

UTAH STATE BOARD OF EDUCATION
MEETING MINUTES

March 17-18, 2016

UTAH STATE BOARD OF EDUCATION STUDY SESSION - Thursday, March 17, 2016

A study session of the Utah State Board of Education was held Thursday, March 17, 2016 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 4:20 p.m.

Those attending included: Board Chair David Crandall, Board 1st Vice Chair David Thomas, Board 2nd Vice Chair Jennifer Johnson, and Board Members Dixie Allen, Laura Belnap, Leslie Castle, Barbara Corry, Brittney Cummins, Linda Hansen, Mark Huntsman, Stan Lockhart, Jefferson Moss, Terry Warner, and Joel Wright. Others attending included Sydnee Dickson, Scott Jones, Angie Stallings, Rich Nye—Utah State Office of Education (USOE); Emilie Wheeler, Lorraine Austin—Board staff.

Data Security

Brent Page, USOE Information Technology Director, and Dave Hughes, manager of the network and operations team, distributed information about the Information Technology Section at the Utah State Office of Education. They made a presentation to the Board on data security risks and what is being done to alleviate those risks.

Adjournment

The Study Session ended at 4:54 p.m.

The Board reconvened as the governing board for the Utah Schools for the Deaf and the Blind. Minutes of that meeting are under separate cover. Following the USDB Board meeting, the Board Finance, Law and Licensing, and Standards and Assessment standing committees met.

UTAH STATE BOARD OF EDUCATION MEETING - Friday, March 18, 2016

A regular meeting of the Utah State Board of Education was held March 18, 2016 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted.

Board Members Present:

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

Executive and Board Staff Present:

Sydnee Dickson, Interim Superintendent	Lorraine Austin, Board Secretary
Rich Nye, Acting Deputy Supt.	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	
Darin Brush, USOR Executive Director	

Others Present:

Jay Blain, Utah Education Association; Mike Spencer, April Spencer–Juab School District; Lisa Hales, Josh Graham, Mark Veeder–ESA; Jennifer Gibbs–Utah Education Network; Jan Ferré–Legislative Coalition for People with Disabilities; Karen Peterson, Governor’s office; Victoria Ashby, Allyson Goldstein, Tiffany Stanley–Office of Legislative Research and General Counsel; Bruce Northcott, Daggett School District; Maura Olsen; Dan Tippetts

Opening Business

Chair Crandall called the meeting to order at 8:06 a.m. Member Joel Wright led those present in the Pledge of Allegiance.

Board Member Message

Member Terryl Warner gave a presentation, “Stories to Inspire,” and shared some of the amazing things that are taking place in Utah schools. She expressed the hope that the actions of teachers, administrators, and students will inspire the Board. She issued a challenge

to the students in Utah, specifically K-6 students that will be in school September 2016, to read one million pages in the month of September. She also issued a challenge to Lt. Governor Cox to support the challenge and let the students in the state to decide what he should do if they meet the one million page goal. Member Warner indicated she will report back to the Board in October.

Introduction of New Employees

H.R. Director David Rodemack introduced new employees Anna Worthington, Patsy Milligan, Parker Tyler, and Brady Carlson.

Acknowledgment of Student Artwork

Cathy Jensen, USOE Fine Arts Specialist, informed the Board about the art work hanging in the board room by students at Timpanogos Intermediate, Neola Elementary School, and Heber Valley Elementary. She noted that the project by Heber Valley Elementary in Wasatch School District was featured in *School Arts Magazine*.

Recognitions

Presidential Awards for Excellence in Mathematics and Science Education

Richard Scott, USOE Science Specialist, and Joleigh Honey, USOE Secondary Mathematics Specialist, introduced finalists and recent awardees of the Presidential Award for Excellence in Mathematics and Science Education, the highest honor for teachers of math and science.

Ms. Honey recognized the most recent awardee in mathematics—Nathan Auck, Salt Lake City School District. She also recognized finalists present—Mike Spencer, Juab School District, and Vicky Lyons, Alpine School District; and Karen Feld, Alpine District (not present).

Mr. Scott noted that no science teachers could be present. He recognized the most recent awardee in science, Andrew Neilson, Logan School District; and finalists—Matthew Smith, Salt Lake City School District; Maggie Huddleston, Weber School District; Carolyn Robertson, Weber School District; and Tom Ericson, Alpine School District.

The Board applauded the educators. Member Lockhart reported that a couple of years ago he sat on the evaluation committee for these teachers, and praised the way they engage students in wonderful ways. He expressed his appreciation for them.

Utah American Graduate Award

Jennifer Gibbs, Utah Education Network, was welcomed to the meeting. She informed the Board that Christelle Estrada, USOE Secondary Language Arts Specialist, has been nominated to be an American Graduate Champion. Utah Education Network is a hub station for the national American Graduate initiative that is dedicating public media resources to amplifying conversations around College and Career Readiness throughout the nation. UEN is celebrating Utah American Graduate Champions who, in formal or informal capacities, are making the lives of Utah learners better, helping them reach education milestones and become college and career ready.

She presented Ms. Estrada with a Certificate of Appreciation and thanked her for her work.

Public Comment

Sarah Jones, Utah Education Association - commented that with the passage of the Every Student Succeeds Act (ESSA), there are tremendous opportunities for Utah to determine the academic standards, education policy, and school accountability that work best for Utah educators and schools. She indicated that UEA stands ready to work with the Board and staff to ensure the best outcomes.

