

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

March 5-6, 2015

BOARD STUDY SESSION, MARCH 5, 2015

A Study Session of the Utah State Board of Education was held March 5, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. At the direction of the Chair, Second Vice Chair Jennifer Johnson conducted.

Those attending included Board Members Dixie Allen, Leslie Castle, Brittney Cummins, Barbara Corry, Linda Hansen, Mark Huntsman, Jennifer Johnson, Jefferson Moss, Mark Openshaw, Teresa Theurer, Nancy Tingey and Terryl Warner. Board and State Office of Education staff attending included Sydnee Dickson, Bruce Williams, Judy Park, Lorraine Austin, Emilie Wheeler, Chris Lacombe, Nicole Call, Sarah Young, Ricky Scott, Travis Rawlings and Robert Austin. Others attending included Jay Blain, UEA; Bonilynn Henrie and Sharon Zenger, USDBEA; Joylin Lincoln; Nathan Andelin, Relational Data Corp.; and Tina Smith, UAPCS.

Vice Chair Johnson called the meeting to order at 4:03 p.m.

Standards Revision Process and Timeline

Deputy Superintendent Sydnee Dickson gave a presentation on standards setting and the standards review process.

Member Moss asked for a comparison with how other states revise standards. He also indicated it would be helpful for staff to report why standards are being adopted, how it will be done, and why it is an improvement.

Member Cummins questioned whether too much pedagogy is include in the standards and asked if there could be separation between pedagogy, teaching methods, and standards. USOE Teaching and Learning Director Diana Suddreth clarified that pedagogy and teaching methods are not included in the standards. Deputy Superintendent Dickson informed the Board there has been some confusion because what has been presented to the Board in the past were standards plus material for teacher assistance. In the future just the standards and

objectives will come to the Board.

Dr. Dickson requested input from the Board on what they would like to receive as far as standards and what should be posted to the public. She clarified that teacher resources are developed to ensure the standards are actualized in the classroom.

Member Hansen commented that it has been extremely helpful for her as a parent to have access to the standards. Vice Chair Johnson reported that she has talked to some parents that feel overwhelmed by the standards because they are highly detailed and not easy to consume.

Deputy Superintendent Dickson reviewed the Board-approved revision schedule and asked for input. It was noted that there is a matrix on the Board website with the timeline.

Member Moss asked if the standards review committee looks at the current standards or looks at proposed changes to standards, and what happens with the feedback they give.

Member Allen expressed that she has found with the 90-day public review there has been a communication gap between staff, the districts, and the public receiving notification.

Member Moss asked how feedback is received from the public and how that feedback is incorporated into the standards. He asked if the Board receives public feedback before it is incorporated into the standards. Dr. Suddreth indicated that feedback is incorporated prior to standards coming to the Board unless there is a broad or controversial concept; then Board input will be sought. She felt it would be helpful for the Board to give input along the way. Member Moss requested that the Board be engaged all through the process. Dr. Dickson indicated the Board will be engaged early on in the process to give direction.

Member Cummins suggested an addition to the process, that an item come to the Board prior to the beginning of a standards revision process to inform the Board about why revisions are needed. The Board would then give approval for the revision process to start. After approval is given, the standards review committee would meet and a report would come back to the Board with the standards review committee feedback.

Member Castle asked for more focus on diversity in the standards review committee membership.

Member Hansen suggested that before a standards review committee is convened, staff

come to the Board with a recommendation to convene the committee.

Mark Huntsman suggested that a flow chart be developed that would allow Board members to track where the specific standards being revised are in the process and pinpointing when the Board is expected to make decisions. Dr. Dickson indicated she will have staff design a specific time frame once the Board gives the green light to start the revisions process.

Member Cummins suggested adding into the timeline set by the Board a review of the standards review committee and adding interim times for the Board to check in on the process. This would allow the Board to handle public concerns in a more timely manner. Dr. Dickson will revise the timeline accordingly. It will be up to the Board to decide whether reports go to the full Board or a committee.

Vice Chair Johnson recommended that as the membership of several of the upcoming standards review committees has already been determined, those committees be invited to come to Board meeting when the standards review request initially comes to the Board.

MOTION was made by Member Castle and seconded by Member Huntsman that the meeting adjourn.

Motion carried. The meeting adjourned at 5:53 p.m.

Board Committee Meetings

The Board's Finance Committee, Law and Licensing Committee, and Standards and Assessment Committees met following the Study Session.

UTAH STATE BOARD OF EDUCATION MEETING, MARCH 6, 2015

A regular meeting of the Utah State Board of Education was held March 6, 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 Mark Huntsman
1st Vice Chair David L. Thomas	Member Marlin K. Jensen (non-voting)
2 nd Vice Chair Jennifer A. Johnson	Member Steven R. Moore (non-voting)
Member Dixie L. Allen	Member Jefferson Moss
Member Laura Belnap	Member C. Mark Openshaw
Member Leslie B. Castle	Member Spencer F. Stokes
Member Barbara W. Corry	Member Nancy Tingey (non-voting)
Member Brittney Cummins	Member Terryl Warner
Member Linda B. Hansen	Member Joel Wright

Board Members Excused:

Member Freddie Cooper (non-voting)
Member Kristin Elinkowski (non-voting)
Member Teresa L. Theurer (non-voting)

Executive and Board Staff Present:

Brad Smith, State Superintendent	Emilie Wheeler, Board Communications Specialist
Sydnee Dickson, Deputy Supt.	Debbie Davis, Board Interim Internal Auditor
Judy Park, Associate Supt.	Chris Lacombe, Assistant A.G.
Bruce Williams, Associate Supt.	Nicole Call, Assistant A.G.
Joel Coleman, USDB Superintendent	
Lorraine Austin, Board Secretary	

Others Present:

Lisa Nentl-Bloom, Utah Education Association; Michelle Rodgers; Cheryl Phipps, Utah PTA; Heather Gardner; Lydia Nuttall; Cindy Davis; Elizabeth Lim; LeAnn Wood

Opening Business

Chair David Crandall called the meeting to order at 8:00 a.m. Member Mark Openshaw led those present in the Pledge of Allegiance.

