

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

August 1-2, 2019

BOARD MEETING

A regular meeting of the Utah State Board of Education was held August 1, 2019 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members Present:

Mark Huntsman, Chair
Brittney Cummins, Vice Chair
Member Laura Belnap
Member Michelle Boulter
Member Janet A. Cannon
Member Cindy Davis
Member Jennie Earl
Member Jennifer Gravier

Member Linda B. Hansen
Member Scott L. Hansen
Member Mike Haynes
Member Carol Barlow Lear
Member Mark R. Marsh
Member Scott B. Neilson
Member Shawn E. Newell

Executive Staff Present:

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

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

Steve Hirase—Utah PTA; Jay Blain—Utah Education Association; Kevin Nakatani—Utah High School Musical Theater Awards; Anna Mark, Bill Huennekens—AEM Corporation; Hollie Pettersson—AD Direction; Rich Young—Pearson; Karen Peterson—Governor’s Office; Colin Kingston—Utah Department of Health; Monica Beane—ETS; Lynne Ward, Richard Ellis, Bryn Ramjoue—My529; Kent Larsen—South Sanpete School District; Duke Mossman—Northeastern Utah Educational Services; Jason Strate—Central Utah Educational Services; Joe Wright—Southeast Educational Development Center; Shad Sorensen—South Summit School District; Samuel Ray—North Sanpete School District; Tracy Davis—Garfield School District; JT Stroder—Grand School District; Tim Marshall—Provo Canyon School; Joe Pyrah, Dave Copeland—Sego Strategies; Tanner Seigworth, Sean Moody—KSL; Leah Voorhies, Deborah Jacobsen, Jerry Record, Alex Farrah, Melissa Preziosi, Zac Christensen, Debbie Davis—USBE staff.

Opening Business

Chair Huntsman called the meeting to order at 10:02 a.m. Member Linda Hansen led those present in the Pledge of Allegiance.

Swearing in of New Board Members

Chair Huntsman administered the Oath of Office to Mark R. Marsh and Mike Haynes. Members Haynes, District 11, and Marsh, District 12, were appointed by the Governor to fill vacancies left by Alisa Ellis and Lisa Cummins.

Board Member Message

Member Shawn Newell welcomed the Board. He elucidated the great responsibility Board members have as they serve and represent each and every individual in Utah as the stewards of the system that touches every child. He stated that Utah is in the thralls of a demographic shift that is impacted by the Board's action, and the Board's responsibility as decisionmakers gives the Board the opportunity to be agents of change.

Employee Recognition

Superintendent Sydnee Dickson facilitated the introduction of new employees Malia Hite, Rachel Stagg, Hafsa Zahid, Gregg Connell, Kristina Yamada, Maren Hansen, Erin Britt, Melissa Preziosi, Brook Hatch, Lisa Young, Jimmy Hernandez, Dale Frost and Sean McHenry.

Acknowledgment of Student Artwork

Cathy Jensen, Educational Specialist, informed the Board about the student artwork hanging in the board room from the Utah PTA Reflections program throughout the state. The theme was, "Heroes Among Us."

Education Highlight

Cathy Jensen introduced Ethan Kelso, recent graduate of the Salt Lake Performing Arts Academy, and Kevin Nakatani from Utah Festival Opera and Musical Theater. Mr. Nakatani informed about the Utah High School Musical Theater Awards, a program associated with the national awards for high school students known as the Jimmy Awards. Ethan Kelso was the best

actor winner from Utah and won the 2019 Jimmy for Best Performance by an Actor presented in New York City.

Ethan talked with the Board about the opportunity and sang the piece, "Wondering" from The Bridges of Madison County.

Public Comment

Jay Blain, Utah Education Association – thanked Board members for their service and lauded them for their hard work through difficult issues. He observed that Board members are involved with their communities, educators and legislators, listening and gathering information and ideas. UEA appreciates the Board's service and looks forward to their continued collaboration.

Superintendent's Report

Superintendent Dickson reported on the following:

- Summer is a time of great work in education and a time for renewal, reflection and thinking about making improvements for the coming year, as well as a time for personal and professional renewal.
- Staff are working on ways to improve induction for new employees. There have also been many changes in the building to create more collaboration spaces.
- Superintendent Dickson has appointed two new UPPAC commissioners.
- Employees have been busy working on strategies for the Board Strategic Plan.

