

**UTAH STATE BOARD OF EDUCATION
BOARD MEETING MINUTES**

January 9, 2014

A regular meeting of the Utah State Board of Education was held January 9, 2014 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair Tami Pyfer conducted.

Board Members present:

Chair Tami W. Pyfer	Member Dan Griffiths
Vice Chair David L. Crandall	Member Heather Groom
Vice Chair David L. Thomas	Member Michael Jensen
Member Dixie L. Allen	Member Jennifer A. Johnson
Member Kim R. Burningham	Member Jefferson Moss
Member Keith M. Buswell	Member James V. (Jim) Olsen (non-voting)
Member Leslie B. Castle	Member C. Mark Openshaw
Member Freddie Cooper (non-voting)	Member Debra G. Roberts
Member Barbara W. Corry	Member R. Dean Rowley (non-voting)
Member Kristin Elinkowski (non-voting)	

Board Members excused:

Member Marlin Jensen (non-voting)
Member Teresa L. Theurer (non-voting)

Executive staff present:

Martell Menlove, State Supt.	Joel Coleman, USDB Superintendent
Brenda Hales, Deputy Supt.	Russ Thelin, USOR Executive Director
Judy Park, Associate Supt.	Lorraine Austin, Board Secretary
Bruce Williams, Associate Supt.	

Others present:

Lydia Nuttal, parent; Pamela Smith; Joylin Lincoln; Jay Blain, UEA; LeAnn Wood, PTA; Jan Ferré, LCPD

Board Committee Meetings

The Board's Finance and Audit, Law and Licensing, and Standards and Assessment Committees met beginning at 8:15 a.m.

Opening Business/Recognitions

Chair Tami Pyfer called the meeting to order at 10:08 a.m. Member Keith Buswell led the Board in the Pledge of Allegiance. Members Marlin Jensen and Teresa Theurer were excused.

Board Member Welcome Message

Member Jennifer Johnson welcomed the Board. She shared about story about a 17-year old that created a fusion reactor, and experiences she had with an uncle that treated her with an expectation of intelligence. She expressed the importance of expecting children to do great things, and asked the Board to think about children as individuals who have not acquired certain types of knowledge yet, but can. She concluded her remarks with an invocation.

Swearing in of New Board Members

Chair Tami Pyfer administered the Oath of Office to newly appointed Board members Kristin Elinkowski and Freddie Cooper. Ms. Elinkowski represents the State Charter School Board, and Ms. Cooper represents the Coalition of Minorities Advisory Committee.

Recognitions

Outgoing Board member James Olsen was recognized for his service on the Board since 2011, and was presented with children's art work.

Previous Board Chair Debra Roberts was recognized and thanked for her service as Board Chair since 2009, and was presented with a gavel.

Public Participation

Kendall Andelin, Relational Data Corporation - reported that the company appealed Board rule R277-484, which was heard this morning by the Standards and Assessment Committee. Relationship Data Corporation is a Utah company that provides a student information system to one of the charter schools. The committee asked the company to work with USOE IT staff to determine common ground on the rule. In the spirit of cooperation, the company will move forward in meeting with USOE staff. Chair Pyfer noted that this item will come back to the

Committee in February.

General Consent Calendar

Member Jennifer Johnson requested that the order of Consent Calendar items be changed, with the budget report right after the minutes, and the Summary of Actions included as part of the minutes.

Motion was made by Member Keith Buswell and seconded by Member Mark Openshaw that the Board approve the General Consent Calendar.

Motion carried unanimously.

Stakeholder Participation in Computer Adaptive Assessment System

The Utah Computer Adaptive Assessment System, Summative SAGE, will be administered to students in grades 3-12 in language arts, mathematics and science in the spring of 2014. Following the administration of the assessments, a standard setting process will occur to determine the appropriate cut scores that indicate whether a student has achieved an established level of proficiency.

Utah State Office of Education (USOE) Assessment Director John Jesse reviewed a proposed process for determining cut scores for the SAGE assessments. The standard setting process will involve over 200 stakeholders on five educator panels. Initially, the groups will set draft standards, then another stakeholder group including educators and representatives from the educational community, parents, business and communities will meet to determine final recommendations. Those recommendations will be proposed to the Board for approval in August 2014.

