

**UTAH STATE BOARD OF EDUCATION  
MEETING MINUTES**

December 3-4, 2015

**USBE STUDY SESSION - December 3, 2015**

A study session of the Utah State Board of Education was held on December 3, 2015 at the Utah State Office of Education (USOE), 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 3:50 p.m.

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

Others present included Brad Smith, State Superintendent of Public Instruction; Sydnee Dickson, USOE Deputy Superintendent; David Smith and Thalea Longhurst—Utah State Office of Education (USOE); Lorraine Austin, Board Secretary; Freddie Cooper and Jean Tokuda Irwin—Coalition of Minorities Advisory Committee; Patti Harrington, Utah School Superintendents and Utah School Boards Associations; Liz Hitch, Utah System of Higher Education; Lisa Nentl-Bloom, Tracey Watson, and Chase Clyde—Utah Education Association.

**College and Career Readiness**

Utah State Office of Education (USOE) Deputy Superintendent Sydnee Dickson introduced Elizabeth Hitch, Associate Commissioner with the Utah System of Higher Education (USHE). She also acknowledged Rob Brems, President of the Utah College of Applied Technology, also present.

Superintendent Dickson distributed the document, *College and Career Readiness Recommendations to High School Students*, which was developed cooperatively by the USOE and USHE. Superintendent Dickson and Commissioner Hitch reviewed the document, which is a revision of a document approved four years ago by both the Board of Education and Board of Regents. The document was revised to make it more clear for students and address changes to

graduation requirements. Dr. Dickson asked for input from the Board in anticipation of the Board considering approval of the document in its meeting tomorrow.

Vice Chair Johnson pointed out that the high school graduation requirements need to be updated to include the change in the computer science requirement. She asked that the Regents consider computer science as a science credit on the Regents Scholarship.

Commissioner Hitch indicated that she will take the request back to the Regents.

Member Moss asked that charter schools be included throughout.

Chair Crandall asked if there is data on the performance of postsecondary students who have earned the Regents scholarship. Commissioner Hitch responded that there is data and those students tend to complete college at much greater rates.

Chair Crandall also asked if higher education is looking at competency. Commissioner Hitch replied that competency-based assessment has been a huge topic of conversation in higher education and is a focus of hers. The complexity is difficult. Vice Chair Johnson asked if the Regents are looking at competencies other than grades. Commissioner Hitch reported that a number of institutions are working on portfolios, with Salt Lake Community College leading out.

Chair Crandall questioned how public education is doing as far as preparing students for higher education math. Commissioner Hitch responded that they have data from concurrent enrollment classes and are on the brink, through the Utah Data Alliance, of getting better K-16 data.

Commissioner Hitch reported that they are finding that math skills deteriorate fairly quickly if they haven't been used for a few years, but students are able to get those skills back. A number of institutions are working on short-term, brushup classes for students that have deferred college, before they take the Accuplacer test again. Dr. Dickson also reported that Snow College is seeing a decrease in the numbers of students needing math remediation. Students coming to them right out of high school from the early adopters of the new math core are coming to them with a greater understanding of math concepts.

Member Belnap asked how higher education is preparing teachers to teach the Core. Superintendent Dickson reported that higher education has been engaged in professional

development on the Core and is engaged in a network for transforming educator preparation. Teachers have to be prepared based on the Board standards, and monitoring that will become more and more important.

Member Belnap asked why English isn't considered as a foreign language for some of the students. Commissioner Hitch did not know, but will take the question back.

UCAT President Rob Brems was welcomed to the discussion. He distributed and reviewed a brochure outlining the programs available through the Utah College of Applied Technology (UCAT). He thanked the Board for the opportunity to meet. He introduced President Clay Christensen from Mountainland Applied Technology College, and noted that Mountainland has a strong K-16 Alliance. He asked President Christensen to inform the Board about what Mountainland is doing to prepare students for college and careers.

President Christensen reported that Mountainland ATC works closely with school districts and higher education institutions in its area. As part of a K-16 Alliance they have formed a CTEC committee (Career and Technology Education Coordinating Council) comprised of secondary Career and Technical Education (CTE) directors including charter schools, the CTE director from the ATC, and CTE directors from Utah Valley University and Brigham Young University. The goal is to not duplicate efforts.

The ATC has also worked closely with the Regents policy R473 which allows for certificates from their programs that are 900 hours or more to be articulated with the postsecondary institutions. There are 14 different program areas that when the students complete those 900 hour certificates, they can receive 30 credits toward an Associate degree in technology management. There are talks to expand that program into more specific offerings. They are very appreciative of their secondary partners and have representatives from seven school districts on their Board.

Mr. Brems noted that UCAT doesn't have a Regents scholarship, but there are opportunities for high school students that are tuition free where they leave with a marketable skill, and also go out with the equivalent of one year of regular credit in the higher education system. He hopes they can continue to serve a large number of high school students. UCAT recognizes that the increasing requirements for students can make it harder for them to attend

UCAT, so they are offering more morning STEM programs that start before school and some evening STEM programs.

Mr. Brems explained that ATCs gear the completion of their students to the attainment of a credential, or program certificate, and the credentials are dependent on the student mastering all of the competencies.

Member Hansen asked about a pilot program for which the legislature appropriated money for an ATC program for special education students. It is her understanding the program was very successful, and she expressed hope that it would be expanded into all ATCs. Mr. Brems responded that he understands Representative Becky Edwards, the sponsor of the legislation for the pilot, wants to work with them to get more funding to expand the program to other campuses.

Mr. Brems clarified that ATCs receive no funding from public education.

Member Allen thanked UCAT for saving public education millions of dollars by not duplicating services.

### **Discussion with Aaron Osmond**

Aaron Osmond, former state senator, was welcomed to the meeting. He noted that he resigned from the Senate on December 1. He expressed how much he appreciates the opportunity he had to serve and thoroughly enjoyed the experience, especially with public education.

Mr. Osmond discussed the transition of active bills he was sponsoring before he decided to leave the legislature. He acknowledged that the parental rights bill passed last session has had some unintended consequences. Because there are no repercussions for not taking a test, some students are not trying on the tests, affecting accountability. He and other legislators share concerns about this and he had a bill in place to address the issue, including an option to use SAGE scores for grading purposes. He has talked with Senator Millner and others about picking up that legislation.

S.B. 97, the bill that provided a \$75 million tax increase for property tax equalization had a formula error that did not allow the USOE to fully distribute the funds to those that

would qualify. He indicated this will be addressed during the next General Session. The purpose of the legislation was to bring all district schools up to the same level of funding to which charter schools are guaranteed. Unfortunately, that formula did not include other guaranteed funding already provided to many districts; therefore, some districts have been over-funded. The plan is to bring the legislation back to allow the amount remaining after it has been adjusted to raise all schools.

Chair Crandall expressed the Board's appreciation for their association with former Senator Osmond.

Mr. Osmond shared that he will be general manager of Certiport, which can bring credentialing into the schools, and looks forward to continuing to work with education. He recognized the enormous amount of time and effort that Board members put in, and voiced that their compensation is unacceptable. He wished the Board members all the best.

### **Adjournment**

The study session adjourned at 5:20 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 - Friday, December 4, 2015**

A regular meeting of the Utah State Board of Education was held December 4, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 8:00 a.m.

**Board Members Present:**

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

**Executive and Board Staff Present:**

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

**Others Present:**

Charlene Lui, Jean Tokuda Irwin, JoAnn Wong, Edie Park, Jeanette Misaka—Coalition of Minorities Advisory Committee; Jan Harward, Jordan School District; Heather Gardner; Jane Ferré, Legislative Coalition for People with Disabilities; Tracy Collins, NHMU; Holly Godsey, University of Utah; Ashley Russon, Merlin Weekes—Alpine School District; Stephanie Wood, SSECC; Craig Frank, ECA/UCN; Fawn B. Morgan, Lori Komlos—School Library PALS; Michel Grutter, Salt Lake City School District; Edith and Tony Mitko; Paul Ross, Sharon Case—Granite School District; Chris Godfrey, Utah School Employees Association; Carol Ruddell, Utah State Office of Rehabilitation; Elisabeth Luntz, Utah Moms for Clean Air/Climate Parents; Lisa Nentl-Bloom, Jay Blain—Utah Education Association; Gary Wright; Vincent Newmeyer; Lorie Millward; Jason Stevensen; Seth Jarvis, Clark Planetarium; Blake Wright, Thanksgiving Point; Kevin Emerson; Josh Stowers, USTA; Pieder and Rosalie Beck; Amber DeBirk, UMFCA; Carol Tolson, Argosy University; Todd Weiler, Utah Senate; Larry Shumway, Beverley Taylor Sorenson Arts Learning Program

**Opening Business**

Chair David Crandall called the meeting to order at 8:00 a.m. Member Barbara Corry

led those present in the Pledge of Allegiance.