General Consent Calendar

At the request of Board members, items 4.7 R277-706, 4.9 URADD Notification Letter, 4.10 SEEd Standards Implementation Plan, and 4.12 Paraeducator to Teacher Scholarships were removed from the Consent Calendar.

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

Motion carried; Member Cummins absent.

GENERAL CONSENT CALENDAR

4.1 Approval of Meeting Minutes

The Board approved the minutes of its June 6-7, 2019 meetings. [For more details, see General Exhibit No. 19-230.]

4.2 Approval of Contracts/Agreements

The Board approved contracts/agreements over \$100,000 with the following entities: Department of Workforce Services; Cicero Group; Southern Utah University; Utah Association of Public Charter Schools; Utah Department of Human Resources Management; Utah State University; Corwin Press, Inc.; SHI International; GuideSoftInc. DBA Knowledge Services; Evaluation and Training Institute. [For more details, see General Exhibit No. 19-231.]

4.3 Internal Data Sharing Agreements

The Board approved data-sharing agreements with the Utah Department of Human Services, Division of Child and Family Services; CREDO, Stanford University; and Utah Department of Workforce Services and Utah State Office of Rehabilitation. [For more details, see General Exhibit No. 19-232.]

4.4 Career and Technical Education (CTE) Approved Programs SY20-21

The Board approved CTE programs that meet or exceed the state program standards or outcomes for CTE programs. [For more details, see General Exhibit No. 19-233.]

4.5 Adoption of State Per Diem Rates

The Board adopted the state per diem rates established by the Director of the State Division of Finance for FY2020. [For more details, see General Exhibit No. 19-234.]

4.6 Elementary Social Studies Standards Revision Process

The Board approved staff beginning the standards revision process for the Elementary Social Studies Standards using the USBE-approved procedure.

4.7 R277-706 Public Education Regional Service Centers

This item was pulled from the Consent for further discussion.

4.8 R277-471 School Construction Oversight, Inspections, Training and Reporting

The Board approved continuation of R277-471 on second and final reading. [For more details, see General Exhibit No. 19-235.]

4.9 URADD Notification Letter

This item was pulled from the Consent for further discussion.

4.10 Science with Engineering Education (SEEd) Standards Implementation Plan

This item was pulled from the Consent for further discussion.

4.11 Contracts/Agreements for Review

The Board was provided contracts under \$100,000 with the following entities for review: LRP Publications; Illuminate Evaluation Services; SPEDSIS; Utah Interactive, LLC; Sigma Threat Management Associates; Utah Valley University; Department of Technology Services; Dynamic Internet Solutions; Tetra Analytix; Department of Human Services; Utah Parent Center (2); Southern Utah University; USBE (DWS is drafting party); Philip Vernon; Utah Data Alliance. [For more details, see General Exhibit No. 19-231.]

4.12 Paraeducator to Teacher Scholarship

This item was pulled from the Consent for further discussion.

4.13 List of Educator Licenses Processed

A list of educator licenses processed in May and June 2019 was provided. [For more details, see General Exhibit No. 19-236.]

4.9 URRAD (Utah Registry of Autism and Developmental Disabilities) Notification Letter

Member Earl made some recommendations for changes to the letter. USBE Chief Privacy Officer Whitney Phillips indicated the letter is in rewrite mode and invited Board members to send concerns to her. [For more details, see General Exhibit No. 19-237.]

4.10 Science with Engineering Standards (SEEd) Implementation Plan

Jennifer Thronsen, Teaching and Learning Director, informed that building core guides for science teachers is new. Core guides have been built in math and are useful to the professional learning community in providing additional guidance for educators.

Ricky Scott, Educational Specialist for Science, reported that the process for creating assessment items for the science standards will be the same as for other core standards, and that all items will go through the review process as outlined in statute and Board process.

[For more details, see General Exhibit No. 19-238.]

4.7 R277-706 Public Education Regional Service Centers

MOTION was made by Member S. Hansen and seconded that the Board amend lines 28 and 29 of the rule to refer to 53G-4-410(4)(a) and (b) or restate the language as it is in the statute.

Motion to amend carried.

MOTION was made by Member Boulter and seconded that the Board approve and continue R277-706 *Public Education Regional Service Centers*, Draft 2, as amended, on final reading.

Motion carried; Member Cummins absent. [For more details, see General Exhibit No. 19-239.]

Paraeducator to Teacher Scholarship

Tanya Semerad, Education Specialist, provided information about the scholarship, indicating that approximately half the applicants last year received some money. It was asked that in future years the report include the district and school of the applicant. [For more details, see General Exhibit No. 19-240.]