Board Member Message

Member Linda Hansen related an experience she had at a book drive at a local elementary school. When the children taking the books realized they could keep them, there was joy on their faces. She learned that there are children that live around her that have needs she didn't know about. She related the experience to the Board, noting that as the Board sits in meetings without children before them, it may be easy to forget about the students. She encouraged Board members to remember that what they do does trickle down to the children and that the Board is needed.

Introduction of New Employees

Human Resources Director Dave Rodemack introduced new USOE employees Ricky Scott and Abigail Miller.

Assistant Attorney General Nicole Call, who will be working with the Board, was also introduced.

Acknowledgment of Student Artwork

Arts Specialist Cathy Jensen acknowledged the art work hung in the Board Room from Summit Academy Charter School, Oakwood Elementary School, and HMK Elementary School.

Changes to Agenda

Updates to the agenda were noted. Additions included Appointment of a TEC Representative and an update of the University of Phoenix-Utah Accreditation. Items 2-B, 2-C and 2-D were removed from the Finance Committee. The changes were appropriately noticed as required.

Recognition/Achievement Spotlight

Former Board Member Dean Rowley was thanked for his service on the Board. Mr. Rowley was the appointed Utah School Boards Association representative and served from 2011 through 2014. He was given a piece of original children's art work. He commented that it

was a pleasure for him to serve on the Board and he appreciated the experience.

Deputy Superintendent Sydnee Dickson spotlighted the winners of the Utah LEGO League State Championship. On January 31 Team Jedi won the first place champions award. Each team built LEGO robots and developed innovation presentations. The team will compete this summer in the first world festival in St. Louis, Missouri. Team members included Tavo Estrada, Onalee Estrada, Kim, Katie and Allison Drennan, Jacob Anderson and Nicole Brooks. These young innovators and their coaches were applauded by the Board and presented with a Certificate of Excellence.

Executive Session

MOTION was made by Vice Chair Johnson and seconded by Member Huntsman that the Board move into Executive Session for the purpose of discussing the character, professional competence, and physical or mental health of individuals.

Upon voice vote of the members present, the Board moved into Executive Session at 8:16 a.m. Those present included Members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Jensen, Moore, Moss, Openshaw, Stokes, Thomas, Tingey, Warner and Wright; and Brad Smith, Sydnee Dickson, Lorraine Austin, Emilie Wheeler, Chris Lacombe and Nicole Call.

MOTION was made by Member Openshaw seconded by Member Wright that the Board come out of Executive Session.

Motion carried. The meeting reconvened in open session at 9:00 a.m.

Public Comment

Lydia Nuttall, parent - reported about a book she found about the Pledge of Allegiance where the page with the phrase "under God, indivisible" had been ripped out. She questioned what will happen to the nation if freedom from religion is supported. She expressed the desire to meet with the Governor and various organizations to promote liberty and justice for all in every aspect of life, and invited Board members to join with her.

Cindy Davis, parent - asked the Board to listen to those in true Title I schools as it

considers the Elementary and Secondary Education Act (ESEA) waiver. She suggested that if the Board uses the same strong language used in the last waiver request, the Board will not have to request \$30 million in funding from the legislature. She asked the Board to give those students every opportunity.

Dawn Davies, Utah PTA - relayed that PTA respectfully requests that the Board reapply for the ESEA waiver. Utah will maintain greater flexibility through its ability to use Title I funds at its discretion. She questioned whether Congress will reauthorize the Elementary and Secondary Education Act, and asked the Board to weigh very strongly the needs of students and move to reapply for the waiver.

Lisa Nentl-Bloom, Utah Education Association - updated the Board on the work UEA is doing with an assessment literacy task force. The goal is to develop curriculum to help their members use assessment to identify if students are achieving. This task force is almost finished with developing the curriculum and will train through spring and summer. She thanked the Board and Superintendent for the opportunity to collaborate with them during the legislative session. She also extended an offer from UEA to assist with rulemaking needed as a result of bills passed.

Jason Benson, parent - asked the Board to apply to for a waiver renewal of ESEA. As a principal of a Title I school, he sees the needs of those students who don't always have support at home. He is fighting for those students, and feels the responsibility to provide educational opportunities for them. He invited the Board to spend a day at his school with the teachers.

Michelle Rodgers - expressed that as a former educator and now parent of three children it's hard to ignore things happening at her local schools. Half the teachers have left since the adoption of the Common Core. She proposed that the things being done today that are wrong will continue if the ESEA waiver is continued, and asked the Board to vote for Utah's children by voting against any waiver.

Elizabeth Lim, advocate against sex abuse - shared that since Utah has implemented Aaron's Law a sex abuse prevention program is needed. She shared a book she has written, SCREAM. RUN. TELL. to teach children about sex abuse.

General Consent Calendar

MOTION was made by Member Openshaw and seconded by Member Corry that the Board approve the General Consent Calendar.

Motion carried unanimously.

A. Minutes of Previous Meeting

Minutes of the State Board of Education meeting held February 6, 2015 were approved.

B. Monthly Budget Report

The Board received the monthly budget report.

C. Contracts

The Board approved the following contracts:

1. Precision Exams LLC, \$393,691, 02/01/2015 to 1/31/2020

To provide assistance to USOE in the development of the General Financial Literacy Assessment Training.

This contract was mistakenly listed as a receivable on the Consent Calendar of the Board's January 8, 2015 meeting, and the Board approved it as such. It was resubmitted as a regular contract.

2. Educational Research and Training Corporation, \$595,000, 03/20/2015 to 03/19/2020, federal

To provide online Migrant Achievement and Performance System (MAPS)/State Migrant Education Program comprehensive needs assessment, State Service Delivery Plan, Migrant Education Program Evaluation, and Prospective Re-interview.

3. Utah Parent Center, \$180,000, 03/09/2015 to 03/09/2020, federal

To provide information and training to parents of children with disabilities through the Parent Training Information (PTI) Project of the Utah Parent Center.

D. Contract Report

The Board received the report, *Upcoming Contracts with Renewals*.

E. Work Incentives Planning and Assistance Program (WIPA) Grant

The Board approved the Utah State Office of Rehabilitation (USOR) applying for renewal of the federal WIPA grant, and receipt of the grant funds.

F. R277-116 Utah State Board of Education Internal Audit Procedure

In its February 6, 2015 meeting, the Board approved amendments to R277-116 on second reading. The rule was amended to bring it into consistency with the Board Bylaws and update definitions of the Audit Committee and Internal Auditor.

