE

Deputy Superintendent Jones reviewed a new request for Board support of an increase for the Informal Science Education Enhancement (iSEE) program.

MOTION was made by Member Belnap and seconded that the Board add to its budget priorities support of an increase of \$296,400 for iSEE.

Motion carried unanimously.

Charter Administrative Funding

Superintendent Jones reviewed a request for administrative funding for charter schools that was deferred from the Board's December meeting. Board members asked for more clarity on the amount of funds and for what the funds will be used.

MOTION was made by Member S. Hansen and seconded that the request be deferred to the next Board meeting.

Motion carried, with Member Belnap opposed.

[For additional details, see General Exhibit No. 19-7.]

Legislative Policy/Statutory Priorities

Deputy Superintendent Angie Stallings informed the Board of the legislative tracking sheet and other information that will be available on the Board's website during the legislative session. [For additional details, see General Exhibit No. 19-8.]

Audit Committee Report/Recommendations

Past Committee Chair Alisa Ellis reported on the December Audit Committee meeting.

School Children's Trust Section Carryforward

MOTION from Committee that the Board approve the School Children's Trust Section procedure and letter regarding excessive carryover of School LAND Trust funds.

Motion carried unanimously. [For additional details, see General Exhibit No. 19-9.]

Interim School Children's Trust Section Director Paula Plant updated the Board on the Trust. The School and Institutional Trust Lands Administration Board met yesterday and there are some exciting projects in which they are engaged that will bring revenue to the schools. Ms. Plant also reported that the Advocacy Committee is in the process of reviewing applications for the director of the Land Trusts Protection and Advocacy Office.

Finance Committee Report/Recommendations

Member Linda Hansen reported on items from the December 7, 2018 Committee meeting. Items not reported to the Board will be included in the exhibits to the committee Summary of Actions. [For additional details, see General Exhibit No. 19-10.]

Taxing Entity Committee (TEC) – Millcreek RDA

It was noted that since the Finance Committee meeting, the Millcreek Redevelopment Agency voted to not continue with its proposal, so no action by the Board is needed. [For additional details, see General Exhibit No. 19-11.]

Non-compliance with October 1 Submissions

The Committee received information concerning Vanguard Academy's submission of October 1 UTREx data that was not accurate and the efforts by USBE staff and the school's staff to correct the data and add it to the statewide collection. The Committee reviewed a letter prepared for Vanguard outlining corrective actions. [For additional details, see General Exhibit No. 19-12.]

MOTION from Committee that the Board approve sending the proposed letter to Vanguard Academy.

Motion carried; Members L. Cummins and Lear absent.

Transportation Standards Manual Approval

This item was approved on the Consent Calendar.

Law and Licensing Committee Report/Recommendations

Past Committee Chair Michelle Boulter reported on the following items from the December 7, 2018 meeting. [For additional details, see General Exhibit No. 19-13.]

External Data Request – URADD

The Committee reviewed a data sharing agreement for the Utah Registry of Autism and Developmental Disabilities (URADD) program, as required by Utah Code 53E-9-301. [For additional details, see General Exhibit No. 19-14]

MOTION from Committee that the Board approve the external data request with the Utah Department of Health and the University of Utah for URADD.

Board members questioned whether families are aware of the information that is being shared, and were informed that families aren't notified, but have the right to have the information removed.

Motion failed, with Members Cannon, B. Cummins, Graviet, Lear, L. Hansen, S. Hansen and Huntsman in favor, and Members Belnap, Boulter, L. Cummins, Davis, Earl, and Ellis opposed.

It was noted that the Board will be in violation of state law if the Board doesn't provide the data. It was suggested that the agreement include a provision that parents be notified of what data is being collected and of their right to have that data removed. There was some question as to whether this would be allowable under the law, and whether the Board should request a change in the statute.

MOTION was made by Member B. Cummins and seconded that this item be referred to a standing committee for consideration of the provisions discussed and possible legislative changes.

Motion carried unanimously.

Internal Data Requests for Personally-identifiable Information (PII)

MOTION from Committee that the Board approve the data sharing agreement with the Department of Workforce Services, Office of Child Care.

Motion carried, with Member L. Cummins opposed.