Monthly Budget Report

Deputy Superintendent Scott Jones indicated there won't be a monthly report until September due to year-end close. Her reported that the office is on track to close on time.

Common Education Data Standards (CEDS)/REI Presentation

Bill Huennekens, Director, and Anna Mark, Deputy, from the Center for the Integration of IDEA Data were introduced. They informed that the Center is a technical assistance data center funded by the federal Office of Special Education Programs. They made a presentation about the common data systems grant the Center has available to help states improve their

data management practices. Through the grant the Center has built the Generate system which is provided without cost to all state education systems along with free support. Deputy Superintendent Jones reported that Utah will use the system initially for data required by the Individuals with Disabilities Education Act (IDEA), but could expand the system into other areas. [For more details, see General Exhibit No. 19-241.]

My529 Education Savings Program

Superintendent Dickson introduced Lynne Ward, Executive Director of the My529 Education Savings Program. Ms. Ward introduced Richard Ellis, Senior Director, and Bryn Ramjoue, Marketing Director, who assisted her with a presentation about My529.

Information about the program was distributed. They reported that by statute every public school in Utah is required to provide parents with information that is provided by My 529; in addition, there will be college advisors in every high school to talk about the program. They noted that the information is provided in Spanish and they do what they can to reach out to home schoolers and other populations. It was shared that awareness is extremely low. Ms. Ward asked Board members to do what they can to support the program and provide encouragement to local education agencies to collaborate with My529 where possible. [For more details, see General Exhibit No. 19-242.]

Regional Service Center Reports

Deputy Superintendent Scott Jones informed that individuals from the regional education service centers have been invited to share information about the centers and present their budgets for approval.

Kent Larsen, South Sanpete School District Superintendent, Jason Strate, Central Utah Educational Services (CUES) Executive Director, and Samuel Ray, North Sanpete School District Superintendent, made a presentation about service centers in general and explained how the service center strategic visions are aligned with the Board's strategic goals. They stressed the importance of the service centers in fostering collaboration among all superintendents. They also gave an overview of the CUES service center.

Tracy Davis, Garfield School District Superintendent and Joe B. Wright, Director of the Southeast Development Center (SEDC) gave an overview of SEDC. They shared that each service

center specializes in different areas and may provide those services to all school districts and charter schools as well.

JT Stroder, Grand School District Superintendent, and Duke Mossman, Northeastern Utah Educational Services Director (substituting for Scott Crane, Director of the Southeastern Service Center) reported on SESC. They emphasized that regional service centers allow small district administrators to have access to the services and functions that most large districts have.

Shad Sorenson, South Summit School District Superintendent joined Duke Mossman to report on NUES. They noted that service centers also may partner with large school districts and reiterated that the service centers benefit the whole state.

Mr. Mossman reviewed performance measures for the centers. He also reported on a study group on service centers commissioned by the Public Education Appropriations Committee that is working on recommendations for code changes concerning the service centers.

Terry Shoemaker, Executive Director of the Utah School Boards Association, was invited to comment. He shared that he served as chair of the NUES board twice in his role as a district superintendent and echoed the importance of service centers to local boards of education.

MOTON was made by Member L. Hansen and seconded that the Board approve the regional service center budgets for FY20, as requested.

Motion carried, with Member Lear abstaining due to a conflict of interest; Member Cummins absent.

[For more details, see General Exhibit No. 19-243.]

Audit Committee Report

Committee Vice Chair Janet Cannon reported on the following items from the June 2019 committee meeting.

Release of Fiscal Year-end Audit

MOTION from Committee that the Board approve the release of the 2018 Fiscal Year-end Audit report to the public.

Motion carried unanimously; Member Cummins absent. [For more details, see General Exhibit No. 19-244.]

Charter School Task Force

MOTION from Committee that the Board create a Charter School Task Force to address accounting standards, finance, and operations.

MOTION was made by Member Cannon and seconded that the motion be amended to add that the Board direct staff to prepare a scope of work and suggest representative groups for membership, and bring back to the Board for approval, and that the Board Chair be authorized to make appointments to the task force.

Some Board members expressed opposition to this task force being narrowly focused on charter schools.

MOTION to amend the amendment was made by Member S. Hansen and seconded that the scope of work include implementation of Governmental Accounting Standards Board (GASB) standards at charter schools.

Motion to amend the amendment carried.