The Board approved R277-116 *Utah State Board of Education Internal Audit Procedure*, as amended, on third and final reading.

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

In its February 6, 2015 meeting, the Board approved amendments to R277-504 on second reading. The rule was amended to clarify the expectation of technology instruction for educator preparation programs to include instruction in the use of software for personalized learning. Amendments also updated language regarding working with students with disabilities to include positive behavior supports and Multi-Tiered Systems of Support (MTSS).

The Board approved R277-504 *Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure*, as amended, on third and final reading.

H. R280-200 Rehabilitation

In its February 6, 2015 meeting, the Board approved amendments to R280-200 on second reading. A new section was added to give clarity to the authority required for the State Office of Rehabilitation to make application for new federal grants or reallocation funding.

The Board approved R280-200 *Rehabilitation*, as amended, on third and final reading.

I. Requests for Temporary Authorizations

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

J. List of Educator Licenses Processed

The Board received the summary of the total number of educator licenses and license areas processed in February 2015.

Elementary and Secondary Education Act (ESEA) Flexibility Renewal

Superintendent Brad Smith reported that staff has prepared a request to renew the ESEA waiver with the understanding that it will not be submitted unless the Board approves. The due date for submitting the request is March 30, 2015. He reminded them that the Board sought \$30 million from the legislature to backfill any potential loss of funding flexibility that would be caused by the lack of a waiver, but it does not appear that any appropriation for that \$30 million request has been made.

Superintendent Smith presented three potential courses of action:

1. The Board could instruct the Superintendent to do nothing. The effect would be that no waiver renewal of ESEA would be sought and, therefore, the provisions of currently existing law, in particular No Child Left Behind (NCLB), would be implemented. It's unclear what that implementation would look like because under NCLB every school would be deemed a failing school. As there would be no non-failing schools it is unclear how the transportation requirement would be met.

2. The Board could direct him to finalize the application for a full waiver to be exempted from NCLB provisions for the next three years. The assertion of a waiver is subject to conditions posed by U.S. Department of Education. However, if a waiver were granted under the same terms and conditions accepted for the waiver last year, there would be a strong assertion of state sovereignty with the provision that the Board retain the complete right to alter assessments, evaluations, education standards, or any other aspect of the Utah education system without the opportunity of the federal government to cut off funding or take

other punitive action.

3. The Board could request a partial or mini-waiver. The Board could request that specific obligations under NCLB be waived such as the obligation to implement evaluation or a particular assessment system under the statute be waived. The Board could also request a full waiver for less than three years.

Member Belnap asked for clarification about Utah's obligation to the federal government whether it seeks the waiver or not. It was clarified that Utah will be under federal obligation in either circumstance because of the federal dollars received. The Board has a choice of the set of federal regulations by which it will be governed. Superintendent Smith reported that the amount of federal money Utah receives will not change if a waiver isn't granted. If Utah is granted a waiver, local education agencies (LEAs) will retain local flexibility to spend Title I funds, as appropriate under the law, as they see fit. However, if Utah is not under a waiver and a school is designated a failing school under NCLB, then NCLB dictates how the school must spend some of its Title I money. This would include paying the transportation costs from a failing school to a non-failing school, and providing remedial or after-school programs. NCLB dictates a number of remedial measures for schools that are deemed failing under the law.

Member Moss reiterated that there would not be a loss of funds without a waiver. Superintendent Smith confirmed that and noted that the purpose of requesting the \$30 million from the legislature was to make sure there would be no loss of flexibly available funds. Member Moss asked if there would be an enforceable mechanism for the use of those funds that are required to be set aside for failing schools under NCLB. Superintendent Smith indicated that the measures that are most the clear are remedial measures such as after-school programs. Transportation to non-failing schools is not clear.

Member Moss noted that North Dakota has received mini-waivers for its rural schools and suggested that Utah could pursue mini-waivers for specific areas. Member Castle expressed that she is not supportive of moving away from a relationship with the federal government. She suggested that prior to making a decision the Board talk with local superintendents and local school board members to address their needs.

Vice Chair Johnson asked if there is a different deadline than March 30 for mini-waivers. Superintendent Smith was not aware of different time frame. He noted that North Dakota sought mini-waivers b outside of the deadline.

Member Warner questioned who, under NCLB, would make the decision regarding school support teams and how are the teams funded. Superintendent Smith responded that the local education agency (LEA) would hire school support teams using Title I funds received by the LEA. Every school in Year 1 School Improvement would have to hire a school support team.

Member Stokes asked for clarification if the waiver has anything to do with the Common Core. Superintendent Smith responded that the conditions the U.S. Department of Education purport to impose when a waiver is sought is for a state to adopt more rigorous education standards. No specific standards are listed. The waiver Utah received last year reserves the right for Utah to unilaterally change its standards as it chooses. Also, NCLB explicitly forbids the federal government from requiring states to adopt particular curricular standards. Member Stokes commented that if Utah doesn't ask for a waiver it would still need standards.

Vice Chair Thomas informed that last year he crafted the language for the waiver to ensure that the Board has authority for certifying that its standards are college and career ready without asking for approval from Higher Education.

Member Stokes asked what Utah would be getting out of by not requesting the identical waiver as the one now in place. There was some suggestion that Utah might not have to comply with requirements for an assessment system or teacher evaluation system under NCLB. Deputy Superintendent Dickson clarified that with the waiver all that it required now regarding educator evaluation is that we report what system is in place and outline how we're determining student growth. Utah's educator evaluation system is a result of legislation (SB 64, 2012 Legislative Session) and Board rule (R277-531). Nothing in the federal law dictates performance pay. She also reported that if Utah was to go back to NCLB without the waiver, 28 schools would be planning for restructuring in school year 2015-16.

Associate Superintendent Judy Park reported that the assessment system required

under NCLB and state law was not affected by the flexibility waiver. The piece that was changed with the waiver was the accountability system. NCLB has a required system to which states must adhere; the waiver allows states to develop their own accountability systems.

Chair Crandall asked whether under the waiver Utah could change the teacher evaluation system and assessment system without approval from the federal government. Dr. Park responded that NCLB requires certain assessments and the waiver doesn't change that requirement. The requirement is for assessment in grades 3-8 and once in high school for language arts, math and science.

