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## UTAH STATE BOARD OF EDUCATION MEETING MINUTES

January 6-7, 2016

### **UTAH STATE BOARD OF EDUCATION STUDY SESSION - Wednesday, January 6, 2016**

A study session of the Utah State Board of Education was held January 6, 2016 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 4:48 p.m.

Those present included Board Chair David Crandall, First Vice Chair David Thomas, Second Vice Chair Jennifer Johnson, Board Members Dixie Allen, Laura Belnap, Leslie Castle, Barbara Corry, Brittney Cummins, Linda Hansen, Mark Huntsman, Stan Lockhart, Jefferson Moss, Terryl Warner, and Joel Wright.

Others present included: Sydnee Dickson, Angie Stallings, Jerry Record—Utah State Office of Education; Lorraine Austin, Emilie Wheeler, Debbie Davis—Utah State Board of Education; Jean Tokuda Irwin, Ze Min Xiuo—Coalition of Minorities Advisory Committee; Karen Peterson, Governor's Office; Lisa Nentl-Bloom, Utah Education Association; Kris Fawson—Utah Statewide Independent Living Center; Greg Hughes, Dean Sanpei—Utah House of Representatives; Lyle Hillyard, Bruce Cutler—Utah State Senate.

### **Discussion with Utah Legislators**

Chair Crandall welcomed Senator Bruce Cutler to the meeting. Senator Cutler discussed his bill to modify statute to change references to the Utah State Office of Education (USOE) to the State Board of Education. The legislation requires the Board to assume responsibilities formerly assigned to the USOE and allows the Board to delegate duties and responsibility to its employees.

Executive Appropriations Co-chairs Senator Lyle Hillyard and Representative Dean Sanpei, and Speaker of the House Greg Hughes were welcomed to the meeting. They discussed the financial outlook for the 2016 Legislative Session and commented on the Board's priorities for FY 2017.

Senator Hillyard reported that there will be \$380 million of new money to start with, of

which the vast majority is education money. That, coupled with the one-time money from last year, results in about \$70 million less than what was available last year. There is the hope for additional revenue, but that won't be known until mid-February. The legislature has agreed with the Governor's Office on a set-aside of \$51 million in trend money that will be taken out of the \$380 million and moved into one-time in the event of an economic downturn next year. Growth in public education will cost \$90 million. That has not been set aside yet, and the question is how to allocate that money. Other major funding issues will be salary increases, increased costs of Medicaid, and controlling bond indebtedness.

Senator Hillyard indicated that if new programs are requested, the first question the Appropriations Committee will ask is how can the agency fund it internally. Representative Sanpei acknowledged that there will be far more requests than funding, and thanked the Board for its list in priority order.

It was reported that the Education Funding is growing, but the General Fund is flat. Constitutionally the Legislature has to balance the General Fund. Vice Chair Thomas reported that Higher Education is now almost 50 percent funded by the Education Fund, and expressed hope that the majority of new money in the Education Fund will go to Public Education.

Senator Hillyard emphasized that the Board represents Utah's most important assets—the children, and should be pushing the legislature as hard as they can for those children. When the Board speaks in favor of a bill, that's an important message.

Representative Sanpei stated Primary Children's Hospital's mission statement: "The Child First and Always," and reiterated that everything we do as a state should be for the benefit of our children and their futures.

Speaker Hughes referenced last year's historic legislation to equalize property taxes. He spoke to the desire to account for the finite dollars that are appropriated, and that is why there are below the line items. The legislature is not trying to micro-manage, but to be accountable for the decisions it makes. He expressed appreciation for the Board's budget priorities because they are measurable. That specificity gives the legislature confidence they can work as a partnership.

Board members thanked Speaker Hughes, Senator Hillyard and Representative Sanpei for coming to the meeting and expressed their appreciation for the dialogue.

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**Adjournment**

The meeting adjourned at 5:27 p.m.

Following the study session, the Board's Finance, Law and Licensing, and Standards and Assessment Committees met.

## **UTAH STATE BOARD OF EDUCATION MEETING - Thursday, January 7**

A regular meeting of the Utah State Board of Education was held January 7, 2016 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 8:05 a.m.

### **Board Members Present:**

Chair David L. Crandall	Member Brittney Cummins
1 <sup>st</sup> Vice Chair David L. Thomas	Member Linda B. Hansen
2 <sup>nd</sup> Vice Chair Jennifer A. Johnson	Member Mark Huntsman
Member Dixie L. Allen	Member Stan Lockhart
Member Laura Belnap	Member Spencer F. Stokes
Member Leslie B. Castle	Member Terryl Warner
Member Barbara W. Corry	Member Joel Wright

### **Members Excused:**

Member Jefferson Moss

### **Executive and Board Staff Present:**

Sydnee Dickson, Deputy Superintendent	Emilie Wheeler, Board Communications Specialist
Scott Jones, Associate Supt.	
Angie Stallings, Associate Supt.	Debbie Davis, Internal Audit Director
Joel Coleman, USDB Superintendent	Nicole Call, Assistant Attorney General
Darin Brush, USOR Executive Director	Chris Lacombe, Assistant Attorney General
Lorraine Austin, Board Secretary	

### **Others Present:**

Brenda Beyal, Jeanie Groves—Nebo District Title VII; Dr. Jackie Thompson, Timothy Best—Davis School District; Jean Tokuda Irwin, Jo-Ann Wong, Freddie Cooper, Roderic Land, Charlene Lui—Coalition of Minorities Advisory Committee; Aaron Thompson—Utah State Office of Rehabilitation; Sharon Brand—State Rehabilitation Council; Jay Blain, Lisa Nentl-Bloom—Utah Education Association; Stanley Ethington—Ogden Branch NAACP; Kris Fawson—Utah Statewide Independent Living Center and LCPD; Jan Ferré—LCPD; Momi Tuua—Utah State Office of Education; Craig Frank—UCN/ECA; Allison Nicholson—UEPC; Chris Godfrey—Utah School Employees Association; Joylin Lincoln

### **Opening Business**

Chair David Crandall called the meeting to order at 8:05 a.m. Member Brittney Cummins led those present in the Pledge of Allegiance.

### **Board Member Message**

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Member Dixie Allen welcomed the Board. She talked about honoring the diversity in our state and making sure we support that diversity. She expressed hope that Board members will understand the needs of ethnic minority students and the needs of students in rural communities and make sure they are doing the right things for those students.