Amendment, as amended, carried, with Members Belnap, Cannon, Davis, Graviet, L. Hansen, S. Hansen, Haynes, Huntsman, Lear, Marsh, Neilson and Newell in favor, and Members Boulter, Cummins and Earl opposed.

Motion, as amended, carried, with Member Earl opposed.

Compliance Letter

MOTION from Committee that the Board send a letter, approved by the Audit Committee in its last meeting, that addresses the issues of private, but public education-related activities, to all local education agencies (LEAs).

Member S. Hansen suggested that a list of examples be added, and without objection, Chair Huntsman directed staff to add examples to the letter.

Motion carried. [For more details, see General Exhibit No. 19-245.]

Standards and Assessment Committee Report

Committee Chair Jennifer Graviet reported on the following items from the June 7, 2019 committee meeting. Details of items not reported to the Board will be included in the exhibits to the meeting summary. [For more details, see General Exhibit No. 19-246.]

R277-704 Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports

Amendments to R277-704 were made in accordance legislative requirements in H.B. 286 Financial and Economic Literacy Education. The Committee continued and approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-704, Draft 1, on second and final reading.

MOTION was made by Member Lear and seconded that lines 112 and 113 be replaced to read: "Prior to final approval, the board shall fulfill all requirements in Subsection 53E-4-202(4)."

Motion to amend carried unanimously.

Motion, as amended, carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-247.]

R277-474 School Instruction and Sex Education

Amendments to R277-474 were proposed in accordance with legislative changes in H.B. 71 (2019 Legislative Session). The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board direct staff to add a check box to the annual Sex Education Law and Policy Assurance Form regarding the appeals process, allowing for adoptive materials including a link for the line of evidence.

Motion carried.

MOTION from Committee that the Board approve R277-474, Draft 1, on second and final reading.

MOTION was made by Member Lear and seconded that line 69 be amended to delete "values and."

Motion to amend carried unanimously.

MOTION was made by Member Earl and seconded that line 44 be amended to remove “where appropriate.”

Motion to amend carried unanimously.

MOTION was made by Member S. Hansen and seconded to amend line 70 to add “and (b)(i)-(ii).”

Motion to amend carried.

Motion, as amended, carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-248.]

R277-607 Truancy Prevention

Rule R277-607 was reviewed in accordance with the five-year review requirement and technical changes were made. The Committee approved and continued Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve and continue R277-607 *Truancy Prevention*, Draft 1, on second and final reading.

Motion carried; Member Neilson absent. [For more details, see General Exhibit No. 19-249.]

Core Standards Revision Rubric

MOTION from Committee that the Board approve the Core Standards Revision Rubric.

Motion carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-250.]

Finance Committee Report

Committee Chair Laura Belnap reported on the following items from the June 7 and July 16, 2019 committee meetings. Details of items not reported to the Board will be included in the exhibits to the meeting summaries. [For more details, see General Exhibit No. 19-251.]

Charter School Revolving Loan Applications Review

MOTION from Committee that the Board approve Charter School Revolving Loans as recommended by the Revolving Loan Committee and approved by the State Charter School

Board to the following: Bridge Academy--\$300,000; Mountain Sunrise Academy--\$300,000; DaVinci Academy--\$130,000; and Wasatch Waldorf Academy--\$99,039.

It was noted that Wasatch Waldorf was awarded a solar grant from Rocky Mountain Power which allowed them to get the full \$99,039.

Motion carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-252.]

R277-706 Public Education Regional Service Centers

This rule was approved on the Consent Calendar.

R277-471 School Construction Oversight, Inspections, Training and Reporting

This rule was approved on the Consent Calendar.

R277-927 Teacher and Student Success Account

The Committee approved Draft 6 of the rule on first reading.

MOTION from Committee that the Board approve R277-927 *Teacher and Student Success Account*, Draft 6, on second and final reading.

Motion carried, with Members Belnap, B. Cummins, Davis, Cannon, Gravier, L. Hansen, S. Hansen, Haynes, Huntsman, Lear, Marsh and Newell in favor, and Members Boulter and Earl opposed; Member Neilson absent. [For more details, see General Exhibit No. 19-253.]

American International Schools of Utah (AISU) Closure

Although the Committee did not address issues with AISU during its meeting, it was reported that it has become necessary for the Board to take some action concerning the school's outstanding debts.