Motion was made by Member Dixie Allen and seconded by Member Kim Burningham that the Board approve the stakeholder participation process as outlined.

Motion to amend was made by Member Jennifer Johnson that formal invitations be sent to legislative leadership inviting them to submit names of parents to participate on the committees.

Motion to amend carried. Motion carried unanimously.

Mr. Jesse reviewed the SAGE assessment portal on the USOE Website and encouraged Board members to register.

Superintendent's Report

State Superintendent of Public Instruction Martell Menlove reported on the following:

- The Legislative Education Task Force has completed its work. The Task Force recommendations were reviewed.
- A link to the new graduation rate data report was provided.
- Education Week's Quality Counts report was released this morning. *Quality Counts* uses a different formula for calculating graduation rates than the USOE uses, and staff have been unable to duplicate the report's calculations. Member Burningham requested that more information be provided about who runs Education Week. It was also suggested that the Board prepare its own report to be released at the same time as *Quality Counts*.
- Utah State Office of Rehabilitation (USOR) Executive Director Russ Thelin reported on the Promise Grant the agency recently received. Member Johnson requested that a brief report from USOR and the Utah Schools for the Deaf and the Blind be given to the Board on a regular basis.

UPPAC RFP Vendor Selection

In December 2013, a Board Professional Practices Advisory Commission (UPPAC) Review Task Force was formed to work on UPPAC issues and topics and report back to the Board with specific recommendations for changes to state statute, Board rule, and UPPAC rule. The Task Force determined it would be helpful for an independent contractor to do an in-depth review of the UPPAC process and prepare recommendations for changes, and the Board approved moving forward with a Request for Proposal (RFP).

The RFP for this work was published in December 2013, and bids were received. A vendor review committee formed by the UPPAC Review Task Force reviewed the bids. Superintendent Menlove was a member of that committee, and reported that the committee met on December 19 to review the single response that was received. The committee concluded that

the proposal is comprehensive, should provide the data sought, and that the organization is reputable. The committee made recommendations for modifications to the RFP if the vendor is approved.

The review committee unanimously recommended that the Board enter into a contract with the vendor to implement the RFP. It was disclosed that some members of the vendor review committee had minor relationships with individuals employed by the vendor that may be working on the RFP. It was determined that the relationships did not constitute a conflict of interest, but the committee wanted the Board to be aware.

Motion was made by Member David Crandall and seconded by Member Kim Burningham that the Board accept the recommendation from the vendor review committee and direct staff to move forward with implementing the RFP.

Members asked for more information regarding the relationships between committee members and the vendor. Dr. Menlove responded that there are only casual relationships, and it was the opinion of State Purchasing that the relationships were not close enough to prevent the Board from approving the vendor.

Motion carried, with Member Roberts opposed.

Board Chair's Report

Chair Tami Pyfer reported on the following:

- A Common Core debate was held in Logan on January 6, in which she and Vice Chair Thomas participated. Chair Pyfer noted the displays developed for the debate and distributed a handout.
- The Governor's Vision and Mission Committee met recently. During the meeting, the notion that "nothing has changed in public education in the classroom for the last 50 years" was put forward. Chair Pyfer expressed that it is a myth the Board needs to challenge, and asked Board members to send her examples of exemplary programs from their areas.
- Member Griffiths will be assisting the Board Employee Evaluation Committee.
- A revised Board meeting schedule, agenda preparation schedule, and list of Board

Committee assignments were distributed.

- Board meeting evaluations will now be done quarterly, but input is welcome every month.
- The Board Communications Specialist will put together a Board Google calendar, including as many committees on which the Board participates as possible.
- The Board website is ready for populating, but access has been a challenge. The Board Communications Specialist will notify the Board when it goes live.

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member Dixie Allen and seconded by Member Kim Burningham that the Board accept the UPPAC recommendation in Case No. 11-1042 and reinstate the educator's Level 2 Secondary Education License.

Member Castle asked for discussion on the case, and without objection, the motion was postponed until after Executive Session.

Motion was made by Member Dixie Allen and seconded by Member Kim Burningham that the Board accept the UPPAC recommendation in Case No. 11-1043 and reinstate the educator's Level 1 Elementary Education License.