### **Introduction of New Employees**

H.R. Director David Rodemack introduced new employees Cathy Callow-Heusser, Danielle Pedersen, Natalie Gordon, Kristine Rasmussen, and Naté Dearden.

### **Acknowledgment of Student Artwork**

Fine Arts Specialist Cathy Jensen informed the Board about the artwork in the room from Moab Charter School, Alpine School District, and Cache School District.

### **Board Member Message**

Member Stan Lockhart welcomed the Board. He gave a message about God and how he got to know him. He shared several experiences where God guided him and helped him get through things. He addressed that today the Board will be voting on the science standards, and expressed that there is a tendency to forget God is there when we go down those roads. For him, God is a part of science, too, and he voiced that we cannot take God out of existence in our school system.

### **Public Comment**

Lorie Millward, Director of Education, Thanksgiving Point - voiced her support for the updated 6-8 science standards. She has been an educator in science and is a field biologist, but above all, she's a parent and grandparent, and is concerned about the quality of education that students are getting.

Jason Stevenson, father of two - stated that he is not a scientist or educator or administrator, which is why he is here to urge the Board to pass the new science standards. Science in Utah is not different than science everywhere according to the same scientific principles. Science will keep on adapting and innovating and creating new ideas, and if Utah students are not prepared with science, the graduate school jobs will go to someone else. He has reviewed and commented on the standards several times, and expressed that the Board

and staff have done a good job of creating rigorous standards.

Lisa Nentl-Bloom, UEA - thanked the Board for the time they devote every single month and the commitments they display to students. She thanked them particularly for twice holding public hearings on rules. She stated that the ability to have colleagues comment on a rule results in a better rule. The ability for us to have respectful conversations will honor the individuals we represent.

Ken O'Brien, Science Specialist, Salt Lake City School District - thanked the Board for the work on the science standards. The standards are far more robust today than they were in the beginning. He is advocating for the Title I schools in his district. The children in those schools do not come to school at the same level of academic language as other students. These standards provide that academic language. We need to trust them; it's time to teach. He urged the Board to move the standards forward because it's the right thing to do.

Seth Jarvis, Director, Clark Planetarium - thanked the Board for the work on the science standards. He is in favor of the standards and believes they are an improvement. However, he believes the standards stop short of talking about climate change. He stated the Board cannot claim to be providing 21st century education to 12-year-olds if they ignore or shortchange them on instruction about the things that will determine their world as adults.

Elisabeth Luntz, Utah Moms for Clean Air and Climate Parents - thanked the Board for the work on bringing science standards into the 21st century, and reported those organizations she represents support passing the standards. However, the organizations are concerned that the best language and most complete knowledge is not being translated into the standards. They wonder why human-induced climate change is being removed from the 6<sup>th</sup> grade curriculum when the natural greenhouse effect is introduced to those students, and feel it is detrimental to politicize curriculum.

Barry Bickmore, Professor of Geological Sciences, Brigham Young University - represents a group of over 60 scientists and science educators who sent the Board a letter last week urging the Board to strengthen the 6<sup>th</sup> and 8<sup>th</sup> grade standards in terms of climate, because those standards don't mention the contribution of human activities. They believe there is no pedagogical reason to leave that out, because if children can understand the greenhouse

effect, they can understand how humans can enhance it. The group does consider the new draft of the standards to be much improved, and strongly urges the Board to pass the standards, even if they remain unchanged from the present draft.

Kevin Emerson, father and local charter board member - has a Masters degree in science and supports the new science standards as they are written. He would like to see the updated standards include stronger language about human contribution to our changing climate, but even without that, the standards are an improvement. He supports the inclusion of practicing science and developing critical thinking. He believes that updating the standards will help prepare students for a global economy that is increasingly competitive.

Meghan Hennessy, teacher - expressed hope that the Board will vote in favor of keeping the Electronic High School (EHS). It is important for students to have a year-round, open-entry, open-exit system where students can continue to take their regular courses and take additional courses. EHS serves students through credit recovery and early graduation, and provides options for students with unplanned pregnancy, illness, disabilities, severe social anxiety, and in rehabilitation. If EHS hadn't been available, these students wouldn't have graduated from high school.

### **General Consent Calendar**

**MOTION** was made by Member Warner and seconded by Member Moss that item B2, Utah Restaurant Association contract, be removed from the Consent Calendar in order to get clarifying information.

Member Stokes informed that the money is a direct legislative appropriation and passthrough. Member Cummins asked whether there are any timing issues that would cause problems for the program if the Board does not approve the contract. Associate Superintendent Scott Jones responded that it would potentially delay reimbursement. Vice Chair Thomas expressed concern about a delay in reimbursements and that there may be a negative perception of the Board action by legislators.

Without objection, the motion was withdrawn.

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

Board approve the Consent Calendar.

Member Lockhart asked for information about the Aspire grant. Carol Ruddell, director of the Aspire project at the Utah State Office of Rehabilitation (USOR), reported that it is a federal study, and Utah is one of six states participating across the country. The purpose of the project is to determine if youth 14 to 16 who receive SSI are able to be more successful in the future and not be dependent on benefits if they are provided with information now. It is a long-term study through 2018. Utah is the passthrough to other states.

Vice Chair Johnson asked whether the contracts exist, and if so, if the contracts have been legally reviewed. Kristine Rasmussen, Finance Director of Internal Accounting, indicated those contracts are in the process of legal review.

Associate Superintendent Jones reported that the DHRM agreement has been legally reviewed and was found sufficient. Ms. Rasmussen reported that all of the ASPIRE grant contracts have had legal review.

Member Moss voiced concern that contracts are being approved by the Board before they are completed. Associate Superintendent Jones responded that this practice will be changed, and moving forward everything will be complete before contracts come to the Board. Superintendent Brad Smith also reported that a written policy will be developed regarding contracts.

Vice Chair Johnson suggested the ASPIRE contracts could be approved, but felt the DHRM contract needs additional review by the superintendency.

**MOTION** was made by Vice Chair Johnson and seconded by Member Moss that the Contracts and Agreements section be removed from the Consent Calendar.

Motion carried unanimously.

Motion to approve the Consent Calendar, with the contracts removed, carried.

A. Minutes of Previous Meeting

Minutes of the Utah State Board of Education meetings held Nov. 5-6, 2015 were approved.

## B. Contracts/Agreements

All contracts and agreements were pulled off the Consent Calendar and were not approved as part of the Consent Calendar.

1. 2015-2016 Service Level Agreement between USBE/USOR and DHRM, \$493,290, 07/01/2015 to 06/30, 2016

To conform to statutory requirements (UCA 67-19-6.1) that allow the executive director of DHRM and Agency to sign an agreement that specifies the human resource services to be provided by DHRM, Agency facilities and equipment to be provided to DHRM, protocols to resolve discrepancies, and other issues necessary for proper functioning of the DHRM field office.

This contract was not approved.

2. Utah Restaurant Association, \$415,000, 7/01/2015 to 6/30/2018, amendment

To prepare high school juniors and seniors for a career in the restaurant and food service industry. Funding is appropriated by the legislature to aid with training, mentoring, equipment, supplies and competitions in Utah high schools. One-time funding of \$250,000 was appropriated for the Teen Master Chef television production in FY16. Additional ongoing funding allocations: FY15 - \$15,000; FY16 \$50,000; and \$50,000 each year anticipated for FY17 and FY18.

This contract was approved later in the meeting.

3. Utah State University, \$216,757, 11/23/2015 to 11/30/2018, federal  
To fund a program investigator for the Javits Gifted and Talented Students Education Grant Program (Federal Grant Award S206A150002, Program 84.206A). [See document for further explanation.]

This contract was not approved.

4. Minot State University, \$89,475, 12/01/2013 to 09/30/2018, amendment, federal

To provide the funds for the ASPIRE Cooperative Agreement.

This contract was approved later in the meeting.

5. Disability Employment and Transitions Division/Montana DPHHS, \$265,320, 12/01/2013 to 09/30/2018, amendment, federal

To provide the funds for the ASPIRE Cooperative Agreement.

This contract was approved later in the meeting.

6. South Dakota Department of Human Services, \$160,728, 12/01/2013 to 09/30/2018, amendment, federal

To provide the funds for the ASPIRE Cooperative Agreement.

This contract was approved later in the meeting.

7. Governor's Office for Children, Youth and Families (Arizona), \$1,976,371, 12/01/2013 to 09/30/2018, amendment, federal

To provide the funds for the ASPIRE Cooperative Agreement.

This contract was approved later in the meeting.

8. Colorado Dept. of Human Services–Division of Vocational Rehabilitation, \$535,758, 12/01/2013 to 09/30/2018, amendment, federal

To provide the funds for the ASPIRE Cooperative Agreement.

This contract was approved later in the meeting.