Member Coleman commented that it seems everything education has been doing for the last eight or nine years has been under the instigation of the federal government. He thinks we have squandered those years without reaching consensus on a direction.

Superintendent Smith expressed that he shares many of the deep-seated concerns about federal overreach. However, as a superintendent he knows that strong assessment systems, strong evaluation systems and standards-based education constitute a set of reforms that he believes are essential to producing students that are ready to compete and flourish in the modern world.

Member Cummins asked if Utah goes back under NCLB whether the school improvement status for schools would be retroactive, and if so, what the cost would be for the restructuring process. Associate Superintendent Park confirmed that placing schools in school improvement would be retroactive. ESEA and Special Programs Director Ann White informed that one school has gone through that process and it was costly, but she didn't have the dollar amounts. It was clarified that the cost of restructuring has not been figured into the cost of not renewing the waiver.

Member Cummins asked if, under NCLB, specific schools would lose funding because of the requirement to spread funds among more schools. Superintendent Smith responded that some schools could experience a diminution and redirection of funds.

Assistant Attorney General Chris Lacombe discussed his legal analysis regarding the legality of seeking a waiver. In Utah Code 53A-1-903 it suggests the Board is obligated to seek a waiver; however, in 53A-1-904, the statute states it is only necessary to seek a waiver if the

federal government is violating NCLB Section 9527. The Section states the federal government can't mandate standards and curriculum, among other things. There is a plausible argument that if the Board believes the federal government, through NCLB and the waiver, is violating states rights to make standards, they need to seek a waiver from the law. He felt a more persuasive interpretation is from 53A-1-903 that indicates a waiver from federal regulation must be sought, but doesn't designate whether a full or partial waiver is required.

Vice Chair Johnson referenced a document the Board received last month from Utah Attorney General Reyes which states: "There may be federal entanglements with ESEA waiver conditions that require Utah to adopt and implement college and career ready standards. Since 2012 the U.S. Department of Education has issued Utah an ESEA waiver from No Child Left Behind requirements. In August 2014 Utah requested a one-year waiver extension which is currently being reviewed by the U.S. Department of Education. Under this waiver Utah must comply with the four waiver principles. One of those four principles is 'college and career ready expectations for all students.' This principle requires Utah 'adopt college and career ready standards in at least reading, language arts, and mathematics, transitioning to and implementing such standards statewide for all students in schools.' These ESEA waiver principles and conditions are not part of No Child Left Behind's express statutory terms. As a result a plausible argument exists that ESEA waiver conditions are U.S. Department of Education requirements and are not authorized by Congress in No Child Left Behind. In addition, Utah has been arguably coerced into complying with these ESEA waiver principles." She brought this to the Board's attention as it considers federal entanglements.

Vice Chair Johnson questioned why the state of Washington lost its waiver and if it was over an educator evaluation issue. Dr. Dickson couldn't address it in detail but responded that she understands one of the sticking points was student growth. Regarding student growth the waiver uses the term "significant" in regards to student growth, and there is no clear understanding of the term. Utah did not set a specific growth percentage because there is no research that shows student growth is attributable to the success of a teacher in a significant way. Some other states that did not use a percentage were not successful in obtaining a waiver. In her conversation with the federal government they felt that what is outlined in Utah

Code and Board rule is significant enough that they allowed Utah to work towards a floor of forty percent. However, in subsequent conversations with the Department of Education, and in a meeting with the Governor and Department representatives, it was made very clear that Utah would control the student growth piece.

Chair Crandall and Member Moss asked if Utah would lose its waiver if growth isn't included in its accountability system. Dr. Dickson clarified that Utah would lose the waiver if it doesn't have an evaluation system. Components of the system have been changed with affecting the waiver. Dr. Dickson could not definitively confirm what the Department of Education will do if additional changes are made to Utah's system, but stated that it is the one principal for which staff has had a great deal of dialogue with the Department, and there was more concern with the time line than the components.

Member Moss expressed concern that staff does not know if Utah will lose its waiver if specific changes are made. Superintendent Smith reiterated that under the existing waiver Utah has reserved its right to make changes to the evaluation system, and the Department unequivocally and unambiguously granted the waiver under those conditions. He interpreted that acceptance to mean Utah can make changes to the system without loss of the waiver. If a further renewal of the waiver is sought on the same basis, he would stand by the same answer. Under implementing regulations it seems clear to him that in order to maintain a waiver under the regulations Utah would have to have an evaluation system that has to have student growth as part of the evaluation system. However, it appears that in granting Utah's waiver, a waiver of this foundational level has also been granted.

Member Moss further questioned if the waiver would only remain in place until Utah such time as Utah made a change on growth in its evaluation system. Superintendent Smith responded that given that the Department accepted the language without qualification he doesn't believe they could enforce that in court. Dr. Dickson added that there was inconsistency in how waivers were approved or disapproved, and there is not a set standard.

Member Stokes noted that in Attorney General Reyes' document on federal entanglements referenced earlier, it also states that "federal entanglements are debatable as to standards. No entanglement exists with respect to curriculum."

MOTION was made by Member Stokes and seconded by Vice Chair Thomas that the Board authorize the State Superintendent to apply for a one-year Elementary and Secondary Education Act (ESEA) flexibility waiver renewal, under the same conditions as the last waiver, unless the legislature provides adequate funding to replace funding flexibility lost by not seeking the ESEA waiver.

Member Stokes clarified that the intent is for the Board not to seek a waiver if the funding is approved.

Member Cummins asked if there is an alternate plan if the waiver is not granted. Superintendent Smith responded that if a waiver request is not granted and another option were offered, he would come to the Board for approval prior to accepting anything outside the terms of the motion.

Vice Chair Johnson pointed out that there is currently a lawsuit pending with respect to the waivers. She expressed interest in understanding how this would play out and questioned what the fallout would be if the quid pro quo nature of the waivers is invalidated. Superintendent Smith responded that the existing lawsuit is the matter of *Jindahl v. USA*, seeking to declare that the entire waiver process is unconstitutional. The legal rationale has been captured in an upcoming *Vanderbilt Law Review* article entitled, "Federalizing Education by Waiver." The underlying argument is that the entire waiver process is unconstitutional because it seeks to impose by giving a waiver, provisions that Congress has never enacted and under terms and conditions that Congress has never provided the Secretary of Education the authorization to do. If that were correct the entire waiver process is unconstitutional, and therefore, the government would have given states something for which they had no authorization; therefore, the waiver would have no effect and all states would be back under NCLB as if no waiver had been extended. One of the things that struck him as he read the article was that there is strong lack of judicial precedent.