Member Castle asked for discussion on the case, and without objection, the motion was postponed until after Executive Session.

Motion was made by Member Dixie Allen and seconded by Member Kim Burningham that the Board accept the recommendation in Case No. 13-1160 and suspend the educator's Level 2 Elementary and Secondary Education License. The educator may request a reinstatement hearing following satisfaction of all conditions in the stipulated agreement and completion of a criminal background check, no sooner than two years from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

Member Openshaw asked for discussion on the case, and without objection, the motion was postponed until after Executive Session.

Executive Session

Motion was made by Member Allen and seconded by Member Griffiths that the Board

move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of individuals.

Upon unanimous voice vote of Members present, the Board moved into Executive Session, following lunch, at 12:20 p.m.

Those present in Executive Session included Members Allen, Burningham, Buswell, Castle, Cooper, Corry, Crandall, Elinkoski, Griffiths, Groom, Michael Jensen, Johnson, Moss, Olsen, Openshaw, Pyfer, Roberts, and Thomas; and Martell Menlove, Brenda Hales, Lorraine Austin, Kristina Kindl, Heidi Alder, and Rachel Terry.

Motion was made by Member Griffiths and seconded by Member Roberts that the Board come out of Executive Session.

Motion carried. The Board reconvened in open meeting at 12:55 p.m.

Executive Session Items

UPPAC Recommendations

Motion to accept the UPPAC recommendation in Case No. 11-1042 carried; Members Crandall and Openshaw absent.

Motion to accept the UPPAC recommendation in Case No. 11-1043 carried, with Member Johnson opposed.

Motion to accept the UPPAC recommendation in Case No. 13-1160 carried, with Member Johnson opposed.

Utah Instructional Materials Commission Appointments

Motion was made by Member Jennifer Johnson and seconded by Member Dixie Allen that the Board appoint Kim Baker, representing secondary principals, and Linda St. Clair, representing lay citizens, to the Utah Instructional Materials Commission for four-year terms 2014-2017.

Motion carried unanimously.

Discussion with Legislators

Senator Stuart Reid was welcomed to the meeting. He reviewed legislation he is sponsoring, *Extended Education Opportunities for Students*. He informed that he was instrumental in passing legislation in the last legislative session to form an intergenerational poverty commission, of which the State Superintendent of Public Instruction is a member. The Commission will formulate a model on how to best approach rescuing children out of intergenerational poverty and welfare dependency. This legislation is part of that work.

Motion was made by Member David Thomas and seconded by Member Debra Roberts that the Board support the bill, *Extended Education Opportunities for Students*.

Motion carried unanimously.

It was suggested that “intergenerational poverty students” be included in the title of the bill.

Senator Reid thanked the Board for its work on identifying five key factors that lead to student achievement, and expressed his hope that the legislature will use the factors to score legislation. He asked the Board to also identify whether a bill satisfies any of the factors, and to what extent. He suggested it would also be helpful to also have a list of the top five factors that detract from student achievement.

Senator Aaron Osmond was welcomed to the meeting. He indicated he is still evaluating issues having to do with his compulsory education bill, and would like to come back at a later time for a discussion.

Senator Osmond introduced two different pieces of legislation he will be sponsoring regarding his most important issue—early education. He is proposing a direct funding request to fund early education. The legislation addresses issues from his bill in last legislative session, including the achievement gap, whether it will be compulsory, and public/private funding.

Questions were raised by Board members on the source of the funding and governance and accountability issues with preschool.

The Senator also provided information on a property tax equalization bill he is sponsoring to address local property tax disparity. The bill proposes to freeze the basic rate, and the new money would flow on an equalized basis to schools through the School LAND Trust account.

Questions were raised by Board members on whether the funds would be co-mingled, if

the money will be restricted, and if the money can be used for administrative costs. A concern was also expressed that some school community council members may not have the expertise or training to make decisions about large amounts of money coming into a school.

Senator Osmond also mentioned he is working on a unique tax measure in SJR2.

Legislative Issues

Superintendent Menlove distributed and reviewed information about education bills that have been filed for the upcoming session, and the legislative tracking sheet.