9. Pixel and Line, LLC, \$100,400, 12/15/2015 to 12/14/2020, amendment, federal

IDEA Discrepancy Calculator for consideration of potential specific learning disability.

This contract was not approved.

10. Parchment, Inc., \$500,000, 12/01/2015 to 11/30/2020, amendment

For a student electronic transcript (e-transcript) system. E-transcript provides to Utah public high schools unlimited free transcripts to Utah public and private postsecondary institutions capable of receiving transcripts via electronic means, and physical means when electronic transcript is not possible.

This contract was not approved.

C. Report of Contracts under \$100,000

A report of contracts less than \$100,000 approved by the State Superintendent or USOR Executive Director was provided for Board information.

D. Utah State Instructional Materials Commission (UIMC) Recommendations

On November 19, 2015, the Utah State Instructional Materials Commission met and approved 1,152 records of titles for recommendation to the Board. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah.

The Board adopted the recommendations of the UIMC and directed staff to award the contracts to the various publishers.

E. R277-920-3 *Implementation of the School Turnaround and Leadership Development Act - Superintendent's Designation of Low-Performing Schools and Waiver Authority*

In its November 6, 2015 meeting, the Board approved R277-920-3, as amended, on second reading. Section 3 was amended to allow the State Superintendent to issue a waiver and exclude a low-performing school from participating in the school turnaround program if the low-performing school is in the school's first three years of operation.

The Board approved R277-920-3 *Implementation of the School Turnaround and Leadership Development Act - Superintendent's Designation of Low-Performing Schools and Waiver Authority*, as amended, on third and final reading.

F. R277-726 *Statewide Online Education Program*

In its November 6, 2015 meeting, the Board approved on second reading amendment to and continuation of R277-726. The rule was amended to include changes to how the program requires LEAs and Statewide Online Education Program providers to deal with certain issues.

The Board approved R277-726 *Statewide Online Education Program*, as amended, and continuation of the rule, on third and final reading.

G. Requests for Temporary Authorizations

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

#### H. 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.

**MOTION** was made by Vice Chair Johnson and seconded by Member Stokes that the Board approve contracts B4 through B8 for the ASPIRE Cooperative Agreement.

Motion carried unanimously.

Member Stokes suggested that the process put in place for contracts include a timeline, and if the contract can't be reviewed in 3-4 months before coming to the Board, that the contract come before the Board as a discussion item.

#### **Monthly Budget Report**

Associate Superintendent Scott Jones praised the work the Internal Accounting staff is doing to get the budget under control. He reported that Kristine Rasmussen will be providing the monthly budget update and will be letting the Board know of concerns and good news.

Ms. Rasmussen reported that since she came in mid-October staff has been trying to increase the transparency and accuracy of the information reported to the Board. This month, due to time frames set by State Finance, the report doesn't include all information. Going forward, the reports coming to the Board will only be for months that have closed.

Superintendent Jones explained that the report has been greatly reduced; however, the Finance Committee drills down further in its meetings. Budgets are now reconciled monthly, and he expressed confidence that USOE is in a strong financial position to operate and complete any operations it has to do.

Vice Chair Johnson referenced a series of slides she sent to the Board in response to questions asked last month regarding funding that may or may not be available. She asserted there is budget uncertainty, and there are still questions regarding whether any section or agency has the money it needs for intended purposes. The truth won't be known until September 2017 due to the research that still needs to be done. Right now the Board is looking at section budgets and a total wrapped up budget that shows funding sources, expenses, and remaining funds. It would appear there are remaining funds. The complicating

factor, because of the things that have been done incorrectly for years, is that years haven't been closed out properly and the indirect cost pool hasn't been done properly. Without a correct beginning balance from the previous year's close, there is no idea how much is available to spend. In addition, the indirect cost pool is still being negotiated with our federal partners, and this is a significant source of funding for the office. Things are being cleaned up, but it will take time, and accounting practices and cultural change in the office need to be fixed to do so. Monthly closings are only now being initiated. The ability to make adjustments to errors that are found is dependent upon having some excess funds. If the money isn't found, the Board will end up going to the legislature, causing a politically difficult situation. Vice Chair Johnson emphasized the seriousness of the situation, but indicated she is excited by the team now in place and what is happening to address the problems.

Superintendent Jones concurred that there are still issues being worked out. He reported that the draft bill for the base budget is now being reviewed by USOE Finance staff and the Legislative Fiscal Analyst both to make sure it is an integral process. They are looking at whether the funds are available for the purposes they were intended by the legislature.

Member Wright asked if anyone audits the Board. Vice Chair Johnson responded that the Board has been audited by multiple agencies and has its own auditors and management. She feels confident changes will come and appreciates staff who are committed to the process. Member Wright expressed that he would be interested in seeing if boards in other states use outside auditors and if it would be a good option for Utah. Associate Superintendent Jones noted that the failure with audits has occurred with following up and taking care of the problems, and there is a greater awareness of the implementation needed to correct problems.

### **Utah State Office of Rehabilitation (USOR) Executive Director's Report**

USOR Executive Director Darin Brush introduced Aaron Thompson, Director of Rehabilitation Services, to the Board. Mr. Brush gave a presentation about progress on the USOR Agency Plan and distributed that information. He highlighted the following:

- Goal 1—Comprehensive Budget and Accounting Management System - there is

nearly a complete finance team in place now. The team is doing regular monthly budget reports. The new case management system is up and running well. One of the challenges is cross walking and reconciling budget data between AWARE and FINET. It is improving and USOR will continue to work on issues between the systems.

- Goal 2—Integrated Management Information System - an internal working group has been chartered to begin data collection and analysis. They have secured a commitment from the Governor's Office of Management and Budget to help them through that process. The challenge with completing a comprehensive management information system is that they need to have a good, clear vision of the programmatic side of things, and to get there, it will take some time. It is a long horizon to integrate it, and USOR doesn't currently have the staff capacity to complete it.
- Goal 3—Centralized Compliance and Quality Assurance Function - Shane Young has been hired as USOR's Compliance Officer. He has been working with Internal Audit and now has a draft compliance plan to share with the Audit Committee. An additional weakness is USOR doesn't have final regulations from the federal government for the Vocational Rehabilitation program, and they are managing without federal rules.
- Goal 4—Organizing the Agency to Support Key Activities - he has a great management team that is now complete, and they have a crystal clear sense of what it is they need to accomplish. One challenge is that when the guiding principles for the USOR budgeting process were adopted, he promised that USOR would start to wean itself off of one-time state and federal reallocation money, which increases the agency's Maintenance of Effort. As a result, that the FY 17 budget will be a smaller budget than the one USOR has right now because the agency took \$9 million federal reallocation money in FY 16, as well as the supplemental of \$6.3 million from the legislature. Because of the smaller FY 17 budget, the agency will have to achieve greater efficiencies, and they are starting that sobering conversation now.

- Workforce Innovation and Opportunity Act - there are six core programs, and a unified state plan that includes at least those six programs is required. Aaron Thompson is working with the Division of Workforce Services to get the plan in place, and the State Rehabilitation Council has been deeply involved as well. It is anticipated the draft plan will be sent out for public comment by January 26. Utah is a leader in this phase.
- Pre-employment Transition Services - the federal Workforce Innovation and Opportunity Act requires all states to spend fifteen percent of its vocational rehabilitation grant on preemployment transition direct services. Those services must be provided to students with a disability ages 14-21 receiving IDEA services, or an individual with a disability under Section 504 of the Vocational Rehabilitation Act. This basically requires USOR to serve all disabled students in that age range, which is new for them. That was required this past fiscal year. USOR has closed its books for the year and submitted its federal reports, and found that the agency did not draw down \$1 million for services to those youth. That money will still be available to the agency this second year because it is a two-year grant. In FY 16 the available funding for these services is \$5 million.

Given what has happened in the past, staff knew there would be a Maintenance of Effort penalty which will be about \$5.2 million. They are managing to that by intending to request reallocation funds of \$6 million. He expects them to get all or most of that \$6 million, and when they do, they will pay the penalty.

There is approximately \$6 million to spend on preemployment transition services to youth that need the services. Order of Selection impacts that because only the top category of significantly disabled is open, and a lot of youth are in another category. USOR will have to depend on partners, such as LEAs, to carry out much of the services, because of staff capacity.

**College and Career Readiness Recommendations to High School Students**

Deputy Superintendent Dickson distributed an update of the document, *College and Career Readiness Recommendations to High School Students*, as a result of the discussion in study session yesterday. The document will go to the Board of Regents for its support in January.

**MOTION** was made by Member Huntsman and seconded by Member Allen that the Board approve the *College and Career Readiness Recommendations to High School Students*.

Member Belnap indicated she will not be voting to support as she has not had sufficient time to vet the document.

Motion carried, with Member Belnap opposed.

**MOTION** was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board recommend to the Board of Regents that they consider adding advanced computer science as a science for the Regents Scholarship, and that the Board's representatives to the Board of Regents take this recommendation to them.