Member Hansen expressed support for the waiver whether the \$30 million is appropriated or not. She is not in favor of the way schools are defined under NCLB and the schools that are really in need of improvement will not be identified. Under the waiver, the correct schools are identified and get the help they need.

Member Castle asked if Utah goes back under NCLB, who is generally favored by the shift in funding. Superintendent Smith replied that funding for some schools will be reduced because there is the potential spreading of the funding over a greater number of recipients. If the legislature appropriates \$30 million and Utah doesn't seek the waiver, the \$30 million will represent new money into the system. Although under NCLB some Title I money would be redirected, schools would also receive flexible money from the \$30 million.

Member Corry questioned why a three-year waiver wouldn't be sought. Member Stokes replied that a one-year waiver provides the Board with flexibility.

Member Belnap asked the Board to wait to vote on the motion until all Board member questions were answered.

MOTION was made by Vice Chair Johnson and seconded by Member Moss that the Board take a short break.

Motion carried. The Board took a five-minute break and reconvened at 10:50 a.m.

Member Belnap asked whether contingencies could be sought from No Child Left Behind if the Board does not seek a waiver. Superintendent Smith indicated it could be possible, but stated it seems the Board's negotiating power would be at its lowest point if the Board has not sought a waiver.

Member Warner questioned if it could cost schools more money than they will receive to implement corrective action. Superintendent Smith indicated it would depend on their plan.

Member Huntsman reported that every one of the ten districts he represents are in favor of the Board seeking the waiver, and indicated it would really hurt them if it is not granted. He expressed support for the waiver.

MOTION TO AMEND was made by Member Cummins and seconded by Member Warner that the Board apply for a one-year ESEA waiver, under the same conditions as the last waiver, without the condition of money from the legislature.

Member Stokes spoke against the motion to amend. He felt that by adding the piece about the legislative appropriation it allows the Board to involve the legislative body, and the appropriation would give the Board more flexibility in working with failing schools. Member Openshaw supported the idea of bringing new money into the system. Vice Chair Johnson also

spoke against the amendment.

Member Cummins expressed a concern that with the legislative appropriation, the money would only be infused into the system for one year.

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

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

Member Stokes suggested that a letter be sent to the Executive Appropriations Committee outlining the action of the Board and again requesting the funding.

Risk Mitigation Plan Update

Associate Superintendent Bruce Williams gave an overview of the USOE Risk Mitigation Plan and presented a time line and status of work on the plan. Vice Chair Johnson distributed graphs showing the number of FTEs at the USOE and the number of local education agencies they serve.

Superintendent Williams reported that there are rent savings due to bonds on the building being paid off, and he suggested that the savings could be refocused to assist with risk mitigation. There is intent language being considered by the Public Education Appropriations Subcommittee to allow the use of that money for risk mitigation. The Board also approved the hiring of two additional auditors using one-time money. If more funding is appropriated the hope is to cover those costs using ongoing money.

Vice Chair Johnson emphasized the importance of the Board understanding the risks and time line of the risk mitigation, and ensuring that there is adequate response by the Board and Office.

Superintendent Williams noted that the first thing identified in the risk report is roles, responsibilities and communications, and it was noted that Superintendent Smith is working to give management a clear direction.

Chair Crandall handed the gavel to Vice Chair Johnson and left the meeting. Vice Chair Thomas, Members Openshaw and Stokes, and Superintendent Smith also left the meeting for the purpose of participating in legislative meetings.

Member Warner asked where the discretionary funds approved for risk mitigation are listed in the USOE budget. Superintendent Williams responded that those funds are under the Administration area, but are not broken out. He indicated he could provide a report showing the breakdown of those funds.

Vice Chair Johnson asked Internal Auditor Debbie Davis for a description of risk assessment. Ms. Davis informed that risk assessment is a tool that management and internal auditors use. A risk assessment looks at an organization and identifies areas where there may be problems and opportunities that aren't being taken. Once a risk assessment is done management performs risk mitigation and the auditors determine where audits are needed. Risk assessments should be done on an annual basis. Mr. Williams reported that he and the internal auditors are working closely together to ensure they're moving forward on addressing the issues and hope to create an environment where risks are minimized.

Vice Chair Johnson asked what the responsibility of the Board is regarding the risks identified. Ms. Davis responded that the Board is charged with governance and is responsible for the use of funds. Ultimately assessing and monitoring risk is a management function which is delegated by the Board.

Vice Chair Johnson noted that the Board needs to reflect on what it has done to address concerns with respect to role clarity.

Member Moore expressed appreciation for the update on the plan. He noted that two things—a compensation plan and UCA monitoring system—have been accomplished since the plan came out last October. The rest of the work seems to be pending legislative appropriation, and he asked if there is an alternate plan for completing the work without the appropriation. He also questioned whether things could be done now without waiting on the resources.

Superintendent Williams responded that Superintendent Smith is taking the risk assessment very seriously, but many items are based on funding and would be very difficult to

implement with additional funding. Deputy Superintendent Dickson also reported on Superintendent Smith's intention to conduct a zero-based budgeting and reprioritization process. More dialogue on that process will begin after the legislative session.

Mr. Williams also reported that the plan will be considered as the budgeting process for next fiscal year is conducted. It appears right now that there will be funding to address most of the problems. Some will be done through reallocation and some through additional funding.

Member Belnap asked how USOR is notifying the public of services they are no longer able to provide. Superintendent Williams reported that the biggest issue is with Vocational Rehabilitation services. Those clients already in the pipeline will still have services. It appears, based on information he has received, that there will be a legislative appropriation of \$6.3 million for Vocational Rehabilitation, which would allow for continued services through the end of the fiscal year. This will be a temporary fix. The Board will have to consider whether USOR should accept federal reallocation funding.

Member Belnap reported that she has gotten calls from USOR clients indicating that their counselors are cancelling appointments and telling them not to come in. Stacy Cummins, USOR, explained that this shouldn't be happening. The USOR is on Order of Selection, but there are still pending services.

Vice Chair Johnson asked Board members to contact Board leadership with additional questions about USOR.