### Introduction of New Employees

H.R. Director Dave Rodemack introduced new employees Cydnee Carter, Sue Mak, Jeffrey Beckstrom, Stephanie Crosland, and Garret Rose.

### Acknowledgment of Student Artwork

Cathy Jensen, Arts Specialist, informed the Board about the art work hanging in the Board Room by students from Maeser Elementary in Uintah School District and Draper Elementary in Canyons School District. Member Allen reported that the principal of Maeser Elementary passed away a couple of weeks ago. She expressed appreciation for the art work here from that school.

### **Public Comment**

Lisa Nentl-Bloom, Executive Director, Utah Education Association - last month she spoke about crafting good public policy and how it is most successful when all voices are involved. UEA has tried to provide public comment in a variety of ways over the last month, all with an intent for teachers' voices to be understood. Sometimes UEA won't agree with the Board and will need to challenge the final outcome of a decision, which is what happened in December; however, that does not change UEA's interest in collaborating on issues. She asked that UEA be involved in discussions about teacher salary.

Hiram Alba, Coalition of Minorities Advisory Committee (CMAC) - reported that he met with the Board's Advisory Committee Review Task Force recently regarding proposed changes to CMAC. He informed that a petition has been circulating asking for support to keep CMAC the way it is, and provided a copy of the petition.

Jennifer Mayer Glenn, President, Utah Coalition of La Raza and administrator at

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Mountain View Elementary – stated that she understands the needs of minority students in Utah and is passionate about education, which can be a great equalizer. The state is not doing a great job of closing achievement gaps that would lead to education being the great equalizer. Utah graduation rates are 87 percent of white students; 68 percent of African American students; 69 percent of American Indian students; 74 percent of Latino students; 83 percent of Pacific Islanders; and 68 percent of English language learners. CMAC has hosted focus groups and has done much to support the work that needs to be done for those students. Utah is not ready to be without CMAC.

Jeanette Misaka, Coalition of Minorities Advisory Committee - gave some history about CMAC. CMAC has done much for the ethnically diverse population in our schools, and she would like to see it continue. CMAC is a caring group, considerate of all students; they have collaboration skills and cooperate with all the sections at the Utah State Office of Education. She would like to see CMAC continue.

Jake Fitisemanu, former coordinator, We Can project - CMAC is not just necessary, but is crucial. He gave the following statistics: Salt Lake City metro area is #1 in the continental U.S. in population per capita of Pacific Islanders; West Valley City is #2 in the continental U.S. in population per capita of Pacific Islanders; one out of every four Tongans in the U.S. lives in Utah; Utah has the fourth largest population of Samoans in the U.S.—that number has doubled between 2000 and 2010 and is growing at an even faster trajectory. Pacific Islanders are just one of the many groups CMAC serves. Given the rapidly diversifying population in Utah he strongly encouraged and humbly invited the Board to thoughtfully consider the trajectory of CMAC. The need for this type of organization is great now and will be greater in the future.

Jo-Ann Wong, Coalition of Minorities Advisory Committee - was reappointed to CMAC this summer and at the request of Board Member Leslie Castle has attended Board committee meetings and Board meetings. She has seen so many windows where CMAC can advise the Board and provide a voice for ethnic students. She urged the Board to keep CMAC as it is, but change the process on how CMAC communicates and advises.

Dr. Forrest Crawford, Professor, Weber State University - CMAC has a perennial presence in this community. In good faith the Board has asked CMAC to come together to

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grapple with equity issues and report back to the Board the best ways in which school districts throughout the state can be improved, and in good faith CMAC has done that. CMAC has given the community and faculty that are teaching in classrooms a voice, and has done training and outreaches. He gets students in his teacher training program at WSU that have been positively influenced by CMAC through the Reach and other programs. He asked the Board to consider the future of CMAC.

Sharyl Smith - referenced her request regarding the current line item appropriation for school library books and electronic resources. Currently the appropriation is made up of \$850,000 in ongoing funds and \$750,000 in one-time funds. The funding formula is a 25/75, with 25 percent divided equally between the schools in Utah and 75 percent provided on a per pupil basis. The organization she represents is requesting to change the \$750,000 in one-time monies to ongoing funding, bringing the total to \$1.6 million in ongoing funding for this coming year. She reported that to keep library collections current, best practice prescribes purchasing one new book per student per year.

Lori Comlos, retired teacher/librarian - it is so important to get new materials to enhance the curriculum, to support beginning and developing readers, and to provide new material as the core is updated. Not everything is available online or as an e-book.

Andrew Riggle, policy advocate, Disability Law Center - indicated he is here to follow up on a rule the Board passed this summer, which limits the time that school staff and personnel can use restraint and seclusion to a student posing immediate danger to himself or others. The Disability Law Center is happy with the rule; however, when the rule was adopted it had to include statutory language that allowed for physical force to be used when a student is engaged in property destruction. At the time the rule was passed, the Board recognized this was in direct contradiction to the intent of the rule. The Disability Law Center asks for the Board's support for legislation that would amend the Corporal Punishment statute to remove the provision to use restraint or seclusion on a student who does not pose a threat to himself or others, but is engaged in property destruction.

## **General Consent Calendar**

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**MOTION** was made by Vice Chair Johnson and seconded by Member Stokes that the Board approve the General Consent Calendar.

USOE Finance Director Kristine Rasmussen reported that the contracts for the five vendors chosen for the school turnaround program are in the process of being finalized and are now under legal review. Associate Superintendent Scott Jones informed that in order for vendors and local boards to meet the intent of legislation by the required March 1 date, each local board will have to approve the turnaround plan of the vendor it chose. Significant progress has been made on the contracts by a thorough review from the Attorney General's office, but the contracts aren't quite ready yet. Superintendent Jones indicated that if the Board approves the contracts today modifications can still take place. If the Board waits until its February meeting, that will only give two weeks for local education agencies (LEAs) and local boards to do their work.

Vice Chair Johnson asked for information about the contracts for Amplify and Voyager, which had come before the Board prior to the contracts being formally written. She requested that the contracts come before the Board for review.

**MOTION TO AMEND** was made by Vice Chair Johnson that items G2–School Turnaround contracts, G3–Amplify Education contract, and G4–Voyager Sopris Learning contract be pulled off the Consent Calendar.

Without objection, those contracts were removed.

Motion to approve the Consent Calendar, as amended, carried, with Member Wright opposed.