It was suggested that the five key elements for student achievement be referenced on the tracking sheet. Member Elinkowski requested that the State Charter School Board and/or the charter association be added to the tracking sheet.

Superintendent Menlove distributed and reviewed a handout identifying the legislative sponsors for the Board priorities.

USOE School Children's Trust Section Director, Tim Donaldson, reported on Trust legislation that will be sponsored by Representative Mel Brown. He indicated the State Treasurer is not supportive of the legislation, and distributed information prepared by the Treasurer on a proposed Utah land grant funds governance structure and process. Mr. Donaldson and Member Johnson have met with Representative Brown and developed a governance structure (on the second page of the handout), that Representative Brown will take back to the Treasurer's office. In that proposal, the State Treasurer will be given a significant role in the process, while addressing the concerns pointed out by the Board's School Trust Investment Task Force.

Standing Committee Reports

LAW AND LICENSING COMMITTEE

Committee Chair Mark Openshaw reported on the following items from the Committee.

R277-526 Paraeducator to Teacher Scholarship Program

Proposed amendments to R277-526 were reviewed by the Committee that included clarification of the administration of the Paraeducator to Teacher Scholarship. The Committee approved the amendments to R277-526 *Paraeducator to Teacher Scholarship Program* on first reading, and moved that the Board approve the rule, as amended, on second reading.

Motion carried; Member Moss absent.

R277-117 Utah State Board of Education Protected Documents (Continuation and Amendment)

The Committee approved on first reading continuation of R277-117 in accordance with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule regarding protected records under GRAMA.

Motion from Committee that the Board approve and continue R277-117 *Utah State Board of Education Protected Documents*, as amended, on second reading.

Motion carried unanimously.

Aristotle Academy Charter Amendment Request

The State Charter School Board approved a request from Aristotle Academy for amendments to its charter. The request has two parts. Part A is a request to modify its charter agreement to remove the requirement to use the Iowa Test of Basic Skills, reorganize breakout groups to be leveled and teach from 5-15 students, remove mentor teachers, and change fiscal procedures to require principal approval of all expenditures. Part B of the request was to keep an online pilot program—the Bridge Learning Program—through the 2013-2014 school year.

It was reported that the Bridge Learning Program is an online program targeting home school students. The Charter Board recommended that the program be continued through the 2013-2014 school year, then be reevaluated. It was also noted that the Audit Committee received information regarding online programs that may have some bearing on the funding of this program in the future. It was reported that there was some confusion as to whether the program was ever approved, and the school made the assumption that it had been when they were directed to work with the USOE Charter Schools Director to improve the program.

Students in the Bridge Learning Program attend Aristotle two days a week and are at home

three days a week receiving instruction online from the teachers in the program. The school is being funded for the enrolled students. Although the Charter Board did not give approval for the program, the Charter Board felt it was in the best interest of the students if the program continues through the end of the school year.

Concerns were expressed that if the program is approved, a precedent may be set for schools to go ahead with programs that aren't approved; that parents may not be informed of tentative nature of the situation; and that no new students should be added.

The Committee moved that the Board approve Part A of the request from Aristotle Academy to modify its charter agreement as outlined.

Motion carried unanimously.

Motion was made by Member Mark Openshaw and seconded by Member Dan Griffiths that Part B of the Aristotle Academy request be referred back to the State Charter School Board with the recommendation that the Charter Board take steps to ensure the school is in compliance with its existing charter; if the school is not in compliance, the Board recommends that the Charter Board consider placing the school on warning status for being out of compliance with its charter. In addition, the Board requests a report back in February on the Charter Board's actions.

Motion carried unanimously.

R277-400 School Emergency Response Plans

Amendments to R277-400 were presented to provide language allowing access to public school buildings by specific groups, and requiring, rather than permitting, LEAs to substitute every other required fire drill with a different emergency evacuation drill.

The Committee approved the amendments to *R277-400 School Emergency Response Plans*, and continuation of the rule, on first reading, and moved that the Board approve and continue R277-400, as amended, on second reading.

Motion carried unanimously.

Committee Chair David Thomas reported on the following items from the Committee.

Audit Information

The Committee received information from Internal Auditor Natalie Grange on the Distance and Online Education Audit. The audit will come to the Committee next month with findings and recommendations.