Member Moss left the meeting.

Utah Professional Practices Advisory Commission Cases

MOTION was made by Member Allen and seconded by Member Corry that the Board accept the UPPAC recommendation in Case No. 12-1105 and suspend the educator's Level 1 Secondary Education License for no less than three (3) years from the date of Board action pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.

Motion carried; Members Crandall, Moss, Openshaw, Stokes and Thomas absent.

MOTION was made by Member Allen and seconded by Member Corry that the Board accept the recommendation in UPPAC Case No. 13–1178 and suspend the educator’s Level 2 Secondary and Career and Technical Education License for eighteen (18) months from August 1, 2014 pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.

Without objection, the case was referred to Executive Session for discussion.

Executive Session

MOTION was made by Member Allen and seconded by Member Huntsman that the Board move into Executive Session for the purpose of discussing the character, professional competence, and physical or mental health of individuals. Upon voice vote of those Members present, the Board moved into Executive Session at 12:03 p.m.

Those present in Executive Session included Members Allen, Belnap, Castle, Corry, Cummins, Hansen, Huntsman, Jensen, Johnson, Moore, Tingey, Warner and Wright; and Sydnee Dickson, Lorraine Austin, Chris Lacombe, Nicole Call, Ben Rasmussen, Rachel Terry, and Nicole Ferguson.

Member Wright left the meeting.

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

Motion carried. The Board reconvened in open meeting at 1:27 p.m.

Executive Session Items

UPPAC Cases

Motion to accept the UPPAC recommendation in Case No. 13-1178 failed, with Members Allen, Corry and Huntsman in favor, and Members Belnap, Castle, Cummins, Hansen, Johnson, and Warner opposed; Members Crandall, Moss, Openshaw, Stokes, Thomas and Wright absent.

Appointments

MOTION was made by Member Hansen and seconded by Member Allen that the Board appoint Melissa Schindler to the State Rehabilitation Council and the Statewide Independent Living Council as the VR 121 representative.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

Committee Reports

STANDARDS AND ASSESSMENT COMMITTEE

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

R277-700-6 *The Elementary and Secondary School Core Curriculum - High School Requirements*

Rule R277-700-6 was amended to reflect changes the Board made in Utah high school graduation requirements, recognizing the General Financial Literacy course as an independent course separate from any core area, and adding a half unit of credit to the Social Studies graduation requirement. The Committee approved amendments to R277-700-6 on first reading.

MOTION from Committee that the Board approve R277-700-6 *The Elementary and Secondary School Core Curriculum - High School Requirements* on second reading.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

Social Studies Performance Standards Update

The Committee received a report regarding the revision process of the Secondary Social Studies Standards. Committee Chair Belnap thanked staff for their work on the standards.

The Committee asked for a one-page monthly summary from the USOE Teaching and Learning Section regarding standards revision.

Standards Review Committee Recommendations for Elementary Mathematics

The Committee received a report from the Standards Review Committee with recommendations for changes to the Elementary Mathematics Standards. A draft of the

Standards will be presented in the May Board meeting.

The Committee gave direction to staff for additional changes to the Standards.

Standards Review Committee Recommendations for Secondary Mathematics

The Committee received a report from the Standards Review Committee with recommendations for changes to the Secondary Mathematics Standards. A draft of the Standards will be presented in the May Board meeting.

The Committee asked for a revised draft with particular focus on revising and aligning the Precalculus and Secondary I Honors, II Honors, and III Honors standards; revising and aligning the Statistics and Probability Standards across secondary courses; considering moving some of the standards in Secondary II to other courses; and revising ambiguous standards.

Utah Multi-Tiered System of Supports (UMTSS)

Two years ago the USOE received a five-year State Personnel Grant from the U.S. Department of Education to provide leadership and support for local education agencies in sustained implementation of evidence-based practices. Members of the UMTSS team provided the Committee with information about the grant and reviewed the progress of implementation.

FINANCE COMMITTEE

Committee Member Mark Huntsman reported on the following items from the Committee.

USOR Quarterly Budget Review

The committee received a budget report from the Utah State Office of Rehabilitation. The Committee requested that the USOR budget review be provided on a monthly basis.

R277-114 Corrective Action and Withdrawal or Reduction of Program Funds

The Committee reviewed R277-114 consistent with the Utah Administrative Rulemaking

Act five-year review requirement.

The Committee approved on first reading continuation of R277-114 with an additional amendment to the rule as follows: Line 130 was changed to read, "The State Superintendent may withhold, reduce or terminate . . ."

MOTION from Committee that the Board approve continuation of R277-114 *Corrective Action and Withdrawal or Reduction of Program Funds*, and amendments to the rule, on second reading.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

FY 2015 USBE/USOE Budget Amendment

The Committee reviewed information about the USOE budget.

MOTION from Committee that the Board authorize hiring new internal auditors using the high end of the salary schedule analysis provided by the Board Internal Audit Director.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

MOTION from Committee that the Board authorize hiring a Financial Manager II in Internal Accounting using the rent savings in the Indirect Cost Pool.

Member Belnap asked if this is a new position, and Associate Superintendent Williams indicated that it is.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

It was reported that a demonstration/training will be provided to the Board in its April meeting regarding the BASE accounting system.

Finance Committee Requests for Data

The following requests for data were received by the Committee:

- An inventory of the services that the USOE provides to schools that aren't required by statute.
- A recommendation of software that may need to be purchased.
- A report on how much CDA and RDA money has been approved over the last ten to twenty years and the different types of projects that are being approved.

- A report of the transportation percent paid to school districts and who determines the transportation rate.
- Regular budget workshops.
- Finalization of pupil accounting data.

Taxing Entity Committee Alternate Representative Appointment

MOTION from Committee that the Board appoint Daniel Ellis as the Board's alternate Taxing Entity Committee representative.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

LAW AND LICENSING COMMITTEE

Committee Member Terryl Warner reported on the following items from the Committee.

Addition or Change to Board Rule for Utah Schools for the Deaf and the Blind (USDB)

Calculation of the Weighted Average Salary Adjustment (WASA) for USDB Educators

(contracted) in Accordance with Utah Code 53A-25b-402

Utah Schools for the Deaf and the Blind Superintendent Joel Coleman spoke to the Committee regarding a proposal to add the USDB calculation of the weighted average salary adjustment (WASA) for USDB contracted educators to Board rule. The Board submits an annual proposal to the legislature; however, there is a two-year difference in the request, the availability of relevant data in mid-to-late-November, and the application of the wage adjustments. The formula for WASA is set forth in statute and the proposed rule would define the process.