Andrew Riggle, Public Policy Advocate, Disability Law Center - spoke about the proposed emergency rule on the agenda today concerning students with disabilities who are adults, but may not have the capacity to offer informed consent to participate in the Individualized Education Program (IEP), and for whom guardianship proceedings may not have been undertaken or completed. The purpose of the IEP process is to protect the rights of the student and make sure they are prepared for further education, employment, and independent living.

To the rule specifically, the Disability Law Center has concerns about what authority a team of non-legal educators would have to determine whether someone has the capacity to provide informed consent. It raises potentially serious concerns about students' due process rights under the IEP process. The Center also believes the definition in the rule is inconsistent with the Individuals with Disabilities Education Act (IDEA), and the concept of sufficient information to participate in the process is not included in IDEA. The IEP process is participatory and all that IDEA requires to participate, as far as consent, is that the student consents to participate in the process and abide by its outcomes. It doesn't require that the student have the ability to consent to decisions made in that process. Also, it is a team based process and no member of the team has more authority than any other member of the team. This also means that neither parents nor students have more authority than the professional team members. If the Board decides to go forward with this emergency rule there are ways the IEP can be done before the student turns 18. The current IEP can be carried forward and revisited after guardianship takes place. Mr. Riggle requested that if the Board does decide it must put a process in place, the Board consider doing it via policy rather than rule, because policy is much more flexible and adaptable.

Lisa Hales, Governing Board Chair, Eagle Summit Academy - stated that Eagle Summit has submitted a charter application that has gone through rigorous review, and that would meet the needs of at risk youth. The school will serve students that are at risk for not graduating, and will have the unique ability to meet the needs of those students. She noted that Jordan School District has not opposed this charter. She also reported that a non-profit organization is giving them an incredible opportunity for a lease with great facilities. If the Board doesn't approve the application, this opportunity will probably be lost.

Joshua Graham, former student of West Ridge Academy - informed the Board that there are troubling things going on in that organization, and all of the board members for Eagle Summit Academy are employed by West Ridge Academy. They have a vested interest in making this go forward. They have a rich history of lawsuits, police reports, and investigations. In many ways they've misrepresented themselves in the application. This is an abusive program and people are hurt there. He urged the Board not to vote on the application.

General Consent Calendar

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

Motion carried unanimously.

Consent Calendar

A. Minutes of Previous Meeting

Minutes of the Utah State Board of Education meetings held February 4-5, 2016 were approved.

B. Contracts and Agreements

The Board approved the following contracts and agreements.

1. MOU between DWS, USOR and USOE for a Common Client Information Exchange and System Access Agreement

The purpose of this memorandum of understanding between the Department of Workforce Services, Utah State Office of Rehabilitation, and Utah State Office of Education is for an information sharing agreement governing access to and disclosure of information for evaluating and reporting education and workforce information for common clients.

2. MOU and Contract between the Utah State Office of Education (USOE) and the Utah Education Policy Center (UEPC)

Utah Code 53A-1-102.5 requires the Board to prepare a report that summarizes, for the last fifteen years or more, the policies and programs established by, and the performance history of the state's public education system. The memorandum of understanding and contract outline the agreement with the UEPC to prepare this report.

3. Utah State Office of Education and Hope Street Group/National Network of State Teachers of the Year Partnership

This agreement will establish a partnership between the Hope Street Group/National Network of State Teachers of the Year and the Utah State Office of Education to support and enhance USOE's educator policy decisions.

4. BYU Research Subaward Agreement Amendment

Amendment to Prime Agreement #H98210-1102-0001 between the Institute of International Education, Inc. and Brigham Young University for the Flagship Language Acquisition Network. The Utah State Office of Education is the subrecipient institution.

5. Pixel and Line, LLC, \$100,400, 2/1/2016 to 1/31/2021

To provide an IDEA Discrepancy Calculator.

6. University of Utah Biomedical Research Information, \$131,648, 3/1/2014 to 2/28/2017, amendment

To provide funds for the ASPIRE Electronic Information System.

Contract Addendum

University of Wisconsin's Madison Center for Education Research (WCER), \$2,258,340, 6/30/2016 to 6/30/2018

To provide ACCESS for all ELLs and continue Utah's membership in the WIDA Consortium of multi-state educational agencies.

C. Requests for Temporary Authorizations

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

D. R277-478 Block Grant Funding

In its February 5, 2016 meeting, the Board approved the repeal of R77-478 on second reading, as the rule is no longer necessary.

The Board approved the repeal of R277-478 *Block Grant Funding* on third and final reading.

E. R277-482 Charter School Timelines and Approval Processes

In its February 5, 2016 meeting, the Board approved amendment to and continuation of R277-482 on second reading. The rule was amended to provide timelines for reporting an approved charter school expansion or satellite school, to comply with changes in statute, to remove redundant language, add necessary definitions, clarify standards and expectations, and provide technical changes. No

substantive changes have been made since that time.

The Board approved R277-482 *Charter School Timelines and Approval Processes*, as amended, and continuation of the rule, on third and final reading.

F. R277-505 Education Leadership License Areas of Concentration and Programs

In its February 5, 2016 meeting, the Board approved amendment to and continuation of R277-505 on second reading. The rule was amended to require teacher preparation programs to be aligned with the Utah Education Leadership Standards; establish internship or experience minimum requirements; and define specific areas of focus for all administrative licensure programs. No substantive changes have been made since that time.

The Board approved R277-505 *Education Leadership License Areas of Concentration and Programs*, as amended, and continuation of the rule, on third and final reading.

G. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in February 2016 was provided for Board information.