Member Castle felt a strategy for taking the recommendations to the Regents needs to be further discussed. Vice Chair Johnson felt comfortable with Members Castle and Moss determining a strategy themselves or consulting with Board leadership.

Motion carried unanimously.

**Grades 6-8 Science with Engineering Education (SEEd) Standards**

USOE Science Specialist Richard Scott informed that he represents the State Science Education Coordinating Committee of over 200 members made up of LEA science specialists throughout the state. The group also represents the best science experts in the state from universities and museums, and it is this group that brought a proposed revision of the science standards to the Board over two years ago. For the last 11 months the standards have come to the Board and staff has received amazing feedback. The standards have been taken out for public review twice to increase and strengthen the standards, and a final draft is now before the Board.

**MOTION** was made by Member Castle and seconded by Member Allen that the Board

approve the Utah Science with Engineering Education (SEEd) Standards for Grades 6-8.

Member Lockhart voiced that there needs to be a preponderance of the evidence for the theories being taught, and the introduction doesn't do a very good job of moving students from scientific facts to scientific theories.

**MOTION TO AMEND** was made by Member Lockhart and seconded by Member Wright that the following be inserted in the introduction to each grade right after the first sentence ending with "solutions to real-world problems": *A student will be able to distinguish between a scientific fact and a scientific theory, articulate evidence based on observable phenomena which both support and do not support a scientific theory; articulate that a scientific theory is a mechanism to explain an observable phenomenon; observe, inquire, question, formulate and test hypotheses; analyze data and evaluate conclusions in order to determine whether observable phenomena support a scientific theory; and understand that a scientific theory may be proved false, but is always tentative in its ability to explain observable phenomena.*

Member Castle expressed dismay that changes are being proposed to the standards now. She stated she believes in the process and respects the people who have done it. Member Cummins spoke against the amendment, because she feels it isn't necessary as it is already embedded in the standards.

Member Warner asked if the statement is in addition to the introduction already in place.

**MOTION TO AMEND THE AMENDMENT** was made by Member Lockhart that the statement be inserted after the first sentence in the introduction, and that it take the place of the sentence beginning, "The nature and process of development scientific knowledge . . ." Without a second the motion did not move forward.

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

Member Wright expressed his frustration that there were standards that were word for

word from a third party source and not created from scratch from Utah people, and he questioned whether that is still the case. He commented that some debates should happen at the local level rather than determined by the state. He also referenced the Fordham Institute report that the standards currently in place are better than the proposed standards.

Vice Chair Thomas reminded that when the first draft came out it was a carbon copy of the Next Generation Science Standards (NGSS), and he was one of those most opposed to those standards. He has read the Fordham Institute report and the concerns that had been raised were that the NGSS were very political in nature, short on science facts and short on scientific method. Since that time he has commented how pleased he was in the rewrite process. In comparing the original draft with the current draft he found that only 36 percent of the standards are now copied from NGSS; 42 percent deal with the same topic, but do it in a different, better way; and 22 percent of the standards are completely different. The problems the Fordham Institute found have been resolved in the standards that are in front of the Board and have been depoliticized.

Member Cummins spoke in favor of the motion, adding that a positive change is that engineering standards are now embedded throughout the science standards.

Member Warner reported that she was also concerned with the original draft standards because they were “national” standards. She has done her own research, and is satisfied that the organizations involved at the national level are reputable. She stated that she still has two primary concerns. The first is what the cost of implementing the standards will be, and the second is how teachers will be affected with their current endorsements.

Deputy Superintendent Dickson reported that when standards are changed teachers are not asked to recreate endorsements. There is the necessity for professional development and that is not done with the focus on building capacity within the local level. Professional development is always budgeted ahead of time.

Mr. Scott reported that it has been determined that approximately 25 percent of the questions in the SAGE assessment system will still be able to be used if the new standards are in place. Assuming that there will be three new tests necessary, there is a possible cost of \$1.5 million for new test questions. Given the time for implementation, this cost could be split

over more than one fiscal year. Associate Superintendent Rich Nye reported that the money is available in this current year. Mr. Scott reported that there is \$70,000 available in the professional development budget this year.

**MOTION TO AMEND** was made by Vice Chair Johnson and seconded by Member Warner that the phrase, “with a Board-approved implementation plan” be added to the end of the motion.

Vice Chair Johnson noted that the Board is approving a set of standards based on a plan staff developed, some of which was shared in October. It became clear to her that there is time frame associated with the roll out. These are details that are approved, but not discussed in Board meeting. She would like to see more money targeted for professional development, and doesn't want to roll out standards and have them under-supported in implementation. She also thinks the Board needs to understand the funding, and that independent adoption without the funding shouldn't be made.

Members Corry and Cummins asked if this would delay implementation until there is a Board plan, and how that plan would happen. Chair Crandall interpreted the motion that the implementation plan would have to be prepared and presented to the Board for approval. Member Castle voiced that she is not supportive of any delay. Member Stokes questioned whether the amended motion was to approve the standards and come back later for an implementation plan or not approve the standards until an implementation plan is in place.

Vice Chair Johnson responded that the presumption is if the Board approves the standards they just get funded without identifying a source. What ends up happening is that money has to be found. She wants an understanding about a plan for professional development, with 6<sup>th</sup> grade needing deeper support, and from where that money will come. With the expectation of a pilot year and professional development, the implication is that implementation will take place outside the bounds of the AIR contract. She feels it is shortsighted to not think through some of the implications of that. Member Hansen responded that she has talked with USOE staff and is confident

the funding is there.

Member Cummins concurred that an implementation plan is an important step, but expressed that there is a problem with the Board's communication to staff. Over the past several months the Board has asked for implementation bits, and did not ask staff to prepare a plan. Staff has answered all the Board's concerns, and now the Board would be asking for something new.

Member Lockhart agrees that an implementation plan is needed, but feels there is a plan in place. He suggested that if the Board is in favor of the standards it should pass them, then work with staff and LEAs to ensure a working plan is in place.

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

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

### **SFY 2017 Legislative Priorities**

The Board considered the legislative priorities list as revised in its November meeting. Associate Superintendent Jones reviewed two external requests for support: The Strategy for Change library program and the Beverley Taylor Sorenson program. Mr. Jones noted that the external request form has been available online and the last chance for external requests to be considered will be the January Board meeting.

**MOTION** was made by Member Castle and seconded by Member Hansen that the Board add as #9 on the ongoing list \$1.5 million for the Beverley Taylor Sorenson Arts Learning Program. It was clarified that this is in addition to the \$4 million ongoing the program already receives.

Motion carried; Member Johnson absent.

**MOTION** was made by Member Cummins and seconded by Member Allen that the Board add to the ongoing list \$2 million for the American Indian and Alaskan Native Education

Plan.

Motion carried; Members Johnson and Lockhart absent.

**MOTION** was forwarded from the Finance Committee by Member Huntsman that the Board add \$115,000 to the existing \$35,000 in the internal staffing priority for a full-time staff position for a rule writer/policy analyst. It was clarified that this changes the position from part-time to full-time.

Motion carried; Members Johnson and Lockhart absent.

**MOTION** was made by Member Huntsman and seconded by Vice Chair Thomas that \$150,000 for a contract attorney be added to the internal staffing ongoing priority. It was clarified that the position would be part of the Internal Accounting staff and could also be a purchasing agent.

Motion carried; Member Johnson absent.

**MOTION** was made by Member Huntsman and seconded by Vice Chair Thomas that ongoing funding for the ACT shortfall be added. Superintendent Jones suggested a placeholder of \$470,000.

**MOTION TO AMEND** was made by Vice Chair Thomas that the ACT shortfall be prioritized as #4 on the list. Without objection, that change was made.

Motion carried; Member Johnson absent.

**MOTION** was made by Member Belnap and seconded by Member Hansen that the Board increase the WPU request to two percent.

Vice Chair Thomas suggested that the voted and board leeway could be used for health insurance. He felt that if the Board increases the WPU to two percent it will reduce the Board's ability to have any say on the rest of its priorities. Member Belnap noted that in addition to health insurance, there are also cost of living and operational costs that increase every year, and the minimum needed is two percent. Member Wright expressed support for the motion, stating that the funding of the public education is inadequate.

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

**MOTION** was made by Member Stokes and seconded by Member Huntsman that the Board add a one-time, non-lapsing request for the Strategy for Change library program of \$3.6 million over three years.

Motion carried; Member Johnson absent.

Member Lockhart suggested changing the name of the Board pilot program to “strategic initiatives.” Without objection, the name was changed.

**MOTION** was made by Member Stokes and seconded by Vice Chair Thomas that the Board remove the \$1.5 million request for implementation of the science standards from the one-time list.

Motion carried; Member Johnson absent.