A question was raised as to whether putting the calculation in rule would set a precedent for the need for additional rules regarding other financial computations. Assistant Attorney General Chris Lacombe was asked to provide research information to the Board on this issue, and to work with Superintendent Coleman to draft a rule for consideration at a future meeting.

R277-475 Patriotic, Civic and Character Education

The Board reviewed R277-475 *Patriotic, Civic and Character Education* consistent with the Utah Administrative Rulemaking Act five-year review requirements, and reviewed suggested amendments from staff.

The Committee made additional amendments outlined on a distributed sheet. The Committee approved R277-475 for continuation and amendment on first reading,

MOTION from Committee that the Board approve continuation of R277-475 *Patriotic, Civic and Character Education*, and amendments to the rule, on second reading.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

R277-517-5 Board and UPPAC Disciplinary Definitions and Actions—Board Disciplinary Actions

The Committee reviewed proposed amendments to R277-517-5 to provide updated language for Board action against an educator for failure to respond to a complaint resulting in a default action, and an educator's failure to appear for a disciplinary hearing.

The Committee approved amendments to R277-517-5 on first reading.

MOTION from Committee that the Board approve R277-517-5 *Board and UPPAC Disciplinary Definitions and Actions—Board Disciplinary Action*, as amended, on second reading.

Member Corry asked if there was representation from the Utah Education Association at the Committee meeting. Member Warner responded that UEA was there and voiced some concerns about revocation. It was explained to them that there have been issues where the Board does not have the option to revoke the license of an educator who doesn't respond to the Utah Professional Practices Advisory Commission, but can only suspend the license for five years. This rule change provides greater flexibility to the Board.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

R277-516-3 Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees—Licensed Public Education Employee Personal Reporting of Arrests

The Committee reviewed proposed amendments to R277-516-3 to expand the requirements for licensed educator self-reporting from not only reports of arrest, but also

citations and charges; and broadening of a list of specified offenses to report to make the offenses consistent with the educator ethics standards in R477-515.

The Committee approved the proposed amendments to R277-516-3, and additional amendments outlined on a distributed sheet, on first reading.

MOTION from Committee that the Board approve R277-516–3 *Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees—Licensed Public Education Employee Personal Reporting of Arrests*, as amended, on second reading.

Member Corry asked if the Utah Education Association was present in the Committee and was informed they were.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

R277-474 School Instruction and Human Sexuality

The Committee reviewed R277-474 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments suggested by staff. The Committee made additional amendments outlined on a distributed sheet.

The Committee approved on first reading continuation of and amendment to R277-474.

MOTION from Committee the Board approve R277-474 *School Instruction and Human Sexuality*, as amended, and continuation of the rule, on second reading.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

R277-459 Teacher Supplies and Materials Appropriation

The Committee reviewed R277-474 *Classroom Supplies Appropriation* consistent with the Utah Administrative Rulemaking Act five-year review requirement, and proposed amendments suggested by staff, including a change to the rule title. The Committee made an additional amendment on line 72 to change “shall” to “may.”

The Committee approved amendments to R277-474, and continuation of the rule, on first reading.

MOTION from Committee that the Board approve R277-474 *Teacher Supplies and*

Materials Appropriation, as amended, and continuation of the rule, on second reading.

Motion carried; Members Crandall, Moss, Stokes, Thomas and Wright absent.

Member Castle reminded the Board that there has been a discussion about rules being rewritten for specific style and other changes. Vice Chair Johnson reported that she has discussed the needs with Superintendent Smith, and he will work on it when the new Associate Superintendent starts.

University of Phoenix Utah Accreditation Update

In its December 5, 2014 meeting, the Board was informed that USOE placed the University of Phoenix Utah on probationary status, consistent with R277-502, due to a denial of accreditation from the Council for Accreditation of Education Preparation (CAEP).

The Committee was apprised that the University appealed the CAEP decision and the appeal was granted. Since the granting of the appeal places the University of Phoenix back in the status of being a candidate for accreditation, USOE is removing the probation. If the University of Phoenix is approved for accreditation, they will work with USOE to present their program to the Board for final approval.

R277-404 Requirements for Assessment of Student Achievement

Associate Superintendent Judy Park reported that Senator Aaron Osmond has put forth legislation that would add additional language around parents being able to excuse their children from testing. In conversation with Senator Osmond and the Board, the Senator indicated that if the Board were to put the language into a Board rule, he would pull the language from his bill.

A draft of *R277-404 Requirements for Assessment of Student Achievement* was distributed. Superintendent Park reviewed the major amendments to the rule.

1. Parents must complete a form on an annual basis to exempt their children from testing. The reason it must be done annually is because schools systems aren't set up to carry information such as the opt out from year to year.

2. A consistent form must be used for opt out. Dr. Park expressed that a consistent form

would provide clarity between parents and the school regarding for which specific assessments the opt out request is being made.

3. A requirement has been added that the school must receive the opt out form at least five days prior to the assessment. This will help ensure that parents wishes are implemented.

4) Consequences of a student opting out of a test are governed at the local level.

Member Hansen questioned whether the form would be a checklist of tests for which students could opt out. Dr. Park responded that a checklist would be challenging as there are different tests for each grade. She clarified that the rule only covers statewide assessments, and that it is a local decision how to handle opt out of other assessments.

Member Cummins pointed out that paragraphs A and C in Section 6 seem to contradict each other. Superintendent Park responded that the difference is in the consequences for students.

Member Castle stated she would support Section 6-A being removed, because she is not sure if parents are primarily responsible for their children's education—at least financially. Assistant Attorney General Chris Lacombe verified that it has been established in Utah statute that parents are primarily responsible for their children's education. He described paragraph A as preparatory language or an introduction. There is no legal requirement or obligation in paragraph A. Member Castle asked what the rights and duties of education entities are and questioned why those aren't stated in the beginning of the rule. Mr. Lacombe responded that state statute is couched in terms of parent rights.

Member Tingey commented that if a student is absent and then returns to school there are often makeup days. She asked how that should be addressed in the rule. Dr. Park suggested that the process outlined in the rule, with the parent filling out the form, would be that the way to handle that situation.