MOTION from Committee that the Board approve the data sharing agreements with: 1) the Utah Department of Corrections and South Sanpete School District; and 2) the Utah Department of Corrections and Canyons School District.

Motion carried unanimously.

[For additional details, see General Exhibit No. 19-15.]

Pedagogical Performance Assessment Standards

The Committee reviewed the Pedagogical Performance Assessment Standards, created per R277-502-3(4), to establish criteria for approval of a pedagogical performance assessment that will assess basic competencies of all professional licensed Utah teachers. [For additional details, see General Exhibit No. 19-16.]

MOTION from Committee that the Board approve the Utah Pedagogical Performance Assessment Standards, Draft 2.

MOTION was made by Member Boulter and seconded that this item be referred back to

committee to consider questions that have been raised about the standards.

It was suggested the discussion include questions on the video monitoring and other concerns in part 6 of Draft 2, as well as why a pedagogical assessment is being required of an accredited teacher program. Board members were asked to send additional questions to the Board secretary.

Superintendent Dickson indicated she has spoken to staff and there are some changes to verbiage that might mitigate some of the concerns.

Motion carried; Member Davis abstained due to a conflict of interest.

R277-707 Enhancement for Accelerated Students Program

The Committee reviewed amendments to R277-707 designed to increase the number and percentage of students from diverse and/or disadvantaged backgrounds earning credit in early college coursework programs. The Committee approved Draft 2 of the rule on first reading.

MOTION from Committee that the Board approve R277-707 *Enhancement for Accelerated Students Program*, Draft 2, on second and final reading.

MOTION was made by Member Lear and seconded that lines 55 and 56 of the rule be amended to add the wording: “. . . as determined by an LEA and approved by the Superintendent,” after “subset of students.”

Motion to amend carried unanimously.

Motion, as amended, carried unanimously. [For additional details, see General Exhibit No. 19-17.]

R277-551 Charter Schools – General Provisions

The Committee reviewed proposed amendments in R277-551, Draft 1, and made additional amendments to lines 45-47. The Committee approved R277-551, Draft 1, as amended.

MOTION from Committee that the Board approve R277-551 *Charter Schools—General Provisions*, Draft 2, on second and final reading.

Motion carried; Members Earl and Lear absent. [For additional details, see General Exhibit No. 19-18.]

State Treasurer Discussion of Bonds

State Treasurer David Damschen was welcomed to the meeting. He expressed the importance for his team and the Board to keep an open dialogue on items where there is crossover, including credit enhancement of district bonds, oversight of the School and Institutional Trust Fund and School Children's Trust, and financing charter schools, particularly with bonds.

Treasurer Damschen discussed the possibility of a charter school failing that has issued bonds. The Treasurer's office tracks total charter school bonds issued by the Charter School Finance Authority, which is the primary conduit for charter school bonds. There are other conduits for bonds as well. He explained the credit enhancement program where the state will back the bonds of certain charter schools with a moral obligation pledge. The charter schools that apply for inclusion in that program improve their credit rating and reduce their borrowing costs up to two percent. There are also charter school bonds that are not enhanced by the state, where theoretically if a school fails or there is a dissolution, the state is not responsible; however, if there were any significant failures of schools and situations where investors in charter school bonds were harmed, that could make it very difficult and/or expensive for Utah charter schools to continue to access the municipal bond market going forward in a cost-effective manner.

Treasurer Damschen reported that as of June 30, 2018 total charter bonds outstanding that are enhanced by the state total over \$344 million, with unenhanced bonds at \$324 million. If there is a failing charter school that is credit enhanced by the state there are provisions in Code that give the Charter School Finance Authority a seat at the table in resolving the problems. Statute directs that if a chartering entity proposes to terminate the charter of a qualifying charter school with bonds that have been enhanced, the chartering entity shall conduct a hearing inclusive of the Charter Finance Authority, and that the chartering entity may not terminate the charter of a qualifying charter school with outstanding bonds that are

enhanced without mutual agreement of the Utah Charter Finance Authority and the chartering entity. The Charter Finance Authority consists of Treasurer Damschen, Deputy Superintendent Scott Jones, and Phil Dean from the Governor's Office, providing a working mechanism in place between this Board and the Charter Finance Authority on those credit enhanced bonds.