Dr. Larry Shumway, representative of the Beverley Taylor Sorenson Arts Learning Program (BTSALP), was invited to answer questions from Board members. He was questioned whether the program is asking for a one-time request in addition to the \$1.5 million ongoing request the Board has already approved. Dr. Shumway responded that the program currently receives \$6.5 million, of which \$4 million is ongoing and \$2.5 million is one-time. Their request is for \$5.5 million ongoing and the continuation of \$2.5 million one-time monies, for a total of \$8 million. This will allow the program to continue to maintain the momentum it has had.

**MOTION** was made by Member Stokes and seconded by Member Moss that the Board add to its one-time list \$2.5 million for BTSALP.

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

**MOTION** was made by Member Warner that the funding for teacher supplies and materials be increased by \$1million, and that \$7 million total be added to the ongoing funding list.

Member Lockhart voiced that a cost benefit analysis is needed as part of the process of identifying priorities. In order for Board members to prioritize what will give the best outcomes, they need to know the amount of money needed, the number of children that will be affected, and the rate of change to student outcomes.

Motion carried, with Members Corry and Lockhart opposed; Member Johnson absent.

**MOTION** was made by Member Warner and seconded by Member Belnap that the

teacher supplies item be prioritized as #8 on the ongoing list.

Motion carried, with Members Allen, Belnap, Crandall, Huntsman, Moss, Stokes, Warner and Wright in favor, and Members Lockhart, Stokes, and Thomas opposed. Member Johnson absent.

**MOTION** was made by Member Moss and seconded by Member Wright that staff be instructed to come back after the legislative session with a plan for a data-based approach to next year's work on legislative priorities.

Associate Superintendent Jones responded that staff has been planning on that type of process and may even begin prior to the end of the session. Member Lockhart emphasized that items need to be tied to actual outcomes, and suggested it will probably take a new financial system to do it.

Superintendent Smith also committed to that approach, but asked for assistance from the Board to engage in a more collaborative process so that staff isn't perceived as pushing their own agenda. He cautioned that the Board and staff will find that it takes extreme discipline to keep focused on student outcomes, and that some high priority things may not be able to be tied to student outcomes.

Member Belnap suggested that in the Superintendent's report to the Board each month he give some definition on the data as it comes forward. Member Cummins expressed that the Board holds some responsibility because it does not have a strategic plan in place that will direct staff regarding for what programs and initiatives the Board needs information. Superintendent Smith indicated he will draft a proposal for the Board to review.

Motion carried, with Member Johnson absent.

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

### State Charter School Statute Changes

Task Force Chair Linda Hansen reported that last month the Task Force discussed possible changes to charter school statute, and have narrowed the focus. A Policy Brief on Options for Charter School Statutory Change was distributed. She explained that Board

leadership was approached by a legislator who asked for recommendations for changes to the statute, and leadership assigned the task to the Advisory Committee Review Task Force.

**MOTION** was forwarded from the Task Force that the Board recommend the following changes to statute:

1. Amend 53A-1a-511(4)(3) that exempts charter schools from fiscal requirements in Title 53A-19 Fiscal Procedures to exempt charter schools from Sections 53A-19-103 and 105 only.
2. Amend 53A-1a-510.5 to provide more specificity pertaining to the closure of a charter school to:
  - Replace the references to “as soon as possible” to hard timelines.
  - Increase the number of entities that a closing school is required to notify when the school is going to close.
  - Change some of the responsibilities currently delegated to a closing school and reassign them to the authorizer.
  - Require the authorizer to oversee and supervise the audit, inventory, and liquidation of assets.
3. Amend 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.

Associate Superintendent Angie Stallings reviewed the brief. Vice Chair Thomas asked if the recommendations and options have been vetted with the State Charter School Board or other charter organizations. Member Hansen replied that she did discuss the first two recommendations with the State Charter School Board.

**MOTION TO AMEND** was made by Vice Chair Thomas and seconded by Member Wright that the Board seek feedback from the State Charter School Board and the charter associations before sending recommendations to the legislature.

Member Lockhart asked for a flow chart showing from where the State Charter Board derives its powers. If those powers don’t reside with the Board, he feels the Board should not be involved. There are some major issues facing charters now, such

as the financing of leases and ownership of buildings, and there are potential large liabilities if they start going under.

Member Moss asked for clarification if the Task Force has reached out to the State Charter School Board. Member Hansen responded that the Task Force did not reach out, but in the SCSB's last meeting they asked her to discuss what the Task Force was doing, and the SCSB also discussed contracts in that meeting.

Member Allen noted that a part of the problem is there is no oversight after a school is awarded its charter. As a result, if there isn't anyone really knowledgeable about schools and oversight, there is no connection with the SCSB and no one to help schools make decisions and know what they're doing right or wrong.

Motion to amend carried.

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

**MOTION** was made by Member Cummins and seconded by Member Wright that once the Task Force receives feedback, the information come back to the Board prior to taking it to the legislature.

Motion carried.

#### Changes to the Coalition of Minorities Advisory Committee (CMAC)

Task Force Chair Hansen reviewed that there is currently no statute or rule that gives direction to CMAC other than CMAC's Bylaws. She reported that the Task Force discussed changes that could be made to CMAC's current structure and directed staff to develop a document with those changes. She referenced a *Resolution Establishing the Advisory Committee on Equity of Education Services for Students (ACEESS)*. She acknowledged that there are wonderful people on CMAC that can give the Board a lot of input, but the Board hasn't given them direction. The Resolution is coming to the Board today for discussion and feedback.

Vice Chair Thomas referred to Section 3 on public meetings, and questioned whether the body would not be a public body and, therefore, subject to the Open Meetings Act. Assistant Attorney General Nicole Call responded that she will research this issue.

Superintendent Smith Brad suggested there is specific case law that indicates advisory committees are subject to the Open Meetings Act.

Member Castle reported that she presented the Resolution to CMAC. Some expressed concern over minority groups that have been designated as such being included with groups representing at risk students, and felt it would diminish the minority voice and might not be a good blending. Deputy Superintendent Dickson also reported that CMAC felt the focus needs to stay on the real issues for minority students. Member Castle further reported that CMAC asked for more discussion.

Member Cummins expressed appreciation for CMAC members participating more in Board standing committee meetings. She felt it would be even better for the Board to ask for input from CMAC in advance on particular agenda items, so that their input could help inform decisions of the Board.

Chair Crandall directed that the Task Force gather more input and bring this item back to the Board for action in its January meeting.

### **Board Leadership Elections**

Vice Chair David Thomas facilitated the Board leadership elections.

#### Board Chair Election

Vice Chair Thomas announced the candidates for Chair—David Crandall and Joel Wright. He opened the floor for additional nominees. There were no additional nominations. Both candidates addressed the Board.

Board members voted by ballot. Superintendent Smith and Board secretary Lorraine Austin counted the ballots.

Vice Chair Thomas announced that David Crandall received 13 votes and Joel Wright received 2 votes. David Crandall will remain as Chair for 2016.

#### Board Vice Chair Election

**MOTION** was made by Member Huntsman and seconded by Member Warner that the

Board elect three vice chairs.

Member Huntsman suggested that having an extra person in leadership could give an opportunity for someone that is not up for election in 2016 to participate on leadership.

Member Moss expressed concern that with too many a board within a board is created. Member Stokes felt having a smaller group in leadership is beneficial when meeting with others and believes it gives added weight with which to negotiate. Vice Chair Johnson noted that committee chairs also provide leadership, and reminded that other Board members can attend leadership meetings.

**MOTION TO AMEND** was made by Member Huntsman and seconded by Member Moss that the Board elect two vice chairs.

Motion to amend carried.

Motion carried unanimously.

Vice Chair Thomas announced that Laura Belnap, Linda Hansen, Jennifer Johnson, and David Thomas are running for vice chair. He opened the floor for nominations. There were no additional nominations. All candidates addressed the Board.

Board members voted for their top two candidates by ballot and the ballots were tallied by Superintendent Smith and Board Secretary Austin.

Vice Chair Thomas announced the results of the voting: Member Belnap - 6 votes; Member Hansen - 5 votes; Member Johnson - 7 votes; Member Thomas - 9 votes.

David Thomas will remain as First Vice Chair and Jennifer Johnson as Second Vice Chair for 2016.

### **Audit Committee Report**

The Board Audit Committee met on November 20, 2015 and heard items regarding the School Children's Trust.

### **Resolution on Public Lands**

Audit Committee Chair David Thomas reported that the Audit Committee reviewed A *Resolution Establishing the Official Position of the Utah State Board of Education Regarding*

*Federal Land Policy, including National Monuments and School Trust Lands*, and gave the Resolution a positive recommendation. School Children's Trust Section Director Tim Donaldson clarified that the resolution isn't taking a position about monuments, but is stating that school children should be held harmless financially when monuments are designated.

