

**UTAH STATE BOARD OF EDUCATION MEETING  
SUMMARY OF ACTIONS**

July 13-14, 2017

**Board Members Present:** Chair Mark Huntsman, First Vice Chair Terryl Warner, Second Vice Chair Brittney Cummins, Third Vice Chair Alisa Ellis, Laura Belnap, Janet Cannon, Lisa Cummins, Jennifer Gravier, Linda Hansen, Carol Barlow Lear, Scott Neilson, Kathleen Riebe, Spencer Stokes, Terryl Warner, Joel Wright. (Member Michelle Boulter absent.)

All votes were unanimous with those present unless noted otherwise.

- The Board approved the following items on the Utah Schools for the Deaf and the Blind (USDB) General Consent Calendar:
  - Minutes of the June 1, 2017 USDB Board meeting.
  - Contract with Westeck Industrial Electrical.
- The Board took the following actions on its General Consent Calendar:
  - Approved the minutes of the June 1-2, 2017 Utah State Board of Education meeting.
  - Approved contracts and agreements with Old Dominion Freight, Lexia Learning System LLC, and the Utah Education Policy Center.
  - Approved the following rules on third and final reading:
    - R277-112 *Prohibiting Discrimination in the Public Schools* (Repeal)
    - R277-401 *Child Abuse-Neglect Reporting by Education Personnel* (Amendment and Continuation)
    - R277-407 *School Fees* (Amendment and Continuation)
    - R277-433 *Disposal of Textbooks in the Public Schools* (Amendment and Continuation)
    - R277-445 *Classifying Small Schools as Necessarily Existent* (Amendment and Continuation)
    - R277-496 *K-3 Reading Software Licenses* (New)
    - R277-502 *Educator Licensing and Data Retention* (Continuation)

- R277-516 *Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members* (Amendment and Continuation)
- R277-608 *Prohibition of Corporal Punishment in Utah's Public Schools* (Amendment and Continuation)
- R277-713 *Concurrent Enrollment of High School Students in College Courses* (Continuation)
- R277-800 *Utah Schools for the Deaf and the Blind* (Amendment and Continuation)
- R277-801 *Services for Students with Sensory Impairments* (Amendment)
- R277-925 *Effective Teachers in High Poverty Schools Incentive Programs* (New)
- Approved a letter of support for the National Board SEED Grant.
- Reviewed a report of educator licenses processed in May 2017.
- Reviewed a report of contracts/agreements with the Board under \$100,000 and removed the following agreements for further work and review: Utah Department of Health/University of Utah Department of Psychiatry; Utah System of Higher Education; Utah Department of Corrections; UTECH; CREDO at Stanford University; United Way of Salt Lake; One-Stop Partners; and Department of Workforce Services/Department of Health [see below].
- Approved extending for five years the Memorandum of Understanding between the State Board of Education, Department of Workforce Services and Department of Health for the Medicaid project. Members L. Cummins, Ellis and Neilson opposed.
- Approved R277-489 *Early Intervention Program*, as amended, on third and final reading, with Members L. Cummins and Ellis opposed.
- The Board approved the release of audit reports for East Hollywood High School and Fast Forward Charter High School to the public.
- With regard to Court of Appeals Case 20170278-CA, Kohler v. Board of Education, the Board rejected Kohler's request for a stay of his discipline pending the outcome of his appeal, stating the following reasons: 1) Mr. Kohler is unlikely to succeed on the merits of his appeal because, among other things, he has agreed his conduct was sexually related and is defiant of the administrator's directive; the discipline issued by the Board was not arbitrary, nor capricious; the Board's factual determinations were supported by ample

evidence; and the Board properly applied its rule regarding discipline presumptions; 2) Mr. Kohler will not suffer irreparable injury if he is denied a stay; 3) substantial harm will occur to interested parties such as, among other things, future students he might be exposed to if he was allowed back in the classroom; and 4) a stay would harm the public interest because, among other things, it would undermine the public's trust in the Board protecting students, families, and schools from educators subject to discipline.

- The Board took the following actions on educator licenses:
  - Approved issuing a letter of warning in Utah Professional Practices Advisory Commission (UPPAC) Case No. 17-EH11, with Members Belnap, Stokes and Wright opposed.
  - Approved the UPPAC recommendation in Case No. 16-1340 to suspend the educator's license for a period of no less than five years.
  - Approved the UPPAC recommendation in Case No. 15-1300 to revoke the educator's license.
  - Approved the UPPAC recommendation in Case No. 16-1364 to issue a letter of reprimand.
  - Approved the UPPAC Consent Calendar.
- The Board appointed Derek Anderson, representing school business officials, to its Trust Advisory Council.
- The Board directed its representative to the Murray City Taxing Entity Committee for the Ore Sampling Mill Community Reinvestment Project to vote consistent with the school district. Member Wright opposed.
- The Board approved issuing revolving loans to the following charter schools: Advantage Arts Academy - \$300,000; Endeavor Hall – \$175,000; Leadership Academy of Utah – \$275,700; and Leadership Learning Academy - \$299,971, and approved making a single disbursement of the loan to Endeavor Hall. Members B. Cummins and Wright abstained due to conflicts of interest.
- The Board approved school building loan applications from Duchesne School District and South Sanpete School District with an annual interest rate of two percent. Member Wright opposed.
- The Board approved and continued R277-110 *Legislative Supplemental Salary Adjustment*, as amended, on third and final reading.
- The Board approved R277-113-6 *LEA Fiscal and Auditing Policies—Required LEA Fiscal Policies*, as amended, on second reading. Member Belnap opposed.

- The Board instructed staff to pay to Kairos Academy the Minimum School Program (MSP) funds as scheduled, and to pay one twelfth (1/12) of the School LAND Trust Program funds, and that the 1/12 distribution will continue until further notice, unless the State Charter School Board of State Board of Education closes Kairos Academy.
- The Board approved a waiver from the 180-day requirement in R277-419 for Park Valley School in Box Elder School District in order for the school to go on a four-day instructional week. Member Lear abstained due to a conflict of interest.
- The Board approved Board Policy 2001, Board Member Compensation, Revision 2.
- The Board approved on second and final reading R277-515 *Utah Educator Professional Standards*, with proposed amendments and an additional amendment to add to line 326 in Section 7(3)(a), “and R277-516.”
- The Board approved a Board Resolution Establishing the Student Data Policy Advisory Group.
- The Board approved a Board Resolution Establishing the Student Data User Advisory Group.
- The Board approved a Board Resolution Establishing the Student Data Governance Group.
- The Board approved release of the Driver Education Standards for a 90-day public review period.
- The Board approved Intergenerational Poverty Interventions grants to the following: American Preparatory Academy--\$100,000; Canyons School District--\$200,000; Entheos Academy--\$50,000; Grand County School District--\$50,000; Guadalupe School--\$40,000; Logan City School District--\$100,000; Ogden City School District--\$250,000; Provo City School District--\$160,000.
- The Board approved the creation of a discussion group to evaluate the School Resource Officer/School Principals Curriculum and bring recommendations for changes back to the Board.
- The Board approved and continued R277-700 *The Elementary and Secondary School General Core*, as amended, on second reading, with Members Belnap, L. Cummins, Ellis, Hansen, Neilson, Stokes, Warner and Wright in favor, and Members Cannon, B. Cummins, Graviet, Huntsman, Lear and Riebe opposed.
- The Board opened the Health Standards for revision, with Members L. Cummins and Ellis opposed.