

**UTAH STATE BOARD OF EDUCATION
STUDY SESSION AND BOARD MEETING MINUTES**

April 3-4, 2014

WORK/STUDY SESSION, APRIL 3, 2014

The Utah State Board of Education held a work/study session on April 3, 2014 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah.

Board members present included Chair David Crandall, Vice Chair David Thomas, Dixie Allen, Kim Burningham, Keith Buswell, Leslie Castle, Freddie Cooper, Barbara Corry, Heather Groom, Dan Griffiths, Michael Jensen, Jennifer Johnson, Jefferson Moss, Mark Openshaw, Debra Robert, and Terryl Warner. Other presents included Superintendent Martell Menlove, USBE staff Lorraine Austin and Emilie Wheeler; USOE staff Judy Park, Bruce Williams, Sydnee Dickson, Roxana Orellana, and Keith Lawrence; Trina Taylor, Prevent Child Abuse Utah; and Karen Peterson.

Chair David Crandall called the meeting to order at 4:06 p.m.

Educator Sexual Misconduct Presentation

Member Jennifer Johnson gave the presentation, "UPPAC and Educator Sexual Misconduct." She invited Trina Taylor from Prevent Child Abuse Utah to speak about her organization's work with schools. Board members discussed the issues and talked about the importance of training and prevention.

Promises to Keep

Board members reviewed the Board's current vision and mission statement, Promises to Keep. In addition to Promises to Keep, five top factors contributing to student achievement have been identified.

Member Debra Roberts provided context to the document, explaining that it evolved out of conversations that there was no long-term plan for public education. The four main

elements were meant to be the foundational pillars for the public education system that could be accomplished.

Board members discussed that it may be time to move forward from Promises to Keep.

School Grading

The Governor's Education Director, Tami Pyfer, gave a presentation on measuring the progress of the Governor's PACE initiative, and presented a proposed Governor's school report card.

Adjournment

The work/study session adjourned at 6:10 p.m.

The Board Audit Committee met following the meeting.

STATE BOARD OF EDUCATION MEETING, APRIL 4, 2014

The Utah State Board of Education held a regular meeting on April 4, 2014 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted.

Board Members present:

Chair David L. Crandall	Member Dan Griffiths
Vice Chair David L. Thomas	Member Marlin Jensen (non-voting)
Member Dixie L. Allen	Member Michael Jensen
Member Kim R. Burningham	Member Jennifer A. Johnson
Member Keith M. Buswell	Member Jefferson Moss
Member Leslie B. Castle	Member C. Mark Openshaw
Member Freddie Cooper (non-voting)	Member Debra G. Roberts
Member Barbara W. Corry	Member Terryl Warner

Board Members excused:

Member Kristin Elinkowski (non-voting)	Member R. Dean Rowley (non-voting)
Member Heather Groom	Member Teresa L. Theurer (non-voting)

Executive and Board staff present:

Martell Menlove, State Supt.	Russ Thelin, USOR Executive Director
Brenda Hales, Deputy Supt.	Lorraine Austin, Board Secretary
Judy Park, Associate Supt.	Natalie Grange, Board Internal Auditor
Bruce Williams, Associate Supt.	Emilie Wheeler, Board Communications Specialist
Joel Coleman, USDB Superintendent	

Others present:

Dawn Davies, Utah PTA; Laney Benedict, Utah PTA; Liz Zentner, Utah PTA; Debby Llewelyn, UAPCS; Lydia Nuttall, parent; Joylin Lincoln, MyOptions Charter School; LeAnn Wood, parent; Kimberly Andelin, parent; Nathan Andelin, Relational Data; Susan Edwards, CSD; McKell Withers, Utah School Superintendents Association; Jan Ferré, LCPD.

The Finance, Law and Licensing, and Standards and Assessment Committees met prior to the Board meeting, beginning at 8:15 a.m.

Opening Business

Chair David Crandall called the meeting to order at 10:40 a.m. Member Debra Roberts led those present in the Pledge of Allegiance. Dale Cox, a representative of the Utah College of Applied Technology (UCAT) Board, was welcomed to the meeting.

Board Member Welcome Message

Member Keith Buswell welcomed the Board. He reflected on learning, quoting from Yeats: "Education is not the filling of a pail, but the lighting of a fire." He shared stories of educators and authors that lit the fire of learning for him, and encouraged continuous learning. Member Buswell closed his remarks with an invocation.