Monthly Budget Report

Deputy Superintendent Scott Jones reviewed the monthly budget report, noting that the agency is well within its budget to date. He addressed availability of funds to attend conferences at the Board level, and indicated funding is available. He also explained that the clearing account is a temporary account used to book travel. When the costs are billed they are then charged to the appropriate unit.

He pointed out a new report which addresses changes to the budget. He expressed confidence that the budget and reporting is sound, while the tools may not be the best.

Superintendent Jones reported that an RFP for the new accounting system has been prepared. It will be reviewed by the Information Technology (IT) staff to ensure that the vendors making proposals can work within our system. A timeline is in place for a development year for the new system in SFY17 and going live in SFY18. His intention is to create a task force to be involved with the new system, including board members, district business administrators, and charter business managers. He is confident that a system can be created that will resolve or address the budget issues there have been for a number of years

and interface with the state finance system. The intent is not to replace the state finance system.

Superintendent Jones also reported that a grants management module will be added to the state FINET system and staff is working with State Finance on the new tool.

Vice Chair Johnson expressed appreciation for the work of all the staff involved in making the necessary changes to the budget and accounting process.

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

USOR Executive Director Darin Brush reported on the USOR transition to the Division of Workforce Services (DWS), Vocational Rehabilitation Program Audit, and the Workforce Innovation and Opportunity Act (WIOA) Plan. He was joined by Aaron Thompson, Director of Vocational Rehabilitation, and Marty Kelly, USOE Director of Adult Education.

Executive Director Brush discussed the transition of USOR to the DWS as a result of H.B. 325 *Office of Rehabilitation Services Amendments*, passed in the 2016 Legislative Session. The legislation outlines that USOR will be moved to DWS as a whole, including the name, without change. He reviewed his two guiding principles for the transition: 1) Ensure the continuity of services to the clients; and 2) minimize the impact on staff. The effective date is October 1, and transition planning has already begun. He meets weekly with DWS Director Jon Pierpont. Mr. Brush also reported that USOR is working with the federal Rehabilitation Services Administration on the federal review of the transition.

Director Brush reported on upcoming audits of Vocational Rehabilitation (VR) Programs. There are common themes in the audits of proper documentation, Pell grants, and comparable benefits, and corrections are already under way.

Ms. Marty Kelly reported that there is a strong partnership between USOE, USOR and DWS concerning adult education. The three agencies have a strong commitment to sharing data, which is a requirement of federal law. The agencies are in the process of doing a combined memorandum of understanding for stronger sharing of data to ensure outcomes for clients. The MOU will be put into practice July 1.

Mr. Aaron Thompson reported on the Workforce Innovation and Opportunity Act

(WIOA) Plan, and informed that seven public meetings have been held throughout the state. The feedback from the hearing has been incorporated into the plan.

Executive Director Brush reported that with Deputy Superintendent Scott Jones' help, USOR has built capacity and has good financial reports and tools in place that can show the agency's obligations and expenditures against its budget. There is still much work to be done and backlog that needs to be entered and reviewed, and that troubles him. There is a new case expenditure rate model in place. Mr. Brush reported that this week the agency was able to let the last of the 1500 clients they had promised in the significantly disabled category off the waiting list.

Mr. Brush reported that fourteen FTE will be cut in order to be in line with the FY17 budget. USOR has a \$5.3 million penalty in its VR program. It continues to be staff's informed prediction that they will be able to draw down from the feds money other states have left on the table to pay that penalty. If that is not the case, a contingency plan is in place.

Vice Chair Johnson asked that the final WIOA Plan be sent to the Board as soon as it is available. She also questioned who the signatories will be. Mr. Thompson responded that the signatories are DWS Director Jon Pierpont, USOR Executive Director Darin Brush, and Interim State Superintendent of Public Instruction, Sydnee Dickson.

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board authorize Darin Brush and Sydnee Dickson to sign the plan.

Motion carried; Members Lockhart and Moss absent.

Member Hansen expressed her appreciation for Director Brush and his staff.

Superintendent Search Process

Chair Crandall reviewed the Board Bylaws which provide for the formation of a superintendent selection committee and the superintendent search process. He announced that he has asked Member Mark Huntsman to chair the committee. Board members interested in participating should contact Member Huntsman or the Board secretary. Chair Crandall also noted that the Bylaws provide for input from the full Board in terms of direction to the selection committee.

Member Wright expressed that the Board should aggressively solicit candidates nationally to get the best talent from around the country. He also suggested that people of all backgrounds should be considered.

Member Castle commented that she has been a part of several searches with varying outcomes, and hoped for a robust discussion on how to find the best superintendent possible.

Chair Crandall noted that the only requirement in the Bylaws as far as timing is that the search be at least 30 days.

Member Allen reported that districts may be concerned that if the search is done too early there will be people who may not apply because they are still involved in the school year. She believes it would be beneficial to postpone the end of the search until school ends. Member Huntsman indicated his intention that the committee will get a timeline in place quickly.

MOTION was made by Vice Chair Johnson and seconded by Member Warner that a Superintendent Selection Committee be formed, with Member Huntsman as the chair.

Motion carried; Member Stokes absent.

Review of Legislative Session

Interim State Superintendent Sydnee Dickson reported that in the past staff have prepared a book of education bills. This year, a digital book is in the process of being prepared.

Deputy Superintendent Jones Scott suggested that the key takeaway from the session is \$252 million additional funding for public education. He reviewed the funding appropriated for public education. An internal bill tracking summary was distributed, and Superintendent Jones noted that amounts will be tied to each item.