Member Cummins pointed out that if a parent keeps a child home rather than using the opt out process, there could be a significant number of absences along with the penalties associated.

Member Belnap suggested that lines 48 and 49 be changed to SAGE rather than just summative. SAGE would include both formative and summative tests. Dr. Park responded that

the term "SAGE" is used for a variety of things including a tool teachers use to develop quizzes assignments test.

Member Belnap requested that the Board approve the opt out form, and suggested it be a simple checklist. She expressed concern over the requirement to submit the form five days prior to a test as it takes away flexibility for parents.

Members Moss and Wright joined the meeting by phone.

Member Huntsman expressed concern regarding the roll out of the rule, and felt it could be perceived that assessment isn't important to the Board. He asked whether district superintendents and other educators have been involved in the process.

Dr. Park responded that teachers use assessment data for a variety of purposes and can provide teachers with valuable information. The question is how to support both parents in their rights and educators in their tasks.

Member Hansen asked how quickly the Board will need to approve the rule in response to Senator Osmond's legislation. Vice Chair Johnson recommended passing the rule on first reading or first and second reading today and bringing it back for third reading in April. Dr. Park expressed her feeling that Senator Osmond would recognize that timeline as good faith.

Member Tingey felt there should be just one form for both state and local opt out.

Member Moss questioned whether Senator Osmond is comfortable with the rule. He also asked if local education agencies have concerns about assessment using the SAGE platform, and wondered if there will be any push back from LEAs by not allowing individual schools to opt out because of the Board's platform.

Superintendent Park reported that Senator Osmond is comfortable with the language. As far as what this would mean for formative assessments, the definition in the law is for state required assessments, which are formative. If that were to be broadened to teacher-created assessments it could mean any tests teachers give on a daily basis, and would be very problematic for schools and districts. It is within schools' and districts' purview to not participate in SAGE interim tests that are not required.

Without objection the discussion was tabled to allow for discussion of the Board retreat.

Board Retreat

Dates were considered for a two-day strategic planning retreat for the Board in April. It was determined that the Board Secretary will send out a poll on dates.

Member Allen left the meeting.

R277-404 Discussion continued

Member Castle asked why, when students are opting out of a test, instruction must be provided for them during the time other students are taking the assessment, since other students are not receiving instruction then. She opined that parents that sign forms opting their children out of tests acknowledge that they understand what is being lost by opting out of the test.

MOTION was made by Member Belnap and seconded by Member Warner that the Board approve R277-404 *Requirements for Assessments of Student Achievement*, as amended, on first reading, and that the rule come back to the Standards and Assessment Committee in the Board's April meeting for further review and amendment.

Member Cummins asked that it be clarified that the rule only applies to state administered summative tests. Vice Chair Johnson reported that the rule was intentionally written with regard to state administered tests and was specifically drafted to allow for local policy to govern local assessments.

Member Wright left the meeting.

Member Corry commented that the DIBELS assessment is required by state law, and questioned whether parents opting out of DIBELS would be in violation of the law. Assistant A.G. Lacombe responded that it depends what is being considered. There is also a statute that gives parents the right to opt out of tests that are administered statewide. Language in line 220 of the rule was written to deal with some ambiguity as to what is a statewide test, and defines it as an "assessment mandated by the Board or state statute."

Member Hansen commented that by not including formative tests it gives control back to local education agencies.

Vice Chair Johnson indicated she will make a personal invitation to Senator Osmond to

speak to the Standards and Assessment Committee in April, should the motion pass.

Member Warner asked for verification that Senator Osmond is comfortable with the language limiting the opt out to only a portion of SAGE tests. Dr. Park replied that he is comfortable with the portion in the rule regarding state mandated assessments. She is not sure if he has seen the language in Section 6-A regarding parent responsibility. Member Warner mentioned that the Senator's bill covers interim, formative, and summative tests and commented they are all connected to SAGE. She wondered if he would be comfortable with those not being included in the rule.

Member Huntsman asked when the rule would be implemented, and Dr. Park indicated probably fall 2015.

Member Moss verified that the rule can still be changed in the next meeting after talking with Senator Osmond.

Motion carried; Members Allen, Crandall, Openshaw, Stokes, Thomas and Wright absent.

Legislative Items

Associate Superintendent Bruce Williams distributed information and gave an update of the Board's legislative funding requests.

He reported that the \$6.3 million for USOR was approved. Vice Chair Johnson suggested it would be important for the Governor to sign that bill as soon as possible so USOR services could be restored for this fiscal year.

Vice Chair Johnson acknowledged the work of staff during the session.

Dr. Dickson expressed thanks to members of the legislature who have reached out to the Board and USOE. She has had many personal opportunities to speak to them at length and they have been very engaging and good to work with.

Audit Committee Report

Vice Chair Johnson handed the gavel to Member Terryl Warner in to report on the Audit Committee meeting held March 19, 2015.

The Committee discussed role clarity, expectations and procedures and several other

items including a report from School Children's Trust Section Director Tim Donaldson about potential land exchanges. She reiterated that any member of the Board can attend the Audit Committee, but it is preferred that advance notice is given. Board members may also receive materials received by the Audit Committee.

Vice Chair Johnson reported that following the Audit Committee meeting the Board received working papers with respect to audits that are pending the response of management.

Vice Chair Johnson took back the gavel.

Update on Educator Effectiveness

This item was postponed until next month.

Superintendent's Report

No report was given.

Board Chair's Report

Vice Chair Johnson reported on some things being discussed by the Board Executive Committee.

Chair Crandall has requested a legislative post-mortem at the next regular meeting.

It was reported that several Board members will be attending the National Association of State Boards of Education (NASBE) Legislative Conference March 22-23. They will also be visiting Utah's Congressional Delegation.

It was reported that NASBE will hold training for new Board members in the summer.

Board Member Closing Comments

Member Hansen questioned whether the Board will be meeting on March 19 as scheduled. Vice Chair Johnson indicated Board that members should make themselves available. The meeting will be held at the call of the Chair.

Adjournment

MOTION to adjourn was made by Member Castle and seconded by Member Corry.

Motion carried. The meeting adjourned at 3:36 p.m.

Lorraine Austin, Board Secretary

Minutes approved April 10, 2015