MOTION was made by Member Belnap and seconded that the Board approve the setting aside of \$425,689.28 from the State Charter School Board (SCSB) budget in order to meet the required amounts due to the federal and state government, and that the Board approve the payment of both debts on August 31, 2019 unless the SCSB and/or USBE staff provide appropriate and allowable funds to meet the obligations by that date.

Committee Chair Belnap read a statement with the following information: “In the interest of the taxpayers, \$170,438.01 is the amount owed to the federal government; \$245,251.27 is the amount owed to the state; \$107,100 was received from AISU recently—this amount of money is restricted and cannot get used toward the repayment of the federal amount owed. The Assistant Attorneys General [Board attorneys] will render an opinion whether the \$107,100 can be applied to the state amount owed of \$245,251.27. We also have buses and vans in the possession of USBE at this time and there is also additional property (laptops, kitchen equipment, etc.) that is not in our possession at this time.”

The Board was informed that the State Charter School Board does have a closure fund from which they could pay some of the funds owed.

MOTION was made by Member Cummins and seconded that the motion be postponed until budget information is provided as to the balance in the State Charter School Board closure fund.

Motion was postponed.

R277-926 Reconsideration

MOTION was made by Member Davis and seconded that the Board reconsider its action on R277-927, Draft 6.

Motion to reconsider carried unanimously.

MOTION was made by Member Davis and seconded that the Board amend Draft 6 of the rule to add after line 105: “For purposes of calculating an LEA’s average teacher salary as required in Section 53G-7-1304, beginning with the 2021-22 school year and if data are available, the Superintendent may consider a school district’s base salary without including additional hours or salary earned under a productivity compensation model.”

Terry Shoemaker, Utah School Superintendents Association/Utah School Boards Association, and Todd Hauber, Utah Association of School Business Officials, were invited to respond. Mr. Shoemaker and Mr. Hauber both indicated the proposed change would affect school districts differently depending on the district model. Mr. Shoemaker informed that the intent of the legislation was that the calculation would be based on the district’s 180-day base contract salary and wasn’t necessarily to include all the compensation pieces. He also indicated

that some districts have negotiated their agreements based on the anticipated amount and the proposed adjustment could make a big difference.

Member Davis indicated her motion was made with the idea that the salary data submitted be more precise.

Without objection the motion was withdrawn.

AISU continued

The motion on AISU was re-addressed. Deputy Superintendent Jones reported that \$400,000 has been set aside by the State Charter School Board for school closure purposes.

MOTION was made by Member S. Hansen and seconded that the motion be amended to insert “federal debt” and strike “both debts.”

After further discussion, without objection, the motion to amend was withdrawn.

Motion—that that the Board approve the setting aside of \$425,689.28 from the State Charter School Board (SCSB) budget in order to meet the required amounts due to the federal and state government, and that the Board approve the payment of both debts on August 31, 2019 unless the SCSB and/or USBE staff provide appropriate and allowable funds to meet the obligations by that date—carried unanimously. Member Neilson absent.

[For more details, see General Exhibit No. 19-254.]

Residential Treatment Center (RTC) – Temporary Special Education Program Certification

MOTION from Committee that the Board provide a temporary certification to RTCs that apply for certification by August 30, 2019 until their applications can be reviewed and a site visit conducted, at which time each RTC will either be approved for a two-year term or denied certification.

MOTION was made by Member Lear and seconded to add that if certification is approved, continued certification for the two-year period is subject to ongoing compliance with R277-926 and applicable Utah and federal laws.

It was noted that the proposed change would necessitate amendment of the rule which is not before the Board. Some members expressed frustration that because of a law another state passed, USBE staff will have to do extra work to provide the

temporary certification. Members also voiced the importance of making sure the programs continue for children already in Utah treatment centers.

Superintendent Dickson indicated a statement could be added to the temporary certification that would amplify the requirements for continued certification. It was also noted that the Utah Legislature appropriated \$100,000 to the Board to provide for the process.

Without objection, the amendment was withdrawn.

Motion carried, with Member Lear opposed; Member Neilson absent. [For more details, see General Exhibit No. 19-255.]

Out-of-State Tuition Reimbursement

MOTION from Committee that the Board authorize payment to Box Elder District and South Summit District for out-of-state tuition reimbursement pursuant to 53F-2-304(8), 53G-6-305(3) and R277-421.

Motion carried; Member Neilson absent. Member Lear recused herself due to a conflict of interest and did not vote. [For more details, see General Exhibit No. 19-256.]