Vice Chair Thomas asked whether the contract attorney the Board requested was part of the risk mitigation money appropriated. Superintendent Jones will check. Vice Chair Thomas reported that he has responded to the Attorney General's office that the Board wants a third assistant attorney general to work on contracts. Vice Chair Thomas voiced that his only disappointment is that \$200 million of the education surplus went to supplant General Fund

monies going to higher education.

Vice Chair Thomas asked whether internal discussions have happened concerning the loss of \$2.1 million in the indirect cost pool as a result of the USOR move. Superintendent Jones responded that the discussions have begun in the Board Finance Committee.

Associate Superintendent Angie Stallings reviewed new programs that will take effect or were amended substantially in legislation. She reviewed legislation and its effect on local education agencies, the State Office of Education, and the State Board of Education.

Member Castle asked if progress was made this year in asking for fiscal notes for staff on bills that give the Board additional work. Superintendent Stallings responded that progress was made.

Member Castle asked how many children on their way to school are injured by cars. Superintendent Jones replied that the office doesn't have those numbers and is not sure if they are available. Member Castle suggested that if districts are busing to prevent injury, that information should be taken to the legislature.

The Board election process was reviewed. Member Wright noted for the public that there will be a primary election in June for all State Board of Education candidates. The top two will then proceed to the November ballot. In 2018 Board candidates will go through the caucus system or the signature process.

Associate Superintendent Stallings Angie voiced on behalf of the superintendency, their thanks to staff for the amount of work they did during the session.

Member Lockhart expressed appreciation for the unprecedented cooperation between the Board and legislature this year, and thanked Superintendent Dickson, her staff, and Board leadership for their work with the legislature.

Emergency Rule R277-752

Emergency rule R277-752 *Adult Students with Disabilities and Informed Consent*, was discussed yesterday in the USDB Board meeting and further discussion was postponed until the Board meeting. A revised version of the rule was distributed.

Assistant Attorney General Nicole Call reported that since the initial discussion of the rule, she has spoken with the Disability Law Center. The Center had a concern that the definition of consent in the proposed rule didn't reflect the definition of consent in the federal Individuals with Disabilities Education Act (IDEA). That definition has been changed in the revised version. A.A.G. Call reviewed other changes in the rule.

MOTION was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the Board approve R277-752 as revised, on first, second and third reading, with an additional amendment to line 185 to add "within ten days before the IEP," and direct staff to file the rule as an emergency rule.

It was clarified that the rule will be in place 120 before it expires. Vice Chair Thomas indicated the rule will come back to the Board for more work before it expires. Member Hansen emphasized that it needs to be a collaborative rule.

Member Belnap asked whether this could be done in policy rather than rule. Ms. Call responded that federal statute 20USC14-15(2) requires there to be a state law. While a policy may be considered a law, she advised that with the Board's rulemaking authority, a Board rule is an easier argument that it is a state law than a policy would be. Vice Chair Thomas added that policies generally apply internally to the organization. Since the Board is imposing this on others outside the agency, it does need to be by rule in order to make it enforceable.

Motion carried; Members Lockhart and Stokes absent.

Chair Crandall left the meeting, and vacated the Chair to First Vice Chair Thomas.

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 February 4, 2016 meeting.

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

The Committee discussed the Board's science standards and the revision of R277-700-6 for clarification of the standards. The Committee approved the rule on first reading with an additional amendment to strike from line 94, "one of the following" and "courses."

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

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

Ignite Entrepreneurship Academy New Charter Application

The Committee reviewed the request for approval of the charter application for Ignite Entrepreneurship Academy, to open in 2017-18.

Member Belnap asked if there was discussion about what is meant by distance education, and whether the school will give money to their students to purchase equipment or curriculum. Member Castle responded that the committee did question it, and was told the school will be supplying computers that will be owned by the school. Two thirds of the students will be in the school and one third will be participating via distance education, but will come into the school weekly.

Motion carried, with Members Belnap and Castle opposed; Members Crandall and Moss absent.

R277-100 *Rulemaking Policy*

The Committee discussed the rulemaking process governed by statute and the Utah Administrative Rulemaking Act and determined that R277-100 is unnecessary for the Board to comply with statute and administrative rule. The Committee approved repeal of R277-100 on first reading.

MOTION from Committee that the Board approve the repeal of R277-100 *Rulemaking Policy* on second reading.

Member Lockhart commented that after being through this process he thinks many

agree that the process is flawed and doesn't produce an outcome that gives the Board a better solution. He spoke in favor of the repeal. He voiced that more conversation and discussion is needed surrounding the Board's rules, including more discussion at the front end of the process.

Vice Chair Thomas reported that the Utah Education Association has made an assertion that in some way the judge, in UEA's lawsuit with the Board regarding the Board's UPPAC rules, enjoined the Board from enacting or repealing its rules. Member Thomas's understanding is that "keeping the status quo," as directed by the judge, referred to the disciplinary licensing cases where the individuals were plaintiffs in the actions. He questioned if what the judge said meant the Board couldn't change or repeal any rules, and stated he doesn't know that the judge can prevent a constitutional body from exercising its constitutional duties.

Assistant Attorney General Call also reported that at the end of the court hearing on the UEA lawsuit she asked what "maintaining the status quo" meant, and the judge explained that is with regard to the cases pending before the Utah Professional Practices Advisory Commission (UPPAC) and the cases UEA is representing. Her understanding is that when the rule is repealed it will not be retroactive, so would have no impact on UEA's claims in the lawsuit.

Motion carried; Chair Crandall absent.