Loan Recommendation from the Charter School Building

Revolving Subaccount Committee

The Committee reviewed a loan recommendation from the Charter School Building Revolving Subaccount Committee. The Committee approved the request to award a revolving loan to Moab Charter School in the amount of \$116,000, and moved that the Board approve the loan.

Motion carried unanimously.

Board Discretionary Funds Policy

In the November 4, 2013 Board meeting, the Accountability and Finance Committee requested that a policy concerning the Discretionary Funds Account be developed, incorporating input given by Committee members. Staff prepared a policy for review by the Finance and Audit Committee.

The Committee did not take action on the policy, and asked that a rule also be developed regarding the Discretionary Fund. reviewed the policy Did not take action on the policy. Information about the Fund was distributed.

Taxing Entity Committee Representation

The Committee moved that USOE Educational Specialist Cathy Dudley be appointed as the Board's Taxing Entity Committee representative for 2014, with USOE School Finance Director David Roberts as the alternate.

Motion carried unanimously.

Information on Creating Project Area Plans

This item was postponed.

Outcome of Taxing Entity Committee Meetings

This item was postponed.

STANDARDS AND ASSESSMENT COMMITTEE

Committee Chair Dixie Allen reported on the following items from the Committee.

R277-495 Required Policies for Electronic Devices in Schools

Rule R277-495 was reviewed by the Board's Instruction, Assessment and Technology Committee in its November 2013 meeting. The rule was approved for continuation and the Committee directed staff to address additional concerns and bring the rule back for further review.

The Standards and Assessment Committee reviewed proposed amendments to provide additional definitions and additional LEA policy requirements for student and employee use of LEA-owned and privately-owned electronic devices, and made the following additional changes:

Section 3-B, Line 76 - revise to read, "LEAs shall review and approve policies regularly."

Section 4-C(1), Line 170 - revise to read, ". . . illegal, may have both criminal and employment consequences, and where appropriate, shall be reported to law enforcement."

The Committee approved amendments to R277-495 *Required Policies for Electronic Devices in Schools* on first reading, and moved that the Board approve the rule on second reading, as amended.

Motion carried unanimously.

K-12 World Language Core

The Committee reviewed the 2013 Utah World Language Core, revised from the 2009 World Language Core to use the proficiency approach to language learning for grades K-12.

Motion from Committee that the Board give preliminary approval to the 2013 World

Language Core, direct staff to take the Core out for public comment, and bring the Core back to the Board for final approval.

Motion carried unanimously.

Comprehensive Counseling and Guidance Program Annual Report

USOE staff presented the Comprehensive Counseling and Guidance Program Annual Report, including information on counselor-to-student ratios, individual district plans for compliance, and successes and failures. The Committee received the report.

Petition to Amend and Repeal R277-484-5 Data Standards

Board rule R277-484 provides the standards, requirements and deadlines for submitting data to the USOE data warehouse. In December 2013, Superintendent Martell Menlove received a request from Nathan M. Andelin, President, Relational Data Corporation, to amend and repeal Board rule R277-484-5. Superintendent Menlove reviewed the request to amend and repeal in accordance with Board rule R277-100-3B *Rulemaking Policy—Initiation, Amendment, or Repeal of a Rule*, and forwarded the request to the Board for consideration.

The Committee reviewed the rule and heard from Mr. Andelin and USOE IT staff in response. The Committee directed that USOE IT staff work with Mr. Andelin to determine changes to the rule with which they can agree, and bring back to the Committee in February.

Board Member Closing Comments

Member Johnson suggested the Board sponsor a vendor fair.

Member Johnson suggested that a 90-day comment period on the English/language arts Core be opened up in the summer.

Member Buswell questioned whether the Board's two-part UPPAC approval process is necessary. Chair Pyfer indicated this should wait until after the recommendations from the UPPAC RFP are made.

Member Buswell asked that Senator Jones be invited to a Board meeting regarding her legislation to find funding sources.

Member Corry mentioned that she is concerned with Senator Osmond's legislation that would bypass local boards and districts.

Adjournment

Chair Pyfer adjourned the meeting at 4:10 p.m.

Lorraine Austin, Board Secretary
Minutes approved February 7, 2014