Senator Todd Weiler was welcomed to the meeting. He reported that Representative Brian King wasn't able to come to this meeting, but this is a bipartisan issue. He is here to advocate that any national monument should not capture and diminish school trust lands, so those trust lands should be traded out or the state should be financially compensated when a monument is designated. He indicated he would be more than happy to work with legislators to move a similar resolution forward in the next general session.

Member Allen asked whether any conversations about the resolution have been held with U.S. Representative Rob Bishop. Senator Weiler replied that there have been general conversations about Congressman Bishop's bill, but not specifically to this issue. Representative Bishop has been to the Uintah Basin and has proposed two or three monuments that would take school trust lands.

Member Wright asked if there have been any contacts with the Department of the Interior about this. Senator Weiler responded that he was unaware of any contacts.

Member Castle asked if the state hasn't always been held harmless. Mr. Donaldson responded that with the Staircase Monument the opportunity was provided for in-held trust lands to be traded out, but that hasn't happened in other states and usually doesn't happen. Member Castle suggested that the state has been made better than whole in these transactions. Senator Weiler stated that he hopes that will continue, but there is no guarantee that will happen.

**MOTION** was made by Vice Chair Thomas and seconded by Member Stokes that the Board adopt *A Resolution Establishing the Official Position of the Utah State Board of Education Regarding Federal Land Policy, including National Monuments and School Trust Lands*.

Motion carried unanimously.

Vice Chair Thomas explained that the School Children's Trust Section is funded through the interest from trust lands, not from the Education Fund. It is proposed that the Section's budget for FY 17 be increased by 18 percent.

**MOTION** was made by Vice Chair Thomas and seconded by Member Allen that the Board approve the increased School Children's Trust Section FY 2017 budget recommendation.

Motion carried unanimously.

It was reported that the Audit Committee looked at one-time costs for the School Children's Trust Section website. Member Lockhart suggested that the cost seems high for design and maintenance and suggested more bids are needed. Mr. Donaldson responded that the bid did go through an RFP and the regular contracting process.

### **Student Privacy Plan**

Aaron Brough, USOE Coordinator of Data and Statistics, referenced the recommendations and funding proposal for the Student Data Privacy Plan. He reminded the Board that by law the Board is directed to bring recommendations on a plan to the legislature.

Mr. Brough introduced Dr. Glynn Ligon, a consultant from ESP Solutions Group, the company hired to develop the plan recommendations. Dr. Ligon reported that the suggestions from the Board in its last meeting have been incorporated into the document, terms were defined, the process was made more specific, and the recommendations are more clear and precise. He gave a presentation on the recommendation. The core of the recommendations revolves around a data governance plan, with roles defined within the recommendations. The amounts for the funding recommendations were created from what other states have spent.

Member Lockhart expressed incredulity at the amount of the funding recommended. Dr. Ligon responded that the funding covers what it would take to put together everything that would be supportive of privacy and access to the information in an ideal system. He indicated the plan could be done in phases, and reported that others states are doing that.

Mr. Brough responded that the purpose of the development was to let the legislature know what would it cost for full implementation. The money is not from the existing budget, but will be a legislative ask.

Member Lockhart stated that for him to determine an optimal system he would need information on what the exposure is, what needs to be done to close the exposure, and what options are available in terms of security versus cost.

Associate Superintendent Stallings referenced H.B. 68 from the 2015 Legislative Session and reported that this plan addresses what was outlined in the legislation. The sponsor, Representative Anderegg, has been working with the team to develop the plan, and feels it needs to be much more robust than what is in place now. It includes a totally different way of categorizing data, including a new records maintenance process and disclosure of records. It is a huge change to the whole system that will take personnel. It is a legislative requirement for the Board to develop a funding proposal and that is what the consultant has done. The report will go to the Executive Appropriations Committee.

Dr. Ligon informed that this is not a recommended software system—it is a governance system that will pull together disparate policies and processes and make sure they are all coordinated so that data within the systems are protected and there aren't breaches of those policies. There are hundreds of software systems and the data needs to be protected consistently.

Member Huntsman acknowledged the amount of work done and the consultant's expertise. However, he expressed that the assurances that there will be the protection if the money is spent are missing. He would like to see more controls and more about working with LEAs. Dr. Ligon responded that the proposed advisory groups will develop the data governance plans, and that is where the controls will be put into place and the gaps in any legislation or policies and procedures will be tightened up.

Member Huntsman questioned that if those advisory groups are the ones that will set the guidelines for moving forward, how a budget could be formed. Dr. Ligon responded that it gets back to staffing at the USOE. The four positions recommended leverage best practices. The staff at USOE will gather the best practices and put those in place. There is definitely high a level of trust at this point that it will be implemented well.

Associate Superintendent Stallings pointed out that some elements Representative Anderegg wants to do have now been researched through the study. The funding proposal is

to do more. Representative Anderegg will be the one soliciting new legislation and asking for the money. The Board has been asked to assist Representative Anderegg.

**MOTION** was made by Member Stokes and seconded by Member Huntsman that the Board report back to the committee of jurisdiction what the findings of the study were and determine whether the committee is supportive of funding it going forward.

Motion carried unanimously.

## **Standing Committee Reports**

### **Law and Licensing Committee**

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

#### Approval of Previous Meeting Minutes

The Committee approved the minutes of its November 5, 2015 meeting.

#### Argosy University School Counseling Licensure Program Proposal

Argosy University is proposing to begin a school counselor licensing program. In May 2015, the Argosy University administrative licensure program was granted conditional National Council for Accreditation of Teacher Education (NCATE) accreditation for two years. The university is required to host an additional accreditation visit no later than fall 2016. The accreditation is being done under the NCATE Legacy procedures adopted by the Council for Accreditation of Teacher Preparation (CAEP). CAEP is currently planning to begin advanced program accreditation visits in 2018 under its adopted standards. As it may not be possible for the university to obtain accreditation for the new schools counselor program within the three years allowed in R277-502, the university is requesting Board approval to move forward.

**MOTION** from Committee that the Board approve the proposed Argosy University School Counselor program for Utah licensure and extend the time period for accreditation.

Motion carried, with Member Johnson opposed.

R277-505 Administrative License Areas of Concentration and Programs

The Committee discussed the background of administrative rules R277-502, 503, and 505. The committee tabled the discussion until it could engage Representative Kim Coleman in the discussions.

R277-510 Educator Licensing - Highly Qualified Assignment

The Committee approved on first reading continuation of R277-510 in accordance with the Utah Administrative Rulemaking Act five-year review requirement, and technical amendments to the rule.

**MOTION** from Committee that the Board approve continuation of and amendment to R277-510 *Educator Licensing - Highly Qualified Assignment* on second reading.

Motion carried unanimously.

Board Policy 1001 - Board Internal Policymaking Authority and Process

The Board is both required and allowed to enact rules consistent with the Utah Constitution, statute and the Utah Administrative Rulemaking Act. For some purposes, when governing internal agency actions, a Board policy may be more appropriate than a Board rule. The Committee reviewed a draft Board policy establishing the Board's internal policymaking authority and process.

The Committee approved Board Policy 1001 on first reading.

**MOTION** from Committee that the Board approve Board Policy 1001 *Board Internal Policymaking Authority and Process* on second and final reading.

Motion carried.

**MOTION** was made by Vice Chair Johnson and seconded by Member Moss that an amendment to the policy be made under section 8 to change the opening clause to "If the Board finds its policy to be in conflict . . ."

Associate Superintendent Stallings suggested that the entire section could be deleted.

Without objection, the motion was changed to remove Section 8.

Motion carried unanimously.

R277-444 Distribution of Funds to Arts and Science Organizations

The committee voted to not address this item and directed that it be brought back at a later date if further amendments are needed.

R280-204 USOR Employee Background Check Requirement

The Committee approved continuation of R280-204 on first reading in accordance with the Utah Administrative Rulemaking Act five-year review requirement, and technical amendments to the rule.

**MOTION** from Committee that the Board approve continuation of and amendment to R280-204 *USOR Employee Background Check Requirements* on second reading.

Motion carried unanimously.

Policy Discussion - R277-439 Split Enrollment for Public School Students

The committee discussed the policy options related to student enrollment in two or more public schools and directed staff to create R277-439 and bring it back to the Committee for consideration.

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

The Committee discussed the \$75 fee that a charter, online, home, or private school student is required to pay before participating in an extracurricular or co-curricular activity.

The Committee tabled the ruled and directed staff to get additional information.

**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 November 5, 2015 meeting.

Taxing Entity Committee to the Redevelopment Agency of West Valley City

The Committee reviewed a proposal from the Redevelopment Agency of West Valley City to create an Urban Renewal Project in West Valley City.

**MOTION** from Committee that the Board direct its representative to the taxing entity to vote with the local school board on the project.