R277-922 *Digital Teaching and Learning Grant Program*

Under H.B 277 *Personalized Learning and Teaching Amendments* (2016 Legislative Session), the Board is required to establish an application, grant review committee, and process to give direction to local education agencies participating in the Digital Teaching and Learning Program. The requirements are outlined in new rule R277-922. The Committee reviewed the rule and made additional amendments.

The Committee approved R277-922 on first reading, as amended. An updated rule was distributed to the Board.

MOTION from committee that the Board approve R277-922 *Digital Teaching Learning*

Grant Program, as amended, on second reading.

Member Belnap expressed a concern with lines 103-105 that talk about a five percent increase in SAGE and questioned how it can be measured. Vice Chair Thomas responded that it is a default mechanism.

Motion carried; Members Crandall and Lockhart absent.

Board Policy 3003 *USOE Incentive Policy*

The Committee discussed under what circumstances members of the superintendency may award incentive leave for exceptional service by staff, and articulated the Board's policy on incentive holiday leave.

MOTION from committee that the Board approve Board Policy 3003 *USOE Incentive Policy*.

Motion carried; Members Crandall and Lockhart absent.

Review of UPPAC Investigative Report for Eagle Summit Charter Application

In its meeting of February 5, 2016, the Board voted to deny without prejudice the application of Eagle Summit Academy and directed UPPAC Executive Secretary Ben Rasmussen to investigate allegations raised by members of the public. The Committee heard the results of the criminal investigation and audit findings, and heard from former students of West Ridge Academy who had raised allegations against West Ridge. The Committee also heard concerns and information from West Ridge Academy board members and the finance/officer manager.

The Committee took no action and did not forward a recommendation on the application to the Board.

Vice Chair Thomas clarified that statute requires the Board to take action on a charter application within 60 days of receiving it from the State Charter School Board. The action was taken in the February Board meeting, therefore, there is no legal impediment to acting on this today.

MOTION was made by Member Lockhart and seconded by Member Moss that the

Board consider the application in its meeting today.

MOTION TO POSTPONE was made by Member Belnap and seconded by Member Hansen that the discussion be postponed until next month in order for the full Board to hear the testimony given to the Committee.

Member Castle supported the motion to postpone because the evidence the Committee considered hasn't been heard by the full Board.

Member Lockhart contended that the only real issue is whether or not to have a public hearing to consider it, which would deviate from what the Board has done in the past. All the people are present that could provide the testimony. He knows of no substantive reason to deny this charter.

Member Warner indicated she would like to hear more about some new allegations that have come forward, and expressed that the Board owes it to the public to find out more. Member Wright responded that allegations can be made on anything. If the Board chooses to look at every allegation, this will set enormous precedent for the level of scrutiny the Board will do.

Member Hansen called the question. Without objection, debate was ended.

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

Motion to consider carried unanimously; Member Crandall absent.

Member Belnap asked what the Committee concerns about the application were. Member Lockhart reviewed that this is a charter being proposed in a residential treatment environment. The proposal is well done, and the State Charter School Board has recommended approval. The Law and Licensing Committee heard testimony a month ago from former students who had been in the residential treatment center and the previous school, West Ridge. They had suffered from TTSD from various forms of abuse. Yesterday, the Committee heard testimony from a student who had a wonderful experience and is now the basketball coach, a student who is now on the police force, and from an administrator and

parents who are thrilled with the school and treatment center. Member Lockhart suggested that bringing the school into a charter environment will bring it into higher level of scrutiny and regulation. It is a better opportunity for the Board to have all the rules for public schools in place.

Member Castle commented that she, too, heard the testimony and believed them all. One of her biggest concerns is that she doesn't want to be overseeing a treatment facility. The Board just passed a rule about seclusion, and nothing that is going on in the current school complies with the Board rule. This is a treatment program that might be doing some education, and what they're trying to do with the children in this program is not what is done to run an education system.

Member Cummins stated that the Board is not here to approve a treatment program, but a charter school that is being organized separately from the treatment system. The school will have to be compliant to the rules. She voiced that the Board has come to a place where it makes it very difficult to truly help students who need it, because the Board is afraid to step into areas where there may be allegations.

Member Warner noted that the school would primarily be a charter school, with some students from the treatment center on the waiting list. There may or may not be students from the center at the school. In the past there were some serious allegations against the treatment center, and now the treatment center is no longer accepting individuals with issues such as sex offenses, and is no longer taking really young children. Also, the governing board members at Eagle Summit are not the same as those at West Ridge. The Eagle Summit representatives indicated there will be a safety plan in place for students that may mingle with students from the treatment center. They have also following proper procedures of notifying law enforcement in the past.

Member Moss asked for clarification of any overlap between the treatment facility and charter school. Member Hansen responded that children from the treatment center will be going to the charter school.

Member Moss asked for clarification that there will be two separate entities. Member

Warner responded with her understanding that the staff that worked at West Ridge Academy will not mix with the staff at Eagle Summit Academy. Member Moss suggested that Eagle Summit should be look at on its merits rather than blending it with West Ridge.

Member Hansen informed that the buildings for the school and treatment center are very close and there is access from the school to various areas on the campus. She questioned if there will be risk to the students and asked who will do the oversight.

Member Huntsman questioned that the school is moving from a private to a charter entity, and indicated he doesn't see a strong separation between the treatment center and the charter school. The charter will complement what's happening at the treatment center and he is uncomfortable with this kind of approach. He doesn't see the hard line separation. He is concerned that the school will have the Board's endorsement, and the Board has no way to police the charter.