For those bonds that are not credit enhanced there is no such partnership defined in statute. Treasurer Damschen recommended that consideration be given to some form of dialogue or partnership that would come into play if a charter school with unenhanced bonds falls into trouble. His concern is that when charter schools enter into these transactions they strike agreements with the investors that are subject to covenants, and there may be situations that could be very damaging to investors and could violate covenants.

Treasurer Damschen reviewed the options when a charter school is failing, including placing the school in a turnaround program, making major personnel changes, the school entering into a lease with a school district or charter school, a consolidation or merger with another school, and termination of the school. Many bond documents will have a conveyance exception in them. The hierarchy of options can differ from school to school and transaction to transaction because different investors will have different requirements. He encouraged the Board to be mindful that if it is dealing with a charter school that's struggling, the Board ensure that part of the decision making process include an analysis of any bond documents and identification of the least disruptive options prior to proceeding. He expressed that it is important that the state treat counterparties, like investors, with respect and stated there needs to be a solid process in place.

Treasurer Damschen informed that charter school transactions all include a debt service reserve, so when the charter school borrows money from the investor, the school borrows enough over the amount needed to pay a full year's debt service. That overage is put into a reserve fund with the trustee, which provides an emergency buffer and mitigates some of the risk.

Treasurer Damschen addressed a concern he has about the growing charter school debt. He indicated that knowing that charter schools are unique and don't have the depth in terms of administrative support as school districts typically do, he is interested in putting in place some

form of a monitoring system to look at key financial ratios. In order to not create a redundant process that unnecessarily burdens charter schools with new reporting requirements, he is focusing on two categories of monitoring: 1) Financial indicators, and 2) compliance with disclosure obligations for bonds. He has made some changes to staff to facilitate this, including creating a debt manager position.

It was questioned if there is a reason to keep perpetuating unenhanced bonds. Treasurer Damschen responded that charter schools are not required to use the Charter Finance Authority as a conduit to issue bonds; however, the majority of charters do use the Finance Authority. The Finance Authority doesn't charge any fees and is subject to the Open and Public Meetings Act and the Government Records and Management Act (GRAMA). There are a handful of schools that have gone through another conduit, with a very few outside the state. There is a concern with the sometimes high costs of issuance of the bonds and attorney fees for those not using the Finance Authority, and for costs that have been up to four times higher than the Utah market. Treasurer Damschen suggested consideration of requirements that do not allow securing bonds through an out-of-state conduit.

[For additional details, see General Exhibit No. 19-19.]

Chair Huntsman thanked the Treasurer for communicating with the Board.

Continuation of Law and Licensing Committee Report

R277-552 Charter School Timelines and Approval Processes

The Committee reviewed proposed amendments to R277-552, Draft 1, and made an additional amendment on line 76. The Committee approved R277-552, Draft 1, as amended.

MOTION from Committee that the Board approve R277-552 *Charter School Timelines and Approval Process*, Draft 2, on second and final reading.

MOTION was made by Member Lear and seconded that the rule be referred back to a committee for discussion, specifically concerning financial information of which the board should be notified.

Motion carried; Member Earl absent. [For additional details, see General Exhibit No. 19-20.]

R277-100 Definitions for Utah State Board of Education Rules

The Committee reviewed proposed amendments to R277-100 to address definitions of students for enrollment, and passed the rule on first reading.

MOTION from Committee that the Board approve R277-100 *Definitions for Utah State Board of Education Rules*, Draft 7, on second and final reading.

Motion carried; Member Earl absent. [For additional details, see General Exhibit No. 19-21.]

Board Resolution

The USBE Eliminating Barriers to Educational Excellence Task Force forwarded recommendations for a resolution recognizing the rights of parents in the Board's September meeting, and the resolution was referred to the Law and Licensing Committee for review and discussion.

The Committee amended the resolution to strike the last paragraph.

MOTION from Committee that the Board approve Utah State Board of Education Resolution 2019-1: A Resolution Recognizing the Right of Parents, as amended.