Minimum School Program (MSP) Balance Transfers

MOTION from Committee that the Board approve the MSP program transfer balance, \$6,977,947.92, from the K-12 budget to the Voted Board Leeway Program for FY 2019.

Motion carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-257.]

Statewide Longitudinal Data System (SLDS) Grant Application

MOTION from Committee that the Board authorize staff to apply for the SLDS grant.

Board Member concerns were expressed that sensitive data, including medical information, is being collected, and that diagnostics will be run on children and outcomes predicted that may not be correct. Staff explained that the intent is to gather whole health information to support families.

Motion carried, with Members Boulter and Earl opposed; Member Neilson absent. [For more details, see General Exhibit No. 19-258.]

R277-407 School Fees

The Committee reviewed amendments to R277-407 made due to the passage of H.B. 250 (2019 Legislative Session). The Committee approved Draft 3, with additional amendments, on first reading.

MOTION from Committee that the Board approve R277-407 *School Fees*, Draft 4, on second and final reading.

MOTION was made by Member Davis and seconded that lines 212-213 be replaced with: "In project related courses, projects required for a grade or for course completion shall be included in the course fee."

Motion to amend carried.

MOTION was made by Member Davis and seconded that lines 414 and 415 be deleted.

Board members acknowledged the difficulty with accepting large donations earmarked for one school that could create inequities between schools within a district versus discouraging donations to schools. They discussed the need for districts to have some control over donations to be able to mitigate inequities.

Motion to amend failed, with Members Boulter, Cannon, Davis, Earl, Marsh, and S. Hansen in favor, and all others opposed.

MOTION was made by Member Davis and seconded that the word "mutual" be deleted from line 53.

Motion to amend carried unanimously.

MOTION was made by Member Newell and seconded that the word "community" be deleted from wherever it appears in R277-407-9.

Motion to amend carried unanimously.

Terry Shoemaker, Utah School Superintendents Association/Utah School Boards Association, was invited to address the Board concerning the rule. He reported that in the July meeting of the USSA, significant time was spent on Draft 4 of the rule and consensus from district superintendents was gained for that draft. He urged the Board to pass a school fees rule as soon as possible so LEAs can develop policies.

MOTION was made by Member Earl and seconded that lines 414-415 be amended to read: "If an LEA accepts a donation, the LEA shall consider potential inequities in schools within the LEA when distributing the donation."

MOTION to amend the amendment was made by Member Davis and seconded that "consider" be replaced with "prevent."

Motion to amend the amendment carried.

Amendment, as amended, carried unanimously.

Motion to approve R277-407, Draft 4, as amended, carried, with Member Lear opposed; Member Neilson absent.

[For more details, see General Exhibit No. 19-259.]

Law and Licensing Committee Report

Committee Chair Carol Lear reported on the following items from the June 7, 2019 committee meeting. Details of items not reported to the Board will be included in the exhibits to the meeting summary. [For more details, see General Exhibit No. 19-260.]

External Data Requests

The external data requests were approved on the Consent Calendar.

R277-402 School Readiness Initiative

Recent legislation transferred authority for the High Quality School Readiness Grant Program to the Department of Workforce Services, necessitating repeal of R277-402. The Committee approved repeal on first reading.

MOTION from Committee that the Board repeal R277-402 *School Readiness Initiative* on second and final reading.

Motion carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-261.]

R277-711 High Quality School Readiness Expansion

Recent legislation transferred authority for the High Quality School Readiness Grant Program to the Department of Workforce Services, necessitating repeal of R277-711. The Committee approved repeal on first reading.

MOTION from Committee that the Board repeal R277-711 *High Quality School Readiness Expansion* on second and final reading.

Motion carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-262.]

R277-318 Teacher Salary Supplement Program

New rule R277-318 was created due to H.B. 236 Teacher Salary Supplement Amendments and S.B. 208 National Certification Teacher Incentive Amendments. The Committee made amendments and approved Draft 1, as amended, on first reading.

MOTION from Committee that the Board approve R277-318, Draft 2, on second and final reading.

Motion carried; Member Neilson absent. [For more details, see General Exhibit No. 19-263.]

Motion from Committee that the Board direct staff to work with a legislator to open a bill file on the TSSP program to change the annual application requirement.

Motion carried unanimously; Member Neilson absent.

R277-523 Teacher Salary Supplement Program

The Teacher Salary Supplement Program rule –R277-523—is being updated and renumbered to reflect recent legislative changes. The Committee approved repeal of R277-523 on first reading.