Vice Chair Thomas suggested that the separation will be made by licensing. The charter school teachers have to be licensing by the Board, and the treatment center staff has to be licensed through the Department of Occupational and Professional Licensing.

Member Corry asked how the specific students will be identified, if they will all have Individualized Education Programs (IEPs), if students with emotional liabilities will receive special counseling there, and if the school has the ability to treat them. She would expect some of the information to come from the treatment center to the school.

Vice Chair Thomas stated that this will be something that is unique. Certainly the charter will have access to funds any LEA would have for at risk children. In terms of the sharing of information, HIPPA rules would apply. It's hard for Board members to view the testimony and then try to make a judgment about what did or didn't happen at West Ridge Academy. It was over a long period of time and there have been a lot of changes over that time. He's tried to focus on whether the staff at the treatment center and those that will run the Eagle Summit charter school are license properly and if there are outstanding complaints or criminal convictions or court cases that have found abuse. That is what Ben Rasmussen investigated, and he did not find any of those.

MOTION was made by Vice Chair Johnson and seconded by Member Moss that the Board approve the application of Eagle Summit Academy contingent on the charter contract requiring no co-mingling of private and public entity funds, with language approved by the Board's attorney, Deputy Superintendent Jones, and Finance Director Natalie Grange, and the contract including a safety plan.

Member Hansen commented that public schools are required to take special needs children. There are many special needs children that fit the criteria that can't speak or communicate, and that scares her.

MOTION TO AMEND was made by Member Huntsman and seconded by Member Lockhart that a condition be added that the personnel at the treatment facility and the charter school will be separate.

Member Hansen voiced her concern that some individuals at the treatment center who have been accused are moving over to the charter school. Vice Chair Thomas responded that it is one individual that has been at West Ridge for twenty years, and his license has been clean.

Vice Chair Johnson asked if those present representing Eagle Summit would be comfortable with the changes, and they indicated they would be.

Motion to amend carried; Members Castle and Crandall absent.

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

Financial Literacy Endorsement

The Committee discussed and reviewed concerns about the current Financial Literacy Endorsement.

MOTION from Committee that the Board approve the recommended changes to the Financial Literacy Endorsement and direct staff to make the changes to allow additional individuals to qualify for the endorsement using one of four methods: 1) An individual with an

undergraduate or graduate degree in business administration, marketing, finance, accounting, family and consumer science, business education, or economics; 2) an individual who taught a financial literacy course during a prior year, up through the 2015-2016 school year, and completes the USOE General Financial Literacy Boot Camp; 3) an individual completing the current procedures outlined on the USOE website; and 4) an individual completing a competency-based program the Board will approve in the future.

Motion carried; Members Castle, Crandall and Hansen absent.

Utah Professional Practices Advisory Commission (UPPAC)

The Committee discussed forming a task force, including two members of the Law and Licensing Committee, Vice Chair Johnson, and USOE staff, to discuss potential changes to Board rule and procedures related to UPPAC.

Finance Committee

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

Approval of Previous Meeting Minutes

The Committee approved the minutes of its February 4, 2016 meeting.

Recognition of Successes/Improvements/Achievements

The Committee was apprised of recent accomplishments of finance staff. A summary of financial fiscal notes prepared during the legislative session was distributed to the Board.

Section Budget Reviews

The Committee received budget reports and updates on Grants and Contracts, Child Nutrition Programs, Student Advocacy Services, and Business and Operations.

Vice Chair Johnson informed that there will be a Board study session on grants and

contracts in May.

Indirect Cost Pool External Review and Training Status Report

Nelson Clugston and Kyle Tyson from Maximus presented an update to the Committee on its external review of the USOE/USOR indirect cost pool.

MOTION from Committee that the Board approve the U.S. Department of Education proposed indirect cost pool rate of 11.27 percent for the Utah State Office of Education and 5.9 percent for the Utah State Office of Rehabilitation.

Motion carried. Members Castle, Crandall, and Hansen absent.

Status Report on USOR Transition

The Committee received information on the transition of the Utah State Office of Rehabilitation to the Division of Workforce Services.

Transfer of Minimum School Programs Funds to SOEP

It was reported to the Committee that the Public Education Appropriations Subcommittee included intent language in H.B. 1 *Public Education Base Budget Amendments* (2016 Legislative Session) giving authorization to the Board to transfer \$500,000 of carryover in the Minimum School Program (MSP) charter administration appropriation to the Statewide Online Education Program (SOEP) to cover the costs of increased enrollments.

MOTION from Committee that the Board authorize the transfer of \$500,000 of carryover in the MSP charter school administration to the SOEP home and private school tuition appropriation.

Motion carried; Members Castle, Crandall, and Hansen absent.

It was noted that the \$500,000 may not cover what is needed this year, and the \$900,000 appropriated for FY17 may also not be sufficient to fund the program. The Committee directed Finance Director Natalie Grange to investigate why enrollments into the SOEP program are so large for Juan Diego High School and Canyons School District.

Review of Contracts and Agreements Policy

The committee reviewed a draft policy on the review process for contracts and agreements. The Committee took no action on the policy.

MOTION was made by Vice Chair Johnson and seconded by Member Huntsman that the draft policy be amended to change the verbiage from "the USBE must review and approve" to "the USBE must review" for the dollar amounts from \$0 to \$25,000 and \$25,000 to \$100,000.

Motion carried; Members Castle, Crandall and Hansen absent.

Vice Chair Johnson reported she has requested that in the draft policy staff define the specific purpose of each person that reviews a contract, in order to provide role clarity.