### General Consent Calendar

#### A. Minutes of Previous Meeting

Minutes of the Utah State Board of Education meetings held December 3-4, 2015 were approved.

#### B. Report of the Taxing Entity Committee to the Redevelopment Agency of Bountiful Vote

The following was provided for Board information. The Redevelopment Agency of

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Bountiful City held a TEC meeting November 8, 2015 for the purpose of a TEC vote on the extension of RDA Area Project for an additional twenty years, to change the increment terms, and cap the increment collection amount. The Board instructed their TEC representative to vote with the local school board. The terms of the resolution were reviewed and were consistent with the RDA's proposal to the Board. The Board's TEC representative voted with the local school board in favor of the resolution. The vote was unanimous in favor of extension, which commences at the beginning of calendar year 2016.

C. R277-510 Educator Licensing – Highly Qualified Assignment

The Board approved R277-510 *Educator Licensing – Highly Qualified Assignment*, as amended, and continuation of the rule, on third and final reading.

D. R280-204 USOR Employee Background Check Requirements

The Board approved R280-204 *USOR Employee Background Check Requirements*, as amended, and continuation of the rule, on third and final reading.

E. Requests for Temporary Authorizations

The Board approved temporary authorizations for licenses as submitted by school districts and charter schools.

F. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in December 2015 was provided for Board information.

G. Contracts and Agreements

1. Interagency Agreement between the Utah State Office of Education (USOE) and Governor's Office of Economic Development STEM Action Center

The Agreement sets forth the responsibilities of USOE and the STEM Action Center related to a USOE employee who will coordinate the shares initiatives of STEM AC and USOE.

The Board approved the agreement.

2. School Turnaround Contracts

The Board pulled these contracts from the Consent Calendar.

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For implementation of S.B. 235 *Education Modifications* to turn around low-performing schools. The vendors for these contracts were approved in the Board's November 2015 meeting. The 29 turnaround schools have identified the vendors with which they would like to work, and contracts are under legal review. The contracts will be advanced to the Board for approval as they are completed.

a. Catapult Learning, LLC, \$1,385,104, 11/30/15 to 12/1/2018

Turnaround schools using this vendor: Roosevelt Elementary, Woodrow Wilson Elementary, Bluff Elementary, Tse' Bii' Nidzizgai Elementary

b. Tetra Analytix, LLC, \$475,000, 11/30/2015 to 12/1/2018

Turnaround school using this vendor: Cedar Valley Elementary

c. Innovations Educational Consulting, \$4,435,000, 11/30/2015 to 12/1/2018

Turnaround schools using this vendor: Dual Immersion Charter, Utah Connections Charter, Big Water Elementary, Vae View Elementary, Monument Valley High

d. School Improvement Network, \$1,439,595, 11/30/2015 to 12/1/2018

Turnaround schools using this vendor: CS Lewis Charter, Mont Harmon Jr. High, Mana Academy Charter

e. Education Direction, \$4,906,500, 11/30/2015 to 12/1/2018

Turnaround schools using this vendor: Entheos Charter, Pioneer High Charter, Oquirrh Hills Elementary, Thomas Jefferson Jr. High, Bonneville Elementary, Granger Elementary, Lincoln Elementary, Redwood Elementary, Thomas W Bacchus Elementary, White Horse High, South Kearns Elementary, West Lake Jr. High

3. Amplify Education, Inc., up to \$8,000,000, 12/14/2015 to 12/13/2020

The Board pulled this contract from the Consent Calendar.

To provide USOE a data analysis component for diagnostic assessment system for K-3 reading services. The Board approved moving ahead with the contract in its August 2015 meeting. The contract has had legal review and is forwarded to the Board for approval.

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4. Voyager Sopris Learning, Inc, up to \$8,000,000, 12/14/2015 to 12/13/2020

The Board pulled this contract from the Consent Calendar.

To provide USOE a data analysis component for diagnostic assessment system for K-3 reading services. The Board approved moving ahead with the contract in its August 2015 meeting. The contract has had legal review and is forwarded to the Board for approval.

H. Contract Report

The report of contracts under \$100,000 approved by the State Superintendent or Utah State Office of Rehabilitation Executive Director was provided for Board information.

**MOTION** was made by Vice Chair Johnson and seconded by Member Cummins that the Board approve the School Turnaround contracts, Amplify, and Voyager Sopris Learning contracts contingent upon changes approved by Finance Director Kristine Rasmussen and Assistant Attorney General David Jones.

It was noted that the Board will be notified and copied when the contracts are complete.

Motion carried unanimously.

**Monthly Budget Report**

Associate Superintendent Scott Jones and Finance Director Kristine Rasmussen reviewed the budget report and the changes made to the report. It was reported that the personnel are now in place to do the forensics with accounting that is needed.

Superintendent Jones reported that a \$228,000 miscalculation of carry forward in the FY 2014 closing package has been found. Ms. Rasmussen explained that the School Finance Section was relying on those funds when the section budget was prepared for this year, and due to this error, there will be a deficit in the section budget. The Finance Committee discussed the error in its meeting and recommended that the contingency for accounting adjustments be moved to School Finance to cover the deficit. Superintendent Jones informed that the contingency for accounting adjustment is found in the Discretionary Fund, coded as

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DF020. When the budget for this year was passed, \$150,000 was set aside for these types of situations. They recognize that \$150,000 will take care of only a portion of the deficit. During the year there will be vacancy savings that could conceivably be used to make up the difference. There are also unallocated funds in the Discretionary Fund of about \$34,000. Superintendent Jones recommended that those unallocated funds be frozen as a possible option for eliminating the deficit.

**MOTION** was forwarded from the Finance Committee that the Board release the \$150,000 contingency for accounting adjustment—DF020 from the Discretionary Fund—to cover \$150,000 of the deficit.

Motion carried unanimously.

### **USOR Executive Director's Report**

USOR Executive Director Darin Brush introduced Sharon Brand, past Chairperson of the State Rehabilitation Council, and Aaron Thompson, Director of Rehabilitation Services. He expressed appreciation for the work of Internal Accounting, and reported that USOR is in the process of adjusting its budget down to a more livable base budget for FY 17.