Public Participation

Liz Zentner, Utah PTA - thanked the Board for the support given to the assessment parent review panel. She also expressed the PTA's sadness at the retirement of Superintendent Menlove and expressed their appreciation for him. She voiced the PTA's encouragement for the Board to write a rule as a result of S.B. 257 *Parent Review of Instructional Materials and Curriculum* that would require each school to have a parent committee in place.

McKell Withers, President, Utah School Superintendents Association (USSA) - expressed deep appreciation for Superintendent Menlove's leadership and his coordination with USSA. He offered the assistance of the Association in the superintendent search process.

General Consent Calendar

MOTION was made by Member Johnson and seconded by Member Openshaw that Item H, R277-477 be removed from the Consent Calendar.

Motion carried.

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

Motion carried unanimously.

A. Minutes of Previous Meetings

Minutes of the State Board of Education meetings held February 27, 2014, March 7, 2014 and March 21, 2014 were approved.

B. Contracts

The following contracts were approved.

1. Utah State University/TAESE, \$11,151,178.16, 04/07/14 to 06/30/19, Fed.

For technical assistance and professional development systems.

The Board received the following report.

2. Contracts less than \$100,000 approved by the State Superintendent or USOR Director.

C. Ratification of Hiring

The Board ratified the hiring of Ann-Michelle Neal as a USOE Education Specialist for Title III, and Kim Suzanne Rathke as a USOE Formative Assessment Specialist.

D. R277-102 Adjudicative Proceedings

In its March 7, 2014 meeting, R277-102 was reviewed for continuation and repeal/reenactment. The rule was approved for continuation on second reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-102 *Adjudicative Proceedings* on third and final reading.

E. R277-105 Recognizing Constitutional Freedoms in the Schools

In its March 7, 2014 meeting, the Board approved continuation of R277-105 on second reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement. Amendments to the rule were also approved on second reading, with the understanding that the rule will come back for further review. No substantive changes were made since that time.

The Board approved R277-105 *Recognizing Constitutional Freedoms in the Schools*, as amended, and continuation of the rule, on third and final reading.

F. R277-118 Post-employment Benefits Plans

In its February 7, 2014 meeting, the Board approved new rule R277-118 on second reading. The rule was on the Consent Calendar for third reading in the Board's March 7, 2014 meeting. The rule was removed from the Consent Calendar pending legislation that might require further changes in the rule. No legislation passed that would require changes to the rule.

The Board approved new rule R277-118 *Post-employment Benefits Plan* on third and final reading.

G. R277-410-5 Accreditation of Schools - Accreditation Procedures

In its March 7, 2014 meeting, the Board approved amendments to R277-410-5 on second reading. No substantive changes were made since that time.

The Board approved R277-410-5 *Accreditation of Schools - Accreditation Procedures*, as amended, on third and final reading.

H. Item removed.

I. R277-503-4 Licensing Routes

In its March 7, 2014 meeting, the Board approved amendments to R277-503-4 on second reading. No substantive changes were made since that time.

The Board approved R277-503-4 *Licensing Routes*, as amended, on third and final reading.

J. R277-601 Standards for Utah School Buses and Operations

In its March 7, 2014 meeting, the Board approved continuation of R277-601, and amendments to the rule, on second reading. No substantive changes were made since that time.

The Board approved R277-601 *Standards for Utah School Buses and Operations*, as amended, and continuation of the rule, on third and final reading.

K. R277-725 Electronic High School

In its March 7, 2014 meeting, the Board approved continuation of R277-725 consistent with the Utah Administrative Rulemaking Act five-year review requirement. The Board also approved on second reading amendments to the rule to make the rule consistent with current state law and legislative audit

recommendations. No substantive changes have been made since that time.

The Board approved continuation of and amendment to R277-725 *Electronic High School* on third and final reading.

L. R277-916 *Career and Technical Education Introduction and Work-Based Learning Programs*

In its March 7, 2014 meeting, the Board approved continuation of R277-916 on second reading consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-916 *Career and Technical Education Introduction and Work-Based Learning Programs* on third and final reading.

M. Requests for Temporary Authorizations

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

N. List of Educator Licenses Processed

The Board received the report.

Student Participation in Statewide Assessments

Superintendent Martell Menlove discussed the issue of students being opted out of SAGE testing, and the question of how those students are counted as far as participation and proficiency.