Greenwood Charter Amendment

The Committee reviewed a request from GreenWood Charter School to amend its charter agreement.

MOTION from Committee that the Board approve the amendment to GreenWood Charter School's charter agreement to expand grade levels by adding 54 students to grade 7 in FY18 and 54 students to grade 8 in FY19.

Member Corry clarified that the school is asking to redistribute the number of students already approved, not to add more students. It was also clarified that the funding will differ slightly because of the amount given to different grade levels.

Motion carried; Members Castle, Crandall, and Hansen absent.

Requests for Data/Information

The Committee received an update on information being gathered, and assignments were added.

Board Policy 3001 *Appointments and Termination of Deputy and Associate Superintendents*

The Committee reviewed Board Policy 3001 and forwarded it to the Board for further discussion. Vice Chair Johnson suggested three options for the policy: 1) leave it as is; 2) roll it

back entirely except for the position of the Deputy Superintendent for Operations; 3) roll it back except for the position of the Deputy Superintendent for Operations, and not have the position report directly to the Board.

Member Lockhart suggested that there is a need to align the basic management structure of the Board, superintendent, and staff to align responsibility and authority. Many times when there are problems in the business or public sector, you'll find that someone has the responsibility but no authority, or the authority, but they don't deal with the responsibility. He expressed his feeling that if the associate or deputy superintendents are put directly under the Board it unties that responsibility and authority alignment, and makes things difficult in a long-term setting. Ideally the Board would allow the superintendent the autonomy to accomplish the tasks the Board assigns. The exception would be the finance staff because it would leave them free to express problems to the Board.

MOTION was made by Member Lockhart and seconded by Member Huntsman that the Board amend the policy to delete numbers one and two, and add that the Deputy Superintendent of Operations will report directly to the Board.

Member Cummins questioned whether this puts the Superintendent and the Deputy Superintendent of Operations on an equal footing.

Member Lockhart noted that previous to this January all these positions were subject to dismissal by the superintendent. The Board changed that to have additional oversight. The Board is in financial uncertainty because of the system in place that hasn't allowed the tracking of resources, which is not the fault of the person in charge of finance today. There is a need to get to the bottom of the issues, and in order to get that done he thinks that person should be reporting to the Board, at least until the finances are in order.

Member Cummins responded that the Board still has that responsibility and gives it to the State Superintendent. She doesn't feel taking that on is the Board's responsibility is good Board governance.

Vice Chair Johnson clarified that the Deputy of Operations would report directly to the Board, but could have day-to-day supervision by the Superintendent.

MOTION TO POSTPONE was made by Member Huntsman and seconded by Member Corry that the discussion be postponed until the next Board meeting.

Member Corry commented that local school boards hire the district superintendent and business administrator. She believes it is because local boards need to have someone who will feel free to tell them the facts about the district finances.

Member Cummins noted that the Deputy of Operations position isn't just finance related, but has other responsibilities.

Motion to postpone carried; Members Castle, Crandall, and Hansen absent.

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 February 4, 2016 meeting.

R277-419 Pupil Accounting

It was noted that the Board approved amendments to R277-419 on second reading in its February meeting. Since that time, additional amendments are necessary. The Committee reviewed amendments to R277-419 to exclude a student from the graduation cohort calculation when the student is attending an LEA that is not the student's school of enrollment, and update the definition of "student of enrollment."

The committee approved the rule on first and second reading.

MOTION from Committee that the Board approve R277-419 *Pupil Accounting*, as amended, on third and final reading.

Motion carried; Members Castle, Crandall, and Hansen absent.

Contracts Addendum for Student Level Data Protection

The Committee reviewed a proposed addendum to new and existing contracts that

addresses student level data protection.

MOTION from Committee that the Board approve the addendum on student level data protection for all new contracts and contracts currently in place that deal with student data, and allow time for negotiations of current contracts to ensure there is no breach of contract.

Motion carried; Members Crandall and Hansen absent.

Library Media Standards Implementation

The Committee received an update on the implementation of the library media standards.

Teacher SAGE Survey

The Committee received results of a teacher survey on SAGE. The Committee directed that the information be broken out by elementary and secondary teachers.

Draft Part B IDEA Budget FFY 2016

The Committee received information regarding the Draft Part B IDEA Budget. Glenna Gallo, USOE Special Education Director, explained that this is the first of three required public hearings on the proposed budget.

MOTION from Committee that the Board approve the Part B IDEA budget for FFY 2016 as presented.

Motion carried; Members Crandall and Hansen absent.

Digital Literacy Update

It was reported that a Digital Literacy Committee formed in 2012 made recommendations to the Board in 2013. One of the recommendations was to move the current one-half technology credit to the 8th grade, and replace the one-half high school credit with a digital studies requirement that would include the option of several courses.

MOTION from Committee that the Board approve the implementation of the

recommendation to replace the current high school one-half technology credit with a one-half digital studies requirement, using additional courses for the digital studies requirement, and encourage LEAs to begin moving computer technology to the 8th grade.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Moss to require LEAs to move the one-half technology credit to the 8th grade in the 2018-2019 or 2019-2020 school year.

Member Belnap asked for feedback from the district superintendents in the audience. Superintendent Bruce Northcott, Daggett School District, was invited to comment. He indicated Daggett has already pushed the change because they have a junior-senior high school, and it is not a logistical problem for them; however, he could see how it might be for other districts. The bigger problem for his district will be implementing the high school requirement, because he doesn't have someone capable of teaching computer programming.