### State Rehabilitation Council (SRC)

Sharon Brand informed the Board about the federally-mandated SRC and stated that the relationship the SRC has in Utah with Vocational Rehabilitation extends far and above beyond what other state councils have. The SRC accomplishes its mission by reviewing USOR programs, analyzing USOR service delivery systems and processes, and advising the USOR. The Council met ten times last year, and each month the USOE Executive Director provided updates regarding issues at the state and national levels. The relationship between SRC and USOR administration is a partnership, and through collaboration with disability groups they ensure quality services.

This year has marked the implementation of the Workforce Services Innovation Act (WIOA) and the Council has had the opportunity to hear almost monthly about WIOA legislation.

## Unified State Rehabilitation Plan

Aaron Thompson distributed information and gave a presentation on the unified state plan process and progress.

Vice Chair Johnson requested that this be on the Board agenda for February.

## State Independent Living Plan

Executive Director Brush reported on the state plan and distributed some background information. He is not a required drafter, but does have to sign the plan. The new plan will be implemented October 1, and the goal is to get the plan in place in June. He suggested reviewing this plan in the Board's February meeting as well.

## **Every Student Succeeds Act (ESSA)**

Peter Zamora, Director of Federal Relations for the Council of Chief State School Officers (CCSSO), joined the meeting by phone. Mr. Zamora reported that the new law provides more flexibility for states. The law also maintains annual assessments and authorizes innovative assessment pilot programs. He gave a presentation on the ESSA Act, reviewing some of the major highlights of ESSA and differences with the No Child Left Behind (NCLB) Act.

Mr. Zamora clarified that the mandatory 95 percent assessment participation rate will be measured at the school level and subgroups within the school. Unlike NCLB, if schools do not reach the 95 percent threshold it does not put the school into improvement. It does factor into the overall system, but the state determines how it will factor in. There will be regulations that help to define it more specifically.

Mr. Zamora reviewed the time line for the transition process and reported that CCSSO negotiated to have a period of time to learn about the new law and engage with stakeholders so it is not a rushed process at the federal level. The old law governs through FY 16-17. The U.S. Department of Education released a letter on December 18 with initial transition information. Waivers will expire in August 2016. He suggested that states familiarize themselves with the new law and start engaging program staff and key stakeholders to develop strategies and coalitions in support of state policy priorities.

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Deputy Superintendent Sydnee Dickson thanked Mr. Zamora for his participation. She indicated that CCSSO is continuing to put out great summaries and staff will continue forwarding those to the Board. Staff will also start looking at the transition.

## **Board Strategic Plan**

An update of the Board Strategic Plan was updated. Member Cummins reported that the group tasked with revising the plan took all the input and tried to focus more strategically on a broad strategy rather than programs. The Standards and Assessment Committee reviewed the document in its meeting last night.

Vice Chair Johnson distributed a proposed addition to the Oversight strategies that would add the following bullets:

- Realign state-level resources to support oversight and fiduciary responsibilities.
- Provide transparent and decision-ready budgetary data.
- Improve training on federal grant sub-recipient and state accountability responsibilities of local education governing boards.

Member Hansen mentioned that administrative training is not included. Member Cummins clarified that the intent of leadership development is not only for teachers. Member Hansen requested that the item be worded differently to make that clear.

**MOTION** from Committee that the Board approve the Board Strategic Plan, as amended by the Committee.

Member Lockhart voiced that he is encouraged by the direction. He suggested expanding on the last two bullets under the leadership development section.

**MOTION TO AMEND** was made by Vice Chair Johnson and seconded by Member Hansen that the bulleted list she previously distributed be added to the Oversight section, that the Plan be adopted as a working document, and that feedback be gathered from Board members and other stakeholders.

Motion to amend carried; Member Stokes absent.

**MOTION TO AMEND** was made by Vice Chair Thomas and seconded by Member Wright that under the Accountability section a bullet be added to “ improve framework

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for statewide teacher evaluation.”

Motion to amend failed, with Members Huntsman, Johnson, Thomas and Wright in favor, and Members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, and Warner opposed; Members Lockhart and Stokes absent.

**MOTION TO AMEND** was made by Vice Chair Thomas and seconded by Member Cummins that a bullet be added under the Educational Options section to “ promote targeted interventions to meet individual student needs.”

Motion carried, with Members Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Lockhart, Thomas, Warner and Wright in favor, and Members Allen and Belnap opposed; Members Johnson and Stokes absent.

**MOTION TO AMEND** was made by Vice Chair Thomas and seconded by Member Cummins that a bullet be added under the Leadership section to “enhance capacities for professional learning communities.”

**MOTION TO AMEND THE AMENDMENT** was made by Vice Chair Thomas and seconded by Member Cummins that under the Leadership section, bullet #4 be changed to “improve professional learning through evidence-based practice.”

Without objection, the amendment was amended.

Motion to amend carried; Members Johnson and Stokes absent.

**MOTION TO AMEND** was made by Member Castle and seconded by Member Hansen that the first part of the sentence under Leadership Development begin with “Improve existing . . .”

Motion to amend carried; Member Stokes absent.

**MOTION TO AMEND** was made by Vice Chair Thomas and seconded by Member Belnap that the third bullet under the Leadership Development section end after “educator licensure.”

Motion to amend carried; Member Stokes absent.

**MOTION TO AMEND** was made by Vice Chair Thomas and seconded by Vice Chair Johnson that under the Oversight section a fourth bullet be added to “provide a

robust internal audit function.”

Motion carried; Member Stokes absent.

Motion to approve the Strategic Plan, as amended, carried; Member Stokes absent.

Chair Crandall requested that Board members send feedback on the Strategic Plan to Board leadership. It will be placed on the February agenda. He thanked Member Cummins for her work on the plan.

### **SFY 2017 Legislative Priorities**

Vice Chair Thomas reminded the Board of the information received from legislators during the Study Session that the ongoing surplus in the Education Fund is being reduced by \$51 million for trend money, which will leave \$273 million ongoing and \$164 million one-time monies. Right now the Board's priorities total \$233 million, which leaves an additional \$40 million on the table.

**MOTION** was made by Vice Chair Thomas and seconded by Member Allen for the Board to add to its priorities list \$40 million ongoing for classroom teacher salary increases, to be placed after the ACT priority.

Associate Superintendent Jones reported that the USOE Assessment Section has confirmed that additional funding for ACT will not be needed.

**MOTION TO AMEND** was made by Vice Chair Thomas to replace the ACT priority with the teacher salary increases.

Without objection that change was made.

**MOTION TO AMEND** was made by Member Cummins and seconded by Vice Chair Thomas that the wording be changed from “classroom teacher salary increases” to “classroom teacher salaries.”