As a result of S.B. 122 *Parental Rights in Public Education*, passed in the 2014 Legislative Session, the Board is tasked with writing a rule recognizing that educator evaluations must include a component of school academic achievement. Dr. Menlove reported that current USOE policy is that for students who opt out of testing, or are opted out by a parent, the school or class is not held accountable on the participation rate, but a proficiency is assigned to those students at the lowest level possible. This policy could create some problems because it may negatively impact the teacher and the school, which could violate S.B. 122.

Dr. Menlove reported that he has discussed the problem with Senator Osmond, the sponsor of the legislation, and the Senator recognizes the problem and is willing to work with

the Board to correct the problem in a future legislative session.

Superintendent Menlove also noted that there could be federal consequences if the participation rate is below the federal requirement of 95 percent.

MOTION was made by Member Thomas and seconded by Member Moss that the Board alter its policy so students who opt out of testing, or are opted out by a parent, will not be counted in participation or proficiency.

USOE Title I Director Karl Wilson spoke of the federal consequences if districts and charters do not meet the 95 percent participation rate in a statewide assessment. The policy was written to eliminate the situation where groups of students weren't being assessed at all. He clarified that the participation rate is for each district and every disaggregated group. If the participation rate isn't met, there is a possibility of loss of funding.

Vice Chair Thomas clarified that his motion only applies to state law.

Motion carried, with Members Castle and Corry abstaining.

Superintendent Menlove will send a letter to district superintendents and charter school directors regarding the policy.

USOE Information Technology (IT) and Data and Statistics Practices/ Information Technology Audit

Aaron Brough, USOE Data and Statistics Coordinator, and Jerry Winkler, USOE Information Technology Director, gave a presentation regarding the work of the State Office of Education Information Technology Section and the protection of data.

MOTION was made by Member Johnson and seconded by Member Griffiths that an RFP be created to conduct an audit of the USOE IT practices.

Member Griffiths expressed the importance of an IT audit as that is the regular practice of large organizations and an audit would address concerns regarding the integrity and privacy of student data.

Motion carried unanimously.

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

MOTION was made by Member Allen and seconded by Member Corry that the Board accept the UPPAC recommendation in Case No. 13-1129 and suspend the educator's Level 2 Secondary Education and Middle 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 six months from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

The case was referred to Executive Session for discussion.

MOTION was made by Member Allen and seconded by Member Corry that the Board accept the UPPAC recommendation in Case No. 13-1132 and suspend the educator's Level 2 Elementary 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 four years from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

The case was referred to Executive Session for discussion.

MOTION was made by Member Allen and seconded by Member Corry that the Board accept the UPPAC recommendation in Case No. 13-1139 and permanently revoke the educator's Level 1 Secondary Education License.

Motion carried unanimously.

MOTION was made by Member Allen and seconded by Member Corry that the Board accept the UPPAC recommendation in Case No. 13-1155 and permanently revoke the educator's Level 2 Secondary License.

Motion carried unanimously.

Executive Session

MOTION was made by Member Griffiths and seconded by Member Roberts that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of individuals, and pending or reasonably imminent

litigation.

Upon voice vote of those members present, the Board moved into Executive Session following lunch, at 12:45 p.m.

Those present in Executive Session included Members Allen, Burningham, Buswell, Castle, Cooper, Corry, Crandall, Griffiths, Marlin Jensen, Michael Jensen, Moss, Openshaw, Roberts, Thomas, and Warner; and Martell Menlove, Brenda Hales, Lorraine Austin, Rachel Terry and David Jones.

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

Motion carried. The Board reconvened in open meeting at 2:15 p.m.

Executive Session Items

UPPAC Recommendations

Motion to accept the UPPAC recommendation in Case No. 13-1129 carried, with Member Johnson opposed; Member Griffiths absent.

Motion to accept the UPPAC recommendation in Case No. 13-1132 failed, with Members Allen, Burningham, Buswell, Jensen, Moss, Roberts and Thomas in favor, and Members Castle, Corry, Crandall, Johnson, and Openshaw opposed. Member Griffiths absent.

Utah School and Institutional Trust Funds Nominating Committee

MOTION was made by Member Moss and seconded by Member Openshaw that the Board appoint Brigham Tomco and Jennifer Johnson to the Utah School and Institutional Trust Funds Nominating Committee for four-year terms.