MOTION was made by Member L. Hansen and seconded that the Resolution be amended to strike the phrase, "by retaining current statutes protecting parental rights," from the paragraph beginning, "Now, therefore, be it resolved . . ."

Members supporting the amendment discussed that the term "parental rights" is nebulous, because it can differ depending on the parent and sometimes there are competing interests. Others agreed that it is important to recognize the rights of all parents.

Questions were asked about why the Board needs a resolution of something already in statute, and why this particular resolution.

Member Ellis responded that she brought the resolution forward to the Eliminating Barriers Task Force because of her experience prior to being on the Board with talking to education staff and boards and not feeling that she was heard. The

resolution would reinforce that the USBE does care and will listen.

The amendment carried unanimously.

Board members responded, acknowledging that parent rights matter, but due process also matters, and they questioned what the resolution will accomplish. It was noted that when Board members take the Oath of Office they are affirming the Utah Constitution, which contains parental rights, and an additional resolution is redundant.

Members in favor of the resolution reiterated that it is a statement that needs to be reinforced.

Motion to approve the resolution, as amended, failed, with Members Boulter, L. Cummins, Earl and Ellis in favor, and Members Belnap, Cannon, B. Cummins, Davis, Graviat, L. Hansen, S. Hansen, Huntsman and Lear opposed.

[For additional details, see General Exhibit No. 19-22.]

Standards and Assessment Committee Report/Recommendations

Past Committee Chair Janet Cannon reported on the following items from the December 7, 2019 meeting. Items not reported to the Board will be included in the exhibits to the meeting Summary of Actions. [For additional details, see General Exhibit No. 19-23.]

K-5/9-12 Science Standards Draft Ninety-day Review Request

MOTION from Committee that the Board approve the release of the K-5/9-12 Science Standards for a 90-day public review.

Concerns were expressed that the updated standards are a move towards National Science Standards, that the public hearings are during the legislative session, and that the start times of the hearings are too early for the public to attend. It was also suggested that more interactive online meetings be held.

Motion carried unanimously.

MOTION from Committee that the Board approve the requirement to have one of the standards review public meetings at USBE, and to approve the six sites recommended by staff for the K-5/9-12 Science Standards public review meetings.

MOTION TO AMEND was made by Member Belnap and seconded that: Three off-site science standards review meetings be held in Iron County, American Fork, and Brigham City (on the same dates previously established); three online review meetings be held at the Utah State Board of Education Building in a format where input from the public can be received; that a format for the online meetings be brought to the Board for review at its January 31 meeting; and that all meetings be held after 6:00 p.m.

Motion to amend carried.

Without objection the motion, as amended, was approved.

[For additional details, see General Exhibit No. 19-24.]

Executive Session Action Items

Action on Educator Licenses

MOTION was made by Member Belnap and seconded that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 17-1421 to suspend the individual's Secondary Education license for not less than one year.

Motion carried. Member Lear declared a conflict of interest and did not vote.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1440 to suspend the individual's Secondary Education license for a period of not less than four years.

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

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1458 to suspend the individual's Level 2 Early Childhood, Elementary Education license for a period of not less than one year.

Motion carried unanimously.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1471 to suspend the individual's Level 3 Speech Language Pathologist license for a period of not less than three years.

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

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1498 to issue a letter of reprimand to be in place not less than two years, with the addition of an amendment to the Consent to Discipline to add classroom management training.

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

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-251 and clear the background review.

Motion carried unanimously.

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

Motion carried unanimously.

[For additional details, see General Exhibit No. 19-25.]

Strategic Plan

Superintendent Dickson reviewed the vision, mission and goals of the Board's Strategic Plan, and a list the goals and proposed strategies was distributed. Chief of Staff Tiffany Stanley reviewed the proposed strategies for each goal. [For additional details, see General Exhibit No. 19-26.]

Early Learning Goal

MOTION was made by Member L. Cummins and seconded that the Board approve the proposed strategies for the Early Learning goal.

Some members observed that the education system keeps moving into ages earlier than kindergarten and questioned at what point it is taking over the role of parents. Superintendent Dickson acknowledged that it is a fair question that often comes up. She reported that though preschool doesn't fall within the Board's jurisdiction, the Board is brought into partnerships through legislation with preschool and distribution of funds. She reminded the Board that Utah doesn't require kindergarten, and there is still space for family choice. The Board does support

families in early education.