Member Cummins explained this would allow for more transparency as to the long-term effect. Vice Chair Thomas clarified that this is different than the line item for educator salary adjustments.

Without objection, the motion was amended.

**MOTION TO POSTPONE** was made by Vice Chair Johnson and seconded by Member

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Castle. Vice Chair Johnson indicated she has additional information she would like to share before a vote is taken.

Motion carried.

Vice Chair Johnson reported on an item heard in the Finance Committee. In the current fiscal year, because of an underestimation in number of students that would be enrolled, either the Board will need to devalue the WPU or use a non-lapsing balance the Board has authority to use to support the value of the WPU. If the latter is done it would use the entire balance of the non-lapsing balance, with the possibility that in the event of an underestimation next year, there would not be any funding to support the WPU.

**MOTION** from Finance Committee that the Board seek \$17 million for a contingency fund in the event there is another underestimation in enrollment growth.

**MOTION TO AMEND** was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the \$17 million be prioritized on the one-time list between the Technology priority and the Feasibility Building Study.

Motion to amend passed, with Member Warner opposed.

Motion carried; Member Stokes absent.

**MOTION** was made by Vice Chair Thomas to take his motion to add \$40 million ongoing for classroom teacher salaries in the place of the ACT priority off the table. Without objection, the motion was put back on the table.

Member Lockhart questioned if this would apply to coaches or others in the classroom. Vice Chair Thomas clarified it is specific to classroom teachers.

Motion failed, with Members Allen, Belnap, Hansen, Lockhart and Thomas in favor, and Members Castle, Corry, Cummins, Crandall, Huntsman, Johnson, Thomas, Warner and Wright opposed; Member Stokes absent.

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the ongoing priority of \$150,000 for a contract attorney be moved from Internal Staffing to Risk Mitigation.

Motion carried; Member Stokes absent.

**MOTION** was made by Vice Chair Thomas and seconded by Member Belnap that the

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Board add a 1.5 percent increase to the WPU to the ongoing list, separate from the 2 percent WPU request, to replace the ACT funding priority.

Motion carried; Member Stokes absent.

**MOTION** was made by Vice Chair Thomas and seconded by Member Cummins that the Board request \$10 million ongoing funding for Optional Extended-day Kindergarten that would come from an earmarked fund for transportation which would be returned to the Education Fund.

Motion carried; Member Stokes absent.

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the #5 one-time USOR request for funding for an assistant attorney general, be moved to #2 on the ongoing USOR list.

Motion carried; Member Stokes absent.

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that on the USDB one-time list the Nebo School District Building be retitled to the Utah County New Building.

Without objection the change was made.

Vice Chair Johnson requested that the actions the Board has taken to request legislative changes that are non-fiscal be memorialized. Staff will review the minutes and document those items.

**MOTION** was made by Member Hansen and seconded by Member Castle that the Board add an ongoing priority of \$200,000 for reading endorsements to the bottom of the ongoing list.

Motion failed, with Members Hansen and Warner in favor and all others opposed; Members Stokes absent.

**MOTION** was made by Vice Chair Johnson and seconded by Member Huntsman that the Board add to the ongoing list \$270,500 for special education.

Vice Chair Johnson clarified that the money is by statute for the Carson Smith program and will come from the General Fund.

Motion carried; Member Stokes absent.

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**MOTION** was made by Member Wright and seconded by Vice Chair Thomas that the Board add a request to the bottom of the ongoing list of \$15,000 for Board member professional development.

Motion failed, with Members Thomas and Wright in favor and all others opposed; Member Stokes absent.

**MOTION** was made by Member Warner and seconded by Member Castle that the Board decrease its request for the Technology Grant program to \$37 million and increase the 2 percent WPU item to 2.5 percent.

Member Cummins asked for clarification on at what point the Technology Grant program would become non-functioning. Vice Chair Thomas responded that the Technology Task Force actually recommended \$75 million ongoing, so the \$50 million request is already a reduction. The whole idea behind this technology program is to revolutionize the classroom. The two school districts that have implemented such a program have had great success.

Motion failed, with Members Allen, Belnap, Castle, Corry, Hansen, and Warner in favor, and Members Cummins, Crandall, Huntsman, Johnson, Lockhart, Thomas and Wright opposed; Member Stokes absent.

**MOTION** was made by Member Castle and seconded by Member Warner that the Board add the request for an additional 1.5 percent increase to the WPU to the 2 percent WPU increase, for a total of 3.5 percent increase to the WPU.

Motion carried, with Members Allen, Belnap, Corry, Castle, Hansen, Huntsman, Warner and Wright in favor, and Members Cummins, Crandall, Johnson, Lockhart and Thomas opposed; Member Stokes absent.

**MOTION** was made by Vice Chair Johnson and seconded by Member Hansen that the Board add to the ongoing priorities an increase to the School Children's Trust Section budget, to come from the State School Fund dividends and interest account.

Motion carried; Member Stokes absent.

**MOTION** was made by Member Cummins and seconded by Member Hansen that the Board move the \$750,000 request for school library books and electronic resources from the one-time funding list to the ongoing list, above the School Children's Trust budget item.

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Motion carried, with Members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Thomas and Warner in favor, and Members Johnson, Lockhart and Wright opposed; Member Stokes absent.

## **Board Advisory Committee Review Task Force Recommendations**

### Charter School Statute Recommendations

Member Linda Hansen, Chair of the Advisory Committee Review Task Force, reported that feedback has been received from charter authorizers and charter representatives regarding the proposed recommendations for changes to statute brought to the Board in its December meeting. The State Charter School Board declined to take positions on the recommendations; however, SCSB Chair Howard Headlee came to the last meeting of the Task Force, and one member gave individual feedback.

The following revised recommendations from the Task Force were distributed.

1. That the Legislature amend Section 53A-1a-501.5 to grant the Board authority to appoint and remove members of the State Charter School Board (SCSB) and the authority to select the chair of the SCSB.
2. That the Legislature amend Subsection 53-1a-509.5(10): 1) to give the Board a longer time period (up to 60 days) to consider approving or denying a charter school's request to voluntarily terminate the school's charter and transfer operation of the charter school to another charter school or school district; and 2) to require the Board to take an action to approve or deny the request before an authorizer could proceed to transfer operation of the charter school to another charter school or school district.
3. Amend Subsection 53A-1a-511(4)(e) that exempts charter schools from fiscal requirements in Title 53A, Chapter 19, *Fiscal Procedures* to exempt charter schools from Sections 53A-19-103 and 105 only. Also amend Sections 53A-19-101, 102, 104, 106, 107 and 108 to apply to charter schools.
4. Amend Section 53A-1a-510.5 to provide more specificity pertaining to the closure of a charter school.