Motion carried.

Utah Schools for the Deaf and the Blind (USDB) Advisory Council

MOTION was made by Member Jensen and seconded by Member Openshaw that the Board appoint the following to the USDB Advisory Council:

- Blind or Visually Impaired representatives: Tony Jepson, term ending June 2015, and Sandra Riconich, term ending June 2016.
- Deaf or Hard-of-Hearing representative: Dan Mathis, term ending June 2016.
- Deafblind or Parent of Deafblind Child: Darren Zenger, term ending June 2015, and Jennifer Lloyd, term ending June 2016.
- Interest in and knowledge of the needs and education of deaf, blind or deafblind representatives: Richard Gurgel, term ending June 2015, Chris Bischek, term ending June 2016, and Melanie Hooten, term ending June 2015.
- USBE representative: Michael Jensen, no term specified.
- USDB teacher representative: Suzy Blackham, term ending June 2015.

Motion carried unanimously.

Utah Education and Telehealth Network

MOTION was made by Member Corry and seconded by Member Roberts that the Board appoint Ben Dalton to the Utah Education and Telehealth Network.

Motion carried unanimously.

State Superintendent Search

In accordance with the State Board of Education Bylaws, a State Superintendent Search Committee was organized including the following Board members: Kim Burningham, Leslie Castle, Freddie Cooper, Barbara Corry, David Crandall, Dan Griffiths, Jennifer Johnson, Jefferson Moss, Debra Roberts, and David Thomas. [Member Heather Groom added later.]

Chair Crandall will appoint a committee chair.

Superintendent's Report

Superintendent Menlove reported the following.

- Envision Utah has organized several groups to look ahead to 2050, including an education group chaired by Regent Bonnie Jean Beesley and Granite District Superintendent Martin Bates. Member Buswell expressed interest in participating

with the group.

- The next Education Interim Committee meeting will be held April 16, and the meeting will include discussions of SAGE computer adaptive testing and the Common Core.
- Superintendent Menlove and Natalie Grange have identified individuals, including legislators and Board members, for the two student accountability task forces.
- The Attorney General's office has hired Bob Hawkins to represent public education.
- The following new employees were introduced: Kathleen Britton, Devon Healey, Michelle Neal, Candice Paar, and Kim Rathke.
- Board members were encouraged to attend regional meetings of the Utah School Boards Association.
- Governor's Education Director Tami Pyfer discussed the Governor's School Report Card presented to the Board in its study session. She recognized that the Board has not taken a formal position about the Report Card, but asked that the Board allow USOE staff to continue to work with the Governor's office on this item. It was suggested that Associate Superintendent Judy Park set up a meeting for Board members to meet with Ms. Pyfer on the Report Card prior to the next Governor's Education Excellence Commission meeting.
- Dr. Menlove distributed a draft letter to districts regarding students being opted out of SAGE testing, reflecting the Board's earlier action.

Board Chair's Report

- The Board reconsidered its May 10 date for a retreat, but did not change the date.
- Vice Chair David Thomas updated the Board on a discussion several Board members had in Washington D.C. with U.S. Department of Education staff regarding the ESEA flexibility waiver. They talked about the options for checking "Box A" or "Box B" as a part of the waiver request. With Box A, the Board would attest that it has adopted common standards with other states. If Box B is checked, the Board would verify that Higher Education has approved the Board

standards as college and career ready. Vice Chair Thomas expressed his feeling that Box B compromises the Board's constitutional authority. He proposed to the Department adding a Box C. Deputy Superintendent Brenda Hales has since talked with the Department, and received feedback that if Box A is not checked, the Department would still like a statement from Higher Education regarding the standards.

Member Thomas distributed and reviewed with the Board a definition of Box C, and suggested the Board have further discussion about the waiver. Chair Crandall indicated that staff has received direction to proceed with preparation of a waiver request once the required report is received from the Department of Education.

- Chair Crandall reported that the Audit Committee has been separated from the Finance Committee. Member Johnson has been appointed as Chair of the Finance Committee, with Member Griffiths as Vice Chair. Member Thomas will remain Chair of the Audit Committee. Other committee changes include moving Member Warner to Law and Licensing and Chair Crandall to Standards and Assessment.

2014 Legislative Summary

Superintendent Menlove reviewed education legislation outlined in the *Public Education Summary - 2014 General Session of the Utah Legislature*. He thanked Deputy Superintendent Brenda Hales for her work on the book and for tracking legislation during the session.