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

American Indian-Alaskan Native Education State Plan

H.B. 33 *American Indian-Alaskan Native Education Amendments*, passed in the 2015 Legislative Session, provides that the Native American Legislative Liaison Committee shall submit a state plan to address the educational achievement gap of the American Indian and Alaskan Native students in the state to the Board. Within 60 days of receipt of the plan, the Board must adopt, modify, or reject the plan. The proposed plan was presented to the Committee.

**MOTION** from Committee that the Board adopt the American Indian-Alaskan Native Education State Plan as presented.

Motion carried; Member Lockhart absent.

Secondary Social Studies Standards 90-day Review

This item was tabled and will be brought back in a future meeting.

Intervention for Reading Pilot Program Local Education Agency (LEA) Selection

S.B. 117 *Intervention for Reading Pilot Program*, passed in the 2015 Legislative Session, created a pilot program to provide professional development for educators and literacy interventions to students in kindergarten through grade five who are at risk for or experiencing reading difficulties, including dyslexia.

The Committee reviewed recommendations for LEAs to participate in the pilot program.

The LEAs were chosen through a competitive grant application based on Board-identified evaluation criteria.

**MOTION** from Committee that the Board approve the five districts—Box Elder, Cache, Davis, Provo, and Tooele—that met the criteria to receive the grant funding.

Motion carried; Member Lockhart absent.

#### General Financial Literacy Standards Approval

During its October 2015 meeting, the Board reviewed proposed changes and additions to the standards for the General Financial Literacy course, and the revised standards were sent out for public comment.

The revised standards were presented to the Committee for review and approval.

**MOTION** from Committee that the Board approve the General Financial Literacy Standards and Objectives, as updated.

Motion carried; Member Lockhart absent.

**MOTION** from Committee that the Board hold a study session to discuss competency-based testing for endorsements.

**MOTION TO AMEND** was made by Member Belnap and seconded by Member Corry that the discussion be referred first to the Law and Licensing Committee.

Motion to amend carried.

Motion carried.

**MOTION** from Committee that the Board direct staff to present an implementation plan, including a budget, to the Board before standards are implemented. The plan should include costs to teachers and competency routes they can take for endorsement.

Motion carried unanimously.

#### Seal of Biliterate Proficiency

The Committee reviewed a proposal for the Board to establish for students who are proficient in English and one or more world languages, a seal of biliterate proficiency to be placed on a student's transcript. It was clarified that there would be two different seals, either

for intermediate or advanced, and any student can take the test to determine biliteracy. It was further clarified that no stickers are required as the seal will be printed on the transcript. Any costs will be covered by the World Languages section of the office.

**MOTION** from Committee that the Board approve the addition of a seal of biliterate proficiency to a student's transcript.

Member Hansen mentioned that initially the districts in her area weren't in favor of this, and questioned whether they would be in favor now. She commented that she would be more comfortable with this being done at the local level.

Deputy Superintendent Dickson responded that districts seem to be more comfortable with it and the district language personnel are supportive. Districts can determine whether they want to participate or not.

Motion carried unanimously.

#### Commercial and LEA Kindergarten Assessment

Four options for kindergarten assessment were presented to the Board in its November meeting. The Board approved considering Option 4—purchase of a commercial product—with the direction that further information be obtained.

Staff reviewed information gathered about commercial and other kindergarten assessments with the Committee.

**MOTION** from Committee that the Board thank the staff for their work and the information provided, and direct that no further action be taken and a statewide kindergarten assessment not be put in place.

Member Corry asked for further explanation. Member Stokes explained that during the discussion by the Committee it became pretty clear that the legislature hasn't taken the next step and the Board may be out in front of them on this assessment, and by staff collecting the information requested by the Board, the Board has probably done what it needs to do at this point. The Committee felt it would be more appropriate, now that the data has been gathered, to allow the legislature to go to the next step and then make the determination whether or not to have a statewide kindergarten assessment.

Member Hansen commented that both her districts and the Utah School Boards Association have requested the assessment because it would give them statewide data they need to determine the readiness of children and to provide information to preschools.

Member Cummins responded that the intent of waiting is to make sure the Board understands why kindergarten students would be assessed on a statewide level. Most LEAs already have a test of their choice in place. The Board wants to know why it is looking to implement a statewide test. It may be more appropriate to collect specific data points and define what is needed for specific optional extended-day kindergarten (OEK) programs before implementing a test.

Vice Chair Johnson noted that the Intergenerational Poverty Commission (IGP) made a strong recommendation for a kindergarten screener. Superintendent Smith added that the IGP strongly supported a screener and end-of-course assessment to determine the effectiveness of OEK or other early learning interventions. Legislators have requested this as well.

Motion carried, with Member Hansen opposed.

**MOTION** from Committee that staff be directed to work directly with bill sponsors to find the exact data points for which the sponsors are looking and then work the LEAs to confirm that those data points are included in their current kindergarten readiness assessment.

Motion carried unanimously.

#### Federal and State Mandated Assessment

Staff presented the Committee with an overview of state and federally mandated assessments and their purpose.

**MOTION** from Committee that the Board ask WestEd and TAC to do an evaluation of the assessments and bring those results to the Board for review.

It was clarified that there will be no cost for the evaluation.

Member Lockhart commented that the Board needs to know which assessments are essential, including why and when students should be tested, and if a sampling of students would provide the necessary data.

Superintendent Smith reported that two major things have or will occur within a few

months that will require the Board to look at Utah's assessment system. The first is the passage of the Every Student Succeeds Act which alters the nature of the Board's assessment obligations and will require a reexamination of the entire assessment mechanism and modality. The Board will also be required in a few months to review the assessment system in preparation for the expiration of SAGE with the 2017 administration.

Member Belnap explained that the evaluation will go into depth as to time, data, and cost, and the Board will know better how to evaluate each piece by itself.

Motion carried unanimously.

#### R277-701 Standards Review Committee

The Committee tabled this item to a future meeting.

#### R277-497 School Grading System

The Committee reviewed amendments to R277-497 to include a formula to calculate growth targets for each student to determine sufficient growth, and approved amendments to the rule on first reading.

**MOTION** from Committee that the Board approve R277-497 *School Grading System*, as amended, on second and third and final reading.

Motion carried, with Vice Chair Johnson opposed.

#### Board Strategic Plan

Deputy Superintendent Dickson and Board Communications Specialist Emilie Wheeler presented a revised Board strategic plan to the Committee. The Committee provided direction to staff to update and rework the Strategic Plan.

#### SAGE Summative, Interim and Formative Assessments

The Committee tabled this item to a future meeting.

#### **Finance Committee**

Committee Vice Chair Mark Huntsman reported on the following items from the Committee.

#### Approval of Previous Meeting Minutes

The Committee approved the minutes of its November 5, 2015 meeting.

#### Section Budget Reviews

The Committee received reports and updates on the budgets for the Policy and Communication Associate Superintendent, Assessment and Accountability Section, Internal Accounting Section, Minimum School Program, and School Finance Section.

#### Requests for Data

The following data was presented to the Committee.

Size of Districts and Associated Boards - data from the report showed large swings in the number of people represented by local school board members. Member Wright will take to the Utah School Board Association (USBA) an initiative to work with the USBA to see if there is interest in splitting and/or combining districts to create more even representation statewide.

Funding of Charter Schools Categorized by Authorizer - during the collection of data for this request, School Finance identified that the distribution of funds is not in compliance with statute and that further clarification in both statute and rule is necessary. The Committee will further address this issue in a subsequent meeting.

**MOTION** from Committee that the Board direct Board leadership to immediately begin engaging with the legislature about some of the disparities between practice and the statute, as well as the ambiguity of the statute.

Motion carried unanimously.

#### Legislative Intent Language Reports

In response to required legislative intent language reports, the Committee reviewed reports on H.B. 207 *Teacher Supply Survey*, the pupil transportation allocation formula, and

class size reduction funding impact.

**MOTION** from Committee that the Board instruct School Finance to review the data gathered from school districts for the pupil transportation allocation and make recommendations to simplify the reporting process to minimize the time and data necessary to monitor and validate school district data and facilitate the allocation of the to/from appropriation.

Motion carried; Member Castle absent.

**MOTION** from Committee that the Board take no action on the class size reduction appropriation and engage LEAs and other stakeholders in a more in-depth review of the utilization of the class size reduction funding and local resources devoted to this action by the LEAs. In addition, to add the following policy options to the report: 1) Eliminate funding for schools where it would not affect class size reduction; 2) establish a cap on the size of the class to receive the funding.

Motion carried; Member Castle absent.

#### Indirect Cost Pool External Review Status

The Committee received an update on the work of Maximus to prepare a report with recommendations regarding the Indirect Cost Pool rate. The report will come to the Board in January. It was reported that Associate Superintendent Jones will prepare a letter to the Department of Education requesting an extension to the December 31 Indirect Cost Pool deadline.

#### Use of MSP Funding for Administration

The Committee reviewed information provided. It was reported that the Public Education Appropriations Committee was not able to address this item in its November meeting.