It was also questioned whether the Board will be competing with Head Start. Assistant Attorney General Michelle Beus responded that it is an LEA decision and some LEAs run Head Start cooperatively in their districts.

Motion carried unanimously; Member Ellis absent.

Effective Educators and Leaders Goal

MOTION was made by Member B. Cummins and seconded that the Board approve the strategies for the Effective Educator and Leaders Goal.

Motion was made by Member Earl and seconded that the Board amend strategy 2E—Promote equitable access to highly effective teachers—to remove the word, “equitable.”

It was noted that the amendment would provide more focus to promoting access to highly effective teachers—not just redistributing teachers. Conversely, it was suggested that “equitable” is the main word in the strategy because it directs being very thoughtful in the process of placing teachers, focusing on experienced versus inexperienced.

Motion to amend failed, with Members Boulter, L. Cummins, and Earl in favor and all others opposed; Member Ellis absent.

Motion to approve the strategies for the Effective Educators and Leaders Goal carried, with Member Ellis opposed.

Safe and Healthy Schools Goal

MOTION was made by Member B. Cummins and seconded that the Board approve the proposed strategies for the Safe and Healthy Schools Goal.

Motion carried unanimously; Member Ellis absent.

Personalized Teaching and Learning Goal

MOTION was made by Member B. Cummins and seconded that the Board approve the

proposed strategies for the Personalized Teaching and Learning Goal.

A concern was expressed that privacy is being lost and more data on individuals is being stored and collected without the consent of individuals. It was questioned how the Board could use the data it already has in a more efficient way.

Superintendent Dickson proposed the following language to replace the language in Strategy 4A: *Empower the Board, students, parents, and teachers with access to timely, useful and safeguarded data.*

Without objection, Chair Huntsman directed that the language in 4A be replaced with the language suggested by the Superintendent.

Motion, as amended, carried unanimously; Member Ellis absent.

Equity

Superintendent Dickson referenced the question raised by the Board's Advisory Committee on Equity of Educational Services for Students (ACEESS) of where the idea of equitability fits into the Strategic Plan, and pointed out recommendations from ACEESS.

Ms. Stanley reviewed an option for adding the word, "equitable" to the Plan's mission statement.

MOTION was made by Member S. Hansen and seconded that the Board amend the Strategic Plan Mission Statement to add the word, "equitable," to read: The Utah State Board of Education leads by creating equitable conditions for student success: advocating for necessary resources, developing policy, and providing effective oversight and support."

Motion carried, with Members Belnap, Cannon, B. Cummins, Davis, Gravier, L. Hansen, S. Hansen, Huntsman and Lear in favor, and Members Boulter, L. Cummins and Earl opposed; Member Ellis absent.

MOTION was made by Member Earl and seconded that the Board add the proposed definition of equity to the Strategic Plan.

The proposed definition reads: *Equity is the equitable distribution of resources based upon each individual student's needs. Equitable resources include funding, programs, policies, initiatives and supports that target each student's unique background and school context to*

guarantee that all students have access to a high-quality education.

Motion carried unanimously; Member Ellis absent.

Superintendent's Report

Superintendent Dickson acknowledged Assistant Superintendent Leah Voorhies, who received an alumnus award from the Brigham Young University McKay College of Education and was featured in its magazine.

Superintendent Dickson also lauded staff for the release of the School Report Card.

Board Chair's Report

Chair Huntsman thanked all Board members for their service on committees last year and for accepting new assignments.

Board Member Comments

Member L. Hansen and others requested revisiting the 2019 schedule of Board meetings. Chair Huntsman indicated the schedule will be placed on a future agenda.

Member L. Hansen announced that she has been appointed to the National Association of State Boards of Education (NASBE) Early Education Workgroup.

Member Belnap announced that the Finance Committee will hold a special meeting on January 18 to discuss R277-407 *School Fees*.

Adjournment

MOTION was made by Member Boulter and seconded that the meeting adjourn. Motion carried. The meeting adjourned at 4:55 p.m.

Lorraine Austin, Board Secretary
Minutes approved February 8, 2019