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**MOTION** from the Task Force that recommendations 1-4 regarding changes to Charter School statute be taken to the legislature.

Chair Crandall noted that the request for recommendations for changes came from the legislative Administrative Rules Committee.

**MOTION TO AMEND** was made by Member Cummins and seconded by Member Wright that in Recommendation #1, “the authority to select the chair of the SCSB,” be struck.

Motion to amend carried.

Motion carried, with Members Belnap, Castle, Corry, Cummins, Crandall, Hansen, Huntsman, Johnson, Stokes, Thomas and Warner in favor, and Members Allen, Lockhart, and Wright opposed.

**MOTION** from the Task Force that the Board establish a charter school issues task force to study: 1) Whether to recommend that the Legislature make statutory amendments to Section 53A-1a-508 to limit a new charter school’s charter agreement with a charter school authorizer to a three- to five-year initial contract that may be renewed upon successful execution of the charter agreement; 2) amendments to Board rules related to Section 53A-1a-509.5 to the termination of a school’s charter under the voluntary school improvement process and issues and concerns raised by USOE School Finance; and 3) other charter school issues as directed by the Board.

Task Force Chair Hansen clarified that members of the State Charter School Board, and perhaps charter associations, would have representation on the task force.

**MOTION TO AMEND** was made by Vice Chair Johnson and seconded by Member Hansen to add the following after study item No. 2 and renumber: “Directions for an application process for all charter authorizers.”

Motion to amend carried, with Members Allen, Lockhart and Wright opposed.

Motion carried, with Members Belnap, Castle, Corry, Cummins, Crandall, Hansen, Huntsman, Johnson, Stokes, Thomas and Warner in favor, and Member Allen, Lockhart and Wright opposed.

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Resolution Establishing the Advisory Committee on Equity of Educational Services for Students (ACEESS)

Task Force Chair Hansen referred to the recommendation from the Task Force to establish ACEESS. She explained that the Task Force is reviewing all the Board's advisory committees, and in its review of the Coalition of Minorities Advisory Committee (CMAC), it was found that other than by a motion, no structure from the Board for CMAC was ever established. The Task Force felt the Board had not given CMAC the direction it deserved. The Task Force recommendation is intended to create and establish an official advisory committee to the Board with better communication and more diversity.

Since the Board's December meeting, the Task Force invited CMAC representatives to its meeting, and as a result, made some changes to the ACEESS Resolution. The number of members was increased and the Resolution was changed to allow ACEESS to choose its own leadership, with confirmation by the Board. In addition, the Task Force is recommending that the Board interview candidates for the committee.

**MOTION** from the Task Force that the Board adopt the Resolution Establishing the Advisory Committee on Equity of Educational Services for Students (ACEESS).

Member Warner acknowledged the statistics given by La Raza earlier in the meeting, and expressed hope that this committee will bridge the gaps in education.

Member Allen expressed concern that there won't be enough voices on the committee to get valid information needed for all students at risk.

**MOTION TO AMEND** was made by Vice Chair Johnson and seconded by Member Wright to add to Article II, Section that "ACEESS shall conduct business using *Roberts Rules of Order*."

Motion to amend carried.

**MOTION TO AMEND** was made by Member Stokes and seconded by Member Castle that Section III be added to Article III to state that for the initial appointments, five individuals from the designated communities will be appointed for two-year terms; five individuals from the designated communities will be appointed for one-year terms; three individuals from the Board-appointed members with expertise will be appointed

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for two-year terms; and two individuals from the Board-appointed members with expertise will be appointed for one-year terms.

Motion to amend carried.

Motion carried, with Members Allen and Lockhart opposed.

### **Audit Committee Report**

Audit Committee Chair David Thomas reported on the December 17, 2015 Audit Committee meeting.

**MOTION** from Committee that the Board approve adding the Subrecipient Monitoring Audit to the Audit Plan.

Motion carried unanimously.

Vice Chair Johnson suggested the each Board member attend at least one Audit Committee meeting.

### **Standing Committee Reports**

#### **LAW AND LICENSING COMMITTEE**

Chair Leslie Castle reported on the following items from the Committee.

#### Approval of Previous Meeting Minutes

The Committee approved the minutes of its December 3, 2015 meeting.

#### Out-of-State Tuition Payments - Policy Outline

The Committee discussed and made recommendations on policies for out-of-state tuition payments for inclusion in Board rule. The Committee directed staff to solicit feedback from school districts on how they would be affected by the policy recommendations and report back to the Committee.

#### Ascent Academies of Utah Satellite School Request for Charter Amendment

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The Committee tabled the request until the Committee's February meeting and directed staff to get additional fiscal information, including a current financial statement, from Ascent Academies before making a final recommendation. The Committee also requested that a representative of Ascent be present the next time the Committee discusses the request.

### R277-505 Administrative Areas of Concentration and Programs

The Committee discussed the proposed revisions to R277-505 requiring programs to be aligned with the Utah Leadership Standards and establish internship or experience minimum requirements. The Committee made additional amendments.

The Committee passed R277-505 on first reading and directed staff to seek additional stakeholder feedback on the updated draft of R277-505 and bring back to Committee in February.

### R277-716 Alternative Language Services for Utah Students

The Committee reviewed R277-716 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and technical changes to the rule.

The Committee approved continuation of and amendment to the rule on first reading, **MOTION** from Committee that the Board approve R277-716 *Alternative Language Services for Utah Students*, and continuation of the rule, on second reading.

Christelle Estrada, Secondary Language Arts Specialist, informed that legally, for the top five languages spoken in a school, announcements sent home from school have to be in the person's native language. However, there are some schools where there are 45 different languages that are spoken. There is a great effort by those schools to provide interpretive services if they are needed beyond the five top languages. It is left to the school how to do that.

Member Castle commented that the students who are the most vulnerable will probably not be notified in their own language, and questioned what it would take to inform all in their own language and to be accountable for that effort. Ms. Estrada responded that technical support the USOE can provide for the ALS directors who work with a wide range of

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students is really important. Amazing work is being done to engage parents, and some districts have community learning centers where families with different kinds of language backgrounds work together. Resources are needed to ensure that collaborative efforts with city agencies, Workforce Services, refugee services, and other organizations make a difference in linguistically different communities.