Board Standing Committee Reports

AUDIT COMMITTEE

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

The Committee approved the release of Audit USOR 2014-02A *Limited Review of the Business Enterprise Program Rules and Regulations*.

It was noted that a corrective action plan has been put into place for the Utah State Office of Rehabilitation (USOR) to correct a funding imbalance. The USOR is also working to reduce the number of approval levels required for paying vendors in order to facilitate quicker payment.

The Committee discussed Board involvement in the governance structure of USOR, and asked USOR to prepare information as to why historically the agency has been under the State Board of Education.

FINANCE COMMITTEE

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

Model Policy Recommendation Regarding Child Nutrition Program Charges

The Committee approved revisions to the Model Policy.

MOTION from Committee that the Board approve revisions to the Child Nutrition Program Charges Model Policy, and that the policy be sent to LEAs for feedback.

Motion carried unanimously.

The Policy will come back to the Committee next month.

Quarterly Budget Review - USOE, USDB, USOR

The Committee began the quarterly review of USOE, USOR, and USDB budgets, and will continue the discussion next month.

MOTION from Committee that the Board authorize \$200,000 from FY 2014 discretionary funds for use by the Superintendent.

Motion carried unanimously.

R277-491 School Community Councils

The Committee approved amendments to R277-491, and continuation of the rule, on first reading.

MOTION from committee that the Board approve R277-491 *School Community Councils*, as amended, and continuation of the rule, on second reading.

Motion carried unanimously.

R277-477 *Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program*

Amendments to R277-477 were approved by the Board in its March meeting on second reading. The rule was on the April Consent Calendar, but was removed to allow for further discussion and possible amendment.

MOTION from Committee that the Board approve on third and final reading amendments highlighted in yellow on the updated distributed rule.

It was noted that Vice Chair Thomas was opposed in committee. He explained that he is concerned with removing “behavior, character education, and bullying prevention.”

Motion carried, with Member Thomas opposed.

The Committee approved the proposed amendments on first reading, and made the following additional changes:

- Section 2-B(5)(b) - insert “school community councils” between “the attorney general” and “the general public.”
- Sections 3-D and 3-E - strike “district or charter school” and add “The principal for each public school shall . . .”
- Section 3-I(3) - strike “behavior, character education, and bullying prevention.”
- Section 3-J - strike paragraph
- Section 3-K - To read, “Each school plan may budget and spend no more than the lesser of \$5,000 or 20 percent of the annual allocation of School LAND Trust Funds on in-school civic and character education including student leadership skills training and positive intervention . . .”
- Section 4-D - Second half of the paragraph to read: “A new charter school shall receive the greater of .4% of the total available to the charter schools as a group or the per pupil amount based on their actual October 1 enrollment.”

- Section 6-7 - strike paragraph.

MOTION from Committee that the Board approve R277-477 *Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program* on second reading.

MOTION TO AMEND was made by Member Roberts and seconded by Member Allen that Section 1-L be amended to change the requirement for a monthly report to “at least quarterly.”

Tim Donaldson, School Children’s Trust Section Director, informed that his preference would be a monthly report. Member Roberts indicated she would withdraw the motion.

Without objection, the motion to amend failed.

Motion to approve R277-477 carried unanimously.

MOTION from Committee that the Board hold a discussion on the rule writing process and standards.

Motion carried unanimously.

LAW AND LICENSING COMMITTEE

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

Utah State Office of Rehabilitation Quarterly Report

The Committee received a report from the State Office of Rehabilitation, and suggested that a future study session on USOR be held.

R280-150 Adjudicative Proceedings Under the Vocational Rehabilitation Act

The Committee approved amendments to and continuation of R280-150 on first reading.

MOTION from committee that the Board approve R280-150 *Adjudicative Proceedings Under the Vocational Rehabilitation Act*, as amended, and continuation of the rule, on second reading.

Motion carried unanimously.

New Charter School Applications for 2015-2016 School Year

The Committee approved applications for new charter schools, and noted how impressed they were with the quality of the applications.

MOTION from Committee that the Board approve the charter school applications for the following to open in the 2015-2016 school year:

- Terra Academy - 650 students in grades K-12.
- Greenwood - 530 students in grades K-6.
- Vanguard Academy - 450 students in grades 7-12.
- MyOptions - 400 students in grades K-12.