#### Merit to Career Service Exempt Finalization

The Committee received information about the funding that would be needed to

accomplish this task.

**MOTION** from Committee that the Board reduce its FY17 legislative request for the Merit to Career Service Exempt positions from \$1 million to \$800,000.

Motion carried; Member Castle absent.

### **Charter School Funding Task Force Report**

The legislative Charter Funding Task Force has met several times over the last few months, culminating in a final meeting on November 23, 2015. Legislative Fiscal Analyst Ben Leishman, staff to the Task Force, was welcomed to the meeting to report on the work of the Task Force.

Mr. Leishman informed that the Task Force was charged in H.B. 444 last year to study several items of interest to the Legislature. The primary assignment was to review the charter school funding provisions under 53a-1a-513, which include the charter school local replacement program, the weighting structure for determining charter school weighted pupil units, local school district contribution to the costs of the local replacement program, and the method for determining charter school enrollment for funding purposes. The Task Force was also tasked to look at the content of the property tax notice, limits on charter school enrollment capacity, and funding for administrative costs.

The Task Force reviewed all charter funding items, and a Task Force website was established with the information reviewed by the Task Force. The group focused on certain areas of discussion: 1) The charter school local replacement; 2) the higher of prior year plus growth or prior year enrollment; and 3) the property tax notice.

The Task Force agreed that all WPUs for public schools should be based on the prior year plus growth model. This is in current statute so the Task Force agreed that the model should be implemented and additional delays should not occur. They did want to look at mitigation strategies to reduce the impact on charter schools.

The Task Force reviewed the local charter school replacement formula, paying attention to the equity of funding per student between school districts and charter schools. There are several statutory exclusions in the replacement of local revenues that are excluded from the

calculation, and the Task Force reviewed each of those. They also reviewed whether the state should continue to contribute to the cost of that formula or require school districts to increase their contribution. The current weighting structure for WPU's does not produce as many WPU's for charter schools as if all charter school students were valued at 1.0. There was discussion among the Task Force as to whether to change that, but they eventually decided to keep the weighting mechanism as it is.

The Task Force discussed ways of improving the transparency to property taxpayers by including the amount school districts contribute to the local replacement in the property tax notice.

At the last meeting of the Task Force, the group discussed two bills: Charter School Funding Notice, which would require the property tax notice, and School Funding Amendments for formula changes. Neither bill received enough votes from Task Force members to receive a Task Force recommendation.

Chair Crandall thanked Mr. Leishman for his report and his service on the Task Force.

### **Superintendent's Report**

Superintendent Smith reported on the following.

- UPPAC investigator Rachel Terry has taken a position with the Attorney General's Office. Matthew Bratz has been hired in her place.
- There have been questions regarding Utah's Equitable Access to Excellent Educators Plan, and the Superintendent indicated he will send a summary to the Board. He did note that using the definition that the U.S. Department of Education has developed regarding equity gaps with excellent educators, a statistically significant level using this definition was not found in Utah. It was found that there are some disparities between the experience level of both teachers in district schools versus charter schools, particularly in certain geographic areas of the state. Also, there are some disparities in less qualified teachers in charter schools, less qualified teachers in rural areas, and that within districts there remains a wide variability at the level of experienced teachers.

- In a previous meeting the Board approved five turnaround experts to assist in the school turnaround process. The 29 schools have selected their experts and staff is in the process of writing the contracts and budgeting for the costs of those experts. There is enough to fully fund the experts, and there will be enough ongoing funding to provide some additional financial support to those schools to augment their turnaround process. The additional funding will be awarded on an application basis.
- Superintendent Smith gave more detailed information about the proposed legislation on the American Indian-Alaskan Native Education Act. One of the difficulties in schools where American Indians have a large presence is the tremendous amount of staff turnover per year. A pilot and grant-driven program is needed to augment salary in those schools to encourage educators to stay in the schools longer. Half of the American Indian population in Utah is not in the heavily concentrated schools, and LEAs are doing exciting things with respects to that population.
- The 2015 high school graduation cohort rate will be released next Monday. There is almost uniformly good news, with graduation rates climbing from 83 percent to 84 percent. Among disadvantaged populations there is strong growth. Also, there are several schools that have made stunning gains, including Hillcrest High, Kearns High, and Hunter High Schools. Those gains are evidence of a closing achievement gap.

### **Board Chair's Report**

Chair David Crandall reported on the following.

- A Board legislative meeting on March 3 will be added to the Board meeting schedule.
- Vice Chair Thomas updated the Board on the work on the AIR contract. A novation to the contract has been prepared. Vice Chair Thomas outlined the following areas for direction from the Board:
  - 1) The breaches under the former contract have been resolved in the new contract, and if it is accepted, the Board won't be able to come back with any claims. Another option would be to have an amendment to the current contract, which means the

Board would retain all the remedies for any potential breaches. However, a novation gives the Board a better bargaining position to resolve claims in the novation itself. He asked if a novation is still the direction in which the Board wants to go.

2) Vice Chair Thomas asked if the Board wants to continue with the SAGE formative assessment. There is mainly one district that is using the formative assessment. In addition, grade equivalency has not been provided.

3) AIR was to deliver 3600 test items for Braille, but has not provide that many questions, and the Braille SAGE test doesn't work well. Vice Chair Thomas asked whether the Board should take a credit for them not providing all the questions.

4) Vice Chair Thomas asked whether the writing assessment should be scaled from grades 3-11 to grades 5-8.

He proposed eliminating the formative assessment, taking \$500,000 and adding a grade equivalency growth model, eliminating outstanding Braille test items, upgrading student privacy areas, remove the liability cap, limiting writing assessment to grades 5-8 grade, and taking a credit for those items. The credit could be over \$1 million, and would be for the last two years of the contract.

Member Lockhart suggested to start at the maximum, and so for those things that didn't work at all, request a credit for the full five years. To whatever extent value was received, the Board we should pay for it.

**MOTION** was made by Member Belnap that this item be tabled for further discussion in Executive Session under pending litigation.

Without objection, the discussion was referred to Executive Session.

It was reported that the negotiating team on the novation is Chair Crandall, Vice Chair Thomas, and Associate Superintendent Rich Nye. Member Moss suggested that Member Lockhart should also be involved.

### **Utah Restaurant Association Contract**

**MOTION** was made by Vice Chair Thomas and seconded by Member Allen that the Board approve contract B-2, removed from the Consent Calendar, for the Utah Restaurant

Association.

Motion carried, with Vice Chair Johnson opposed.

### **Board Member Comments**

Vice Chair Johnson wished a Merry Christmas to all educators and thanked them for the their work. She thanked Connie Love as a teacher that deeply influenced her life.

### **Executive Session**

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

Upon voice vote of Board members present, the Board moved into Executive Session at 4:42 p.m.

Those present in Executive Session were Board members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Lockhart, Moss, Stokes, Thomas, Warner, and Wright; and Brad Smith, Sydnee Dickson, Lorraine Austin, Emilie Wheeler, Ben Rasmussen, Nicole Ferguson, Nicole Call, and Chris Lacombe.

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

Motion carried. The Board reconvened in open meeting at 6:18 p.m.

### **Executive Session Items**

#### Licensing Actions

**MOTION** was made by Member Warner and seconded by Vice Chair Johnson that the Board rescind its prior action in Case No. 15-1284 and accept the remand order.

Motion carried. Members Allen, Castle, Lockhart, Stokes and Wright absent. The case will be remanded to UPPAC for a hearing.

**MOTION** was made by Member Warner and seconded by Vice Chair Johnson that the

Board accept the UPPAC recommendation in Case No. 15-1256 and issue a letter of reprimand to the educator, which will be in place for no less than two years.

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

**MOTION** was made by Member Warner and seconded by Member Cummins that the Board approve the UPPAC recommendation in Case No. 15-1264 and issue a letter of reprimand to the educator, which will be in place for no less than two years.

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

The case will come back next month for further consideration.

**MOTION** was made by Member Warner and seconded by Member Moss that the Board request more information on Case No. 15-1242.

Motion carried. Members Allen, Castle, Lockhart, Stokes and Wright absent.

#### UPPAC Consent Calendar

**MOTION** was made by Vice Chair Johnson and seconded by Member Huntsman that the Board approve the UPPAC Consent Calendar, with Case No. 15-39 removed.

Without objection, Case No 15-39 was removed.

Motion carried. Members Allen, Castle, Lockhart, Stokes and Wright absent.

**MOTION** was made by Member Cummins and seconded by Member Corry that the Board accept the UPPAC recommendation in Case No. 15-39 and clear the criminal background review.

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

**Adjournment**

Motion was made by Member Huntsman and seconded by Member Moss that the meeting adjourn.

Motion carried. The meeting adjourned at 6:23 p.m.

Lorraine Austin, Board Secretary  
Minutes approved January 7, 2016