Chair Crandall asked whether more discussion on the rule is needed in committee. Associate Superintendent Angie Stallings indicated that the rule will probably be repealed and reworked based on ESSA, but continuation is needed now or the rule will expire in March.

Motion carried unanimously.

### R277-494 Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities

The Committee discussed feedback from stakeholders on the appropriateness of charging a \$75 fee to charter and online schools, as required under Sections 53A-1a-519 and 53A-2-214, and other amendments to R277-494. It was reported that district superintendents were contacted and were fine with the \$75 fee charge.

The Committee approved R277-494, as amended, on second reading.

**MOTION** from Committee that the Board approve R277-494 *Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities*, as amended, on third and final reading.

Motion carried unanimously.

### Technology Grant Rule

The Committee discussed a draft of a potential Board rule related to 2016 General Session legislation enacting a digital teaching and learning grant program.

### Corporal Punishment Statute Policy Recommendations

The Committee discussed whether the Board should support the following potential amendments to Utah Code Section 53A-11-802: 1) Insert a definition of the term, "Physical

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Restraint,” found in R277-609; and 2) delete Subsection 53A-11-802(2)(d). The Disability Law Center has requested the Board’s support for this change and has been working with the bill sponsor.

**MOTION** from Committee that the Board support legislation to amend 53A-11-801 as outlined.

Motion carried; Vice Chair Johnson abstained.

#### Board Policy 3001 – Deputy/Associate Superintendent Oversight

**MOTION** from Committee that the Board approve Board Policy 3001 – Deputy/Associate Superintendent Oversight.

Motion carried, with Member Lockhart opposed.

#### Finance/Accounting Positions Alignment and Reporting Policy

**MOTION** from Committee that the Board approve the USOE draft policy to realign finance/accounting positions, effective February 1, 2016.

Motion carried unanimously.

### **STANDARDS AND ASSESSMENT COMMITTEE**

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

#### Approval of Previous Meeting Minutes

The Committee approved the minutes of its December 3, 2015 meeting.

#### Annual School Counselor to Student Ratios Legislative Report

The Committee reviewed the report and directed staff to gather information on how the data translates to graduation rates and post-secondary diplomas and bring back to the Committee in February.

#### Secondary Mathematics Standards

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**MOTION** from Committee that the Board approve the Secondary Mathematics Standards, as revised.

Motion carried; Member Johnson absent.

#### Test Administration and Testing Ethics Policy

**MOTION** from Committee that the Board approve the Test Administration and Testing Ethics Policy manual, and direct staff to create a Board rule based on the information in the manual.

Motion carried; Member Johnson absent.

#### Board Policy 3002 – Standards Review Committee

The Committee reviewed the proposed Standards Review Committee policy and the Standards Revision Process, and made recommendations for changes. An update of the Standards Revision Process was distributed to the Board.

**MOTION** from Committee that the Board approve new Board Policy 3002 – Standards Review Committee and the Standards Review Process, as amended.

Motion carried, Member Johnson absent.

#### SAGE Summative, Interim and Formative Assessments

The committee received and discussed information on assessments.

### **Finance Committee**

Committee Chair Jennifer Johnson reported on the following items from the Committee.

#### Approval of Previous Meeting Minutes

The Committee approved the minutes of its December 3, 2015 meeting.

#### Section Budget Reviews

The Committee received budget reports and updates from the USOR quarterly report,

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Informal Science Education Enhancement (iSEE), and Licensing and UPPAC Fees Section.

### Merit to Career Service Exempt Finalization

The Committee received information that the estimate for the transition of Finance, Internal Accounting, and IT staff from merit to career service exempt has been reduced to \$800,000. After discussion with the Legislative Fiscal Analyst and the Department of Human Resource Management, Associate Superintendent Scott Jones recommended that a sample survey be sent out to determine what percentage of staff would likely participate in the transition.

**MOTION** from Committee that the Board direct staff to send out the survey, after legal review, and bring the survey results back to the next Board meeting.

Motion carried unanimously.

### FY 2016 USOE/USOR Indirect Cost Pool Update

The Committee received an update from Associate Superintendent Jones that he has submitted a request to the U.S. Department of Education to extend the provisional rate and is awaiting a response.

### SFY 16 Revised Budget and Corrective/Managerial Actions Progress Report

The Committee was provided with a detailed briefing of potential issues and concerns with Internal Accounting. Information was distributed to the Board outlining those concerns.

### Federal Grants and Reporting

The Committee received information detailing the current active grants for the USOE.

### Statewide Online Education Program (SOEP) Enrollment Procedures - Policy Outline for Modification to R277-276

It was reported that the number of enrollments from home and private schools in the Statewide Online Education Program (SOEP) is quickly approaching the maximum amount of

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appropriations for the current year. USOE School Finance staff presented a policy outline for modifications to R277-726. Staff also presented a draft a memo to be sent to local education agencies to inform them that as of January 11, 2016 only individual enrollment, and not bulk enrollments, are allowed until the money is obligated. The intent is to slow down or stop new and bulk enrollments to avoid disruption of services to students already enrolled in the system.

**MOTION** from Committee that the Board support the policy for modification to R277-276 *Statewide Online Education Program (SOEP) Enrollment Procedures* and direct staff to send the proposed memo to local education agencies.

Motion carried unanimously.

#### Intent Language Reports

It was reported that the intent language reports were distributed today to the Public Education Appropriations Subcommittee and were very well received.

**MOTION** from Committee that the Board release the Class Size Reduction and Pupil Transportation Allocation Formula reports to LEAs.

Motion carried unanimously.

#### Charter Funding on Average Daily Membership (ADM)

A policy outline for a switch to ADM for charter funding was distributed to the Board.

#### Noncompliance with Financial Reporting Deadlines

Information was distributed to the Board regarding LEA compliance with submission dates.

#### Requests for Data/Information

The Committee reviewed information outlining the portions of USOE funding that come from federal and state sources. Vice Chair Johnson indicated more information is needed, but will not be available soon. She emphasized that the lack of ability for staff to run a report that shows how of much of the money spent on a USOE program is state or federal underscores a

significant deficiency in our accounting systems.