MOTION from Committee that the Board repeal R277-523 on second and final reading.

Motion carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-264.]

R277-504 Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure

The Committee reviewed R277-504 in accordance with the five-year rule requirement, as well as technical changes to the rule, and continued and approved Draft 1 on first reading.

MOTION from Committee that the Board continue and approve R277-504 *Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure*, Draft 1, on second and final reading.

Motion carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-265.]

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

Updates to R277-713 were made in accordance with recent legislative changes in H.B. 146 Concurrent Enrollment Amendments and H.B. 291 Concurrent Enrollment Modification. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-713, Draft 1, on second and final reading.

Without objection the title was changed to remove “High School.”

Motion carried unanimously; Member Neilson absent. [For more details, see General Exhibit No. 19-266.]

R277-928 High-Need School Amendments

New rule R277-928 was created to implement the High-Need School Grant as outlined in S.B. 115 High-Need School Amendments. The Committee approved Draft 1 on first reading.

MOTION from Committee that the Board approve R277-928, Draft 1, on second and final reading.

Motion carried; Member Neilson absent. [For more details, see General Exhibit No. 19-267.]

A concern was voiced over putting first-year teachers into high-need schools.

Board Policy 1004 Advisory Groups

MOTION from Committee that the Board approve Board Policy 1004, Draft 3.

Motion carried; Member Neilson absent. [For more details, see General Exhibit No. 19-268.]

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, Cummins, Davis, Earl, Gravier, L. Hansen, S. Hansen, Haynes, Huntsman, Lear, Marsh and Newell, the Board went into closed Executive Session at 7:48 p.m.

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

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

Motion carried. The Board reconvened in open meeting at 8:55 p.m.

Executive Session Action ItemsActions on Educator Licenses

MOTION was made by Member Belnap and seconded that the Board adopt the Remand Order in Utah Professional Practices Advisory Commission (UPPAC) Case No 18-1526.

Motion carried; Members Earl and Neilson absent.

MOTION was made by Member Belnap and seconded that the Board adopt the Remand Order in UPPAC Case No. 18-1533.

Motion carried; Members Earl and Neilson absent.

MOTION was made by Member Belnap and seconded that the Board adopt the Remand Order in UPPAC Case No. 18-1566.

Motion carried, with Member Newell recusing himself from voting; Members Earl and Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 13-1115 to reinstate the educator's Level 1-Conditional Elementary Education (1-8) license.

Motion carried; Members Earl and Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1502 to suspend the educator's Level 2 School Counselor (K-12) license for not less than one year in accordance with the Consent to Discipline.

Motion carried; Members Earl and Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1515 to suspend the educator's Level 1 LEA-Specific Secondary Education (6-12) license for not less than three years in accordance with the Consent to Discipline.

Motion carried; Members Earl and Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1547 to issue a letter of reprimand to be in place not less than two years consistent with the Consent to Discipline.

Motion carried; Members Earl and Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1550 to suspend the educator's Level 2 Career and Technical Education license for not less than four years pursuant to the Order of Default and Findings.

Motion carried; Members Earl and Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1562 to revoke the individual's Level 1 Secondary Education (6-12) license pursuant to the Order of Default and Findings.

Motion carried; Members Earl and Neilson absent.

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

Motion carried; Members Earl and Neilson absent.

[For more details, see General Exhibit No. 19-269.]

Appointments

MOTION was made by Member Belnap and seconded that the Board appoint Josalyn Stevens to the Utah Instructional Materials Commission as an elementary teacher representative, for a four-year term ending spring 2023.

Motion carried. Member Neilson absent.

MOTION was made by Member Belnap and seconded that the Board appoint Melissa Hamilton to the USBE Digital Teaching and Learning Advisory Committee as a school district representative.

Motion carried; Member Neilson absent.

MOTION was made by Member Belnap and seconded that the Board appoint Mary Wohlforth to its Trust Advisory Committee as an elementary principal representative to fill the remaining two years of an unexpired term ending March 2021.

Motion carried; Member Neilson absent.

MOTION was made by Member Belnap and seconded that the Board appoint the following to the Utah Special Education Advisory Panel for terms September 2019 through June 2022: Kathleen Oertle, representing vocational/business/community organizations providing post-secondary transition to students with disabilities; Jennifer Howell, Elliott Howell, Sunshine Szedeli, Carrie Ormsby and Tiffany Bryant representing individuals with disabilities/parents of students with disabilities; Christina Guevera, representing LEAs.