Motion carried, with Member Allen abstaining. She noted that her daughter works for Terra Academy.

Legacy Preparatory Academy Amendment

MOTION from Committee that the Board approve amendments to Legacy Academy's charter agreement to increase enrollment by 30 students in grades 7-8 in FY16, and 40 students in grade 9 in FY17, ultimately serving 1,200 students total.

Motion carried unanimously.

R277-516 Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees

The Committee directed staff to make changes to the rule and bring back to the Committee in a future meeting.

STANDARDS AND ASSESSMENT COMMITTEE

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

Utah English Learner (EL) Master Plan

The Committee approved the draft Master Plan and directed staff to implement the plan as per the timeline presented. The intention is that after receiving input, changes will be rolled out in the fall.

Utah Schools for the Deaf and the Blind (USDB) Quarterly Report

USDB Superintendent Joel Coleman presented a quarterly report to the Committee. It was noted that USDB has gone live with a website—www.usdb.org.

It was suggested the school look at diversity and inclusion on minority students.

SAGE Assessment Update

Associate Superintendent Judy Park updated the Committee on current SAGE issues. Of most concern is the recent test security breach and consequences from laws that were broken and compromised copyrights. Dr. Park will schedule a time in May for Board members to meet with Jon Cohen from AIR, the Board's contractor for computer adaptive assessment.

Some Board members indicated they have heard concerns with the amount of time the SAGE writing assessment is taking. Dr. Park responded that a maximum time has now been put on the test, and indicated the concerns will be addressed.

World Languages Core Standards Revision

The World Languages Core Standards revision was reviewed in light of new legislation, HB 342 *Powers and Duties of the State Board of Education*, including the inclusion of a parent review committee. It was clarified that the World Languages Standards do not fall under this law. The Committee directed staff to return in May for anticipated approval of the standards.

SAGE Test Item Sharing

Associate Superintendent Judy Park shared an opportunity that has come to Utah to lease its SAGE test items to the state of Florida. She indicated that an initial agreement was entered into that could result in a substantial financial gain by Utah. This could also result in similar

opportunities with other states. At the direction of Superintendent Menlove, she presented the information to the Board and requested Board guidance as to handling future opportunities.

MOTION was made by Member Thomas and seconded by Member Openshaw that staff be directed to engage in discussions with other states for licensing SAGE test items as staff determines appropriate and report back to the Board as those opportunities come forward.

Board members lauded staff for pursuing such opportunities, but expressed concerns that an agreement was signed and rates were negotiated without Board involvement, and that the confidentiality of test items might be compromised.

Superintendent Menlove responded that as he became aware of the potential magnitude of the agreement he directed that the Board be informed. He committed to better communication with the Board on these matters in the future. He indicated the financial gain could possibly go towards development of new test items. Member Thomas also reported that Board leadership was informed of the agreement prior to it being signed.

Dr. Park explained that the negotiation occurred through AIR and was based on the current going rate for items. She clarified that AIR does not own the items and has no rights to them nor can they benefit from them. Dr. Park also reported that according to the agreement, if Florida compromises an item, they must pay \$5,000 per item.

MOTION TO AMEND was made by Member Johnson and seconded by Member Openshaw that a statement be added that signing authority for such agreements will be with the State Superintendent.

Without objection, the motion was amended.

MOTION TO AMEND was made by Member Johnson and seconded by Member Moss that the Board's legal counsel be consulted for all such agreements.

Without objection, the motion was amended.

Motion, as amended, carried unanimously.

Board Member Closing Comments

MOTION was made by Member Buswell and seconded by Member Allen that election of

a second vice chair be added to the May Board meeting agenda.

Motion failed, with Members Allen, Burningham, Buswell, Corry, and Roberts in favor, and Members Castle, Crandall, Griffiths, Jensen, Johnson, Moss, Openshaw, Thomas, and Warner opposed.

Member Roberts reported that she attended the recent Utah Coalition for Educational Technology (UCET) conference, and strongly encouraged Board members to attend next year.

Member Roberts encouraged the Board to include in Board rule a model policy for inclusion of parents in the district curriculum approval process.

Adjournment

MOTION was made by Member Jensen and seconded by Member Openshaw that the meeting adjourn.

Motion carried. The meeting adjourned at 4:52 p.m.

Lorraine Austin, Board Secretary
Minutes approved June 6, 2014