### **Executive Session**

**MOTION** was made by Member Wright and seconded by Vice Chair Johnson that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health or individuals, pending or reasonably imminent litigation, and transfer or sale of land.

Upon unanimous voice vote of the members present, the Board moved into Executive Session at 2:40 p.m.

Those present included Board Members Allen, Belnap Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Lockhart, Stokes, Thomas, Warner, and Wright; and Sydnee Dickson, Scott Jones, Angie Stallings, Rich Nye, Ben Rasmussen, Nicole Call, David Jones, Lorraine Austin, and Emilie Wheeler.

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board come out of Executive Session.

Motion carried. The Board reconvened in open meeting at 5:00 p.m.

### **Executive Session Items**

#### Land Transfer

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board approve transferring the title of Cache County Parcel 05-05-0020 to the Utah College of Applied Technology, pending further review of the USOE executive staff.

Motion carried, with Members Allen, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Stokes, Thomas, and Warner in favor, and Members Belnap and Wright opposed; Member Lockhart absent.

#### Licensing Actions

**MOTION** was made by Vice Chair Johnson and seconded by Member Huntsman that the Board approve the UPPAC Consent Calendar.

**MOTION TO AMEND** was made by Vice Chair Johnson and seconded by Member Huntsman that Case No. 15-73 be removed from the Consent Calendar.

Motion to amend carried.

Motion carried; Member Lockhart absent.

**MOTION** was made by Vice Chair Johnson and seconded by Member Wright that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 13-1135 and reinstate the petitioner's Level 2 Special Education License.

Motion carried; Member Lockhart absent.

**MOTION** was made by Vice Chair Johnson and seconded by Member Allen that the Board accept the UPPAC recommendation in Case No. 15-1267 and suspend the individual's Level 1 Elementary Education School Counselor License for not less than two years from the date of Board action. Motion carried, with Members Allen, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Stokes, Thomas, and Warner in favor, and Members Belnap, Johnson, and Wright opposed; Member Lockhart absent.

**MOTION** was made by Vice Chair Johnson and seconded by Member Huntsman that the Board direct the UPPAC Director to prepare findings in Case No. 14-1242.

Motion carried; Member Lockhart absent.

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 15-12 and deny licensure. CLARIFY THE ONE YEAR PROVISION

Motion carried, with Member Johnson opposed; Member Lockhart absent.

**MOTION** was made by Vice Chair Johnson and seconded by Member Huntsman that the Board direct the UPPAC Director to prepare findings in Case No. 15-1264.

Motion failed, with Members Belnap, Corry, Cummins, Huntsman, Johnson, and Warner in favor, and Members Allen, Castle, Crandall, Hansen, Stokes, Thomas, and Wright opposed; Member Lockhart absent.

**MOTION** was made by Member Stokes and seconded by Member Allen that the Board accept the UPPAC recommendation in Case No. 15-1264 and issue a letter of reprimand to the educator to be in place for not less than two years from the date of UPPAC action.

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Motion carried, with Members Allen, Castle, Corry, Crandall, Hansen, Stokes, Thomas, and Wright in favor, and Members Belnap, Cummins, Huntsman, Johnson, and Warner opposed; Member Lockhart absent.

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 15-1270 and issue a letter of reprimand to the individual to be in place not less than two years from the date of UPPAC action.

Motion carried, with Members Allen, Belnap, Corry, Crandall, Cummins, Huntsman, Johnson, Stokes, Thomas, and Wright in favor, and Members Castle, Hansen, and Warner opposed; Member Lockhart absent.

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 15-1276 and revoke the individual's Level 2 Secondary Education and Administration License.

Motion carried; Member Lockhart absent.

#### DSBVI Appointments

**MOTION** was made by Member Stokes and seconded by Member Wright that the Board appoint Lisa M. Ord and Paul F. Traher to the Division of Services for the Blind and Visually Impaired Advisory Council, representing consumers, service providers, or employers, for terms January 1, 2016 through June 30, 2018.

Motion carried; Member Lockhart absent.

#### Governor's Committee on Employment of People with Disabilities Appointments

**MOTION** was made by Member Stokes and seconded by Member Belnap that the Board appoint Gary Aquilla and Melissa Freigang to the Governor's Committee on Employment of People with Disabilities, for four-year terms.

Motion carried; Member Lockhart absent.

#### **Hearing Reports and Written Decisions**

**MOTION** was made by Vice Chair Thomas and seconded by Member Allen that the

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Board approve the hearing officer report containing findings and recommendations from a hearing held July 2, 2015 pertaining to Board administrative rules R277-200 to R227-206, R277-487, R277-502, and R277-520.

Motion carried; Member Lockhart absent.

**MOTION** was made by Vice Chair Thomas and seconded by Member Allen that the Board approve the hearing officer report containing written findings and recommendations from a hearing held December 3, 2015 pertaining to Board administrative rule R277-207.

Motion carried; Member Lockhart absent.

**MOTION** was made by Vice Chair Thomas and seconded by Members Allen that the Board adopt the Board written decision from the July 2, 2015 hearing pertaining to rules R277-200 to R277-206, R277-487, R277-502, and R277-520.

Motion carried; Member Lockhart absent.

**MOTION** was made by Vice Chair Thomas and seconded by Member Allen that the Board adopt the Board written decision from the December 3, 2015 hearing pertaining to R277-207.

Motion carried; Member Lockhart absent.

## Executive Session

**MOTION** was made by Vice Chair Johnson and seconded by Member Huntsman that the Board move into Executive Session for the purpose of discussing reasonably imminent or pending litigation.

Upon unanimous voice vote of the members present, the Board moved into Executive Session at 5:12 p.m.

Those present included Board Members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Stokes, Thomas, Warner, and Wright; and Rich Nye, Scott Jones, Chris Lacombe, Nicole Call, and Lorraine Austin.

**MOTION** was made by Vice Chair Johnson and seconded by Member Huntsman that the Board come out of Executive Session.

Motion carried. The Board reconvened in open session at 5:57 p.m.

**Executive Session Item**

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**MOTION** was made by Vice Chair Johnson and seconded by Member Allen that the Board direct staff to make payment of a designated invoice to the American Institutes for Research (AIR).

Motion carried; Members Lockhart and Wright absent.

**Adjournment**

**MOTION** was made by Vice Chair Thomas and seconded by Member Huntsman that the meeting adjourn.

Motion carried. The meeting adjourned at 5:58 p.m.

Lorraine Austin, Board Secretary

Minutes pending approval