Motion carried; Member Neilson absent.

2020 Legislative Session Preparation

Legislative Policy Requests

Deputy Superintendent Stallings and Policy Advisor Jeffrey Van Hulten presented ten proposed requests for policy changes. Deputy Superintendent Stallings added an eleventh item to amend the definition of textbook to match Board rule. Without objection, two other items were added—an amendment to the Civic Test requirement to add options for districts other than the test; and clarification of how much districts may save in a rainy-day fund.

MOTION was made by Member Cummins and seconded that the Board approve the list of legislative priorities, as amended.

Motion carried; Member Neilson absent. [For more details, see General Exhibit No. 19-270.]

Other items that will be explored are full-day kindergarten and first-year teachers in high-needs schools.

SFY 21 Budget Formulation Process

Superintendent Dickson referenced the budget tracker for Board budget requests. She indicated that this year staff were asked as they prepared business cases to consider three things: 1) Whether the request is part of the Board's strategic plan initiatives; 2) whether the request is essential for program maintenance; and 3) whether the request is an expansion of a program.

Board members were encouraged to review the business cases over the next month in preparation for prioritizing the requests in September.

[For more details, see General Exhibit No. 19-271.]

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 Belnap, Boulter, Cannon, Cummins, Davis, Earl, Graviet, L. Hansen, S. Hansen, Haynes, Huntsman, Lear, Marsh and Newell, the Board went into closed session at 9:47 p.m.

Those present included the Members above and Sydnee Dickson, Scott Jones, Patty Norman, Bryan Quesenberry, Mark Peterson, Lorraine Austin, Zac Christensen, and Cydnee Carter.

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

Motion carried. The Board reconvened in open meeting at 10:46 p.m.

Statewide Assessment Platform Contracts

MOTION was made by Member Cummins and seconded that the Board approve the amendment to the USBE contract 180056MA with Questar Assessment.

Motion carried unanimously; Member Neilson absent.

MOTION was made by Member Cummins and seconded that the Board approve USBE contract 20004MA with AIR for the assessment system platform.

Motion carried, with Members Boulter and Earl opposed; Member Neilson absent.

Board Members Comments

Member Belnap asked that in light of the Teacher of the Year banquet on the evening of the September 5 Board meeting, the start time of the meeting be moved to earlier. Chair Huntsman indicated that without objection the schedule will be adjusted. It was also requested that the start times for all Board meetings be reconsidered on a future agenda.

Adjournment

The meeting adjourned at 11:05 p.m.

STUDY SESSION/EXECUTIVE SESSION

A Study Session of the Utah State Board of Education was held August 2, 2019 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Board members present included Chair Mark Huntsman, Vice Chair Brittney Cummins, and Members Laura Belnap, Michelle Boulter, Janet Cannon, Cindy Davis, Jennie Earl, Jennifer Graviet, Linda Hansen, Scott Hansen (by phone), Mike Haynes, Carol Lear, Mark Marsh, Scott Neilson, and Shawn Newell.

Others present included Angie Stallings, Patty Norman, Tamra Dayley, Charity Goodfellow, Ian Fitch, Debbie Davis, Lorraine Austin, Michelle Beus, Royce Van Tassel, Jay Blain, Todd Hauber.

Chair Huntsman called the meeting to order at 9:04 a.m.

School Fees

Deputy Superintendent Angie Stallings and Tamra Daley, School Fees Project Lead, introduced themselves along with Charity Goodfellow and Ian Fitch, members of the School Fees Project Team. They showed an instructable video on school fees that will be available to local education agencies and indicated that five more instructables will be developed on different facets of school fees. They also made a presentation on school fees and responded to questions. [For more details, see General Exhibit No. 19-272.]

It was reported that a school fees work group has been formed that will be making further recommendations for changes to R277-407. In addition, a quarterly update on school fees will be provided to the Finance Committee.

Executive Session

MOTION was made by Member Davis 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, Cummins, Davis, Earl, Graviet, L. Hansen, S. Hansen, Haynes, Huntsman, Lear and Newell, the Board went into closed Executive Session at 10:25 a.m.

Those present included the Members above and Brooke Baker, Bryan Quesenberry, Michelle Beus, and Sydnee Dickson.

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

Motion carried. The Board reconvened in open meeting at 11:51 a.m.

Adjournment

The meeting adjourned at 11:51 a.m.

Lorraine Austin, Board Secretary
Minutes approved September 5, 2019