Member Cummins asked the purpose of the two-year option. Vice Chair Johnson responded that it would give flexibility to districts that may need more time for planning for the changes. Member Corry reported that a concern voiced in 2013 was that middle schools would need to find rooms and computers.

Motion to amend carried.

Motion carried; Members Crandall and Hansen absent.

Audit Committee Report

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

Release of Completed Audit Report

Internal Auditor Nate Johansen gave a general overview of the Enterprise High School audit. The audit was done because of allegations received of questionable practices.

MOTION from Committee that the Board approve the release of the 15-14 Enterprise High School Audit.

Member Corry asked for clarification that there was no fraud. Internal Audit Director Debbie Davis confirmed that the auditors didn't find anything they termed fraud. They did find things that were waste and abuse.

Motion carried; Members Crandall, Hansen, Stokes, and Wright absent.

Proposed changes to the Audit Plan

Vice Chair Johnson reviewed proposed changes to the Audit Plan.

MOTION from Committee that the Board add an audit project to review Riverton High School allegations.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Cummins that the Charter School Contract Fidelity and Performance item be removed from the Audit Plan, and that the Board invite State Charter School Board members to the Board's March meeting to discuss this item; in addition, that the Board add to the Plan audits of various LEAs throughout the state on compliance of hot spots.

Vice Chair Johnson recommended that the audit of hot spots be added to address compliance with policies concerning system vulnerability or high student impact. [Minutes amended December 6, 2018.]

Motion to amend carried; Members Crandall, Hansen, Stokes and Wright absent. Motion carried.

Chair Crandall returned to the meeting.

Superintendent's Report

Superintendent Dickson reported on the following.

- Currently staff isn't supported in an inductive way. She has proposed putting some leadership management training in place to begin in April with risk assessment and risk mitigation training. It will include staff to the coordinator level. Training will also be provided on contracts and purchasing, then employee recruitment, retention, and evaluation. She welcomed input from the Board on items for which they would like more

training for staff.

- She has been invited to participate in the Harvard Young American Leaders Program about agency interaction with community partners. It will be a cross cutting of various leaders in our community and will take place over a week at Harvard.
- Associate Superintendent Stallings has been working with the Utah Education Policy Center to begin the in-depth policy study required by H.B. 360 (2015 Legislative Session). Superintendent Stallings mentioned that staff from the Policy Center would like to come to a Board study session in April or May to receive feedback from the Board. It was suggested Representative Christensen also be invited to attend. The report is required by the end of November. Vice Chair Johnson suggested the Senate President, Speaker of the House, and Public Education Appropriations co-chairs also be invited.

Board Chair's Report

Chair Crandall reported on the following.

- Member Cummins reported on the work of the Board's Accountability Task Force. The Task Force has been reviewing the various accountability reports given to schools from the Board. Its first task is to consolidate that reporting, and the Task Force is in the process of determining how to combine the Utah School Grading report with the PACE report. It is hoped a mock up will be ready for the next Board meeting.
- An interview committee of Board members held its first interviews of candidates for the Advisory Committee for Educational Equity of Services for Students (ACEESS) yesterday. Additional candidates will be interviewed prior to the Board's April 15 meeting.
- Vice Chair Thomas reported that the Charter Schools Task Force won't start meeting until April. Committee members include himself, Stan Lockhart, Terryl Warner, and local school board member Nancy Tingey. Still to be appointed are members of the State Charter School Board. Associate Superintendent Stallings will staff the task force.
- Dates for a A Board retreat were discussed. Board members indicated that June 3-4 is preferable to May 20-21.

Board Member Comments

Member Belnap commented that the legislative session was both wearing and exhilarating. She asked what reports will need to be done. Associate Superintendent Stallings responded that the legislative summary staff is preparing will include a list of the reports. There will be twelve new ones required.

EXECUTIVE SESSION

MOTION was made by Member Belnap and seconded by Member Warner that the Board go into Executive Session to discuss pending or reasonably imminent litigation.

Upon voice vote of the members present, the Board went into Executive Session at 4:00 p.m.

Those present included Board members Allen, Belnap, Castle, Corry, Crandall, Cummins, Huntsman, Johnson, Moss, Thomas and Warner, and Sydnee Dickson, Nicole Call, Emilie Wheeler, and Lorraine Austin.

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

Motion carried. The Board reconvened in open session as 4:12 p.m.

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

Upon voice vote of the members present, the Board moved into Executive Session at 4:15 p.m.

Those present included Board members Allen, Belnap, Castle, Corry, Crandall, Cummins, Huntsman, Johnson, Lockhart, Moss, Thomas and Warner, and Sydnee Dickson, Nicole Call, Emilie Wheeler, Lorraine Austin, and Ben Rasmussen.

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

Motion carried. The Board reconvened in open session at 4:42 p.m.

Executive Session Items

UPPAC Consent Calendar and Licensing Actions

MOTION was made by Member Warner and seconded by Vice Chair Thomas that the Board accept the Utah Professional Practices Advisory Commission (UPPAC) recommendation in Case No. 14-1191 and suspend the individual's Level 2 Secondary Education (6-12) License for not less than six months with certain conditions from the date of Board action pursuant to a stipulated agreement.

Motion carried; Members Castle, Hansen, Stokes, and Wright absent.

MOTION was made by Member Warner and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 14-1200 and suspend the individual's Level 2 Education License for not less than three years.

Motion carried; Members Castle, Hansen, Stokes and Wright absent.

MOTION was made by Member Warner and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 14-1239 and issue a letter of warning.

Motion carried, with Vice Chair Johnson opposed; Members Castle, Hansen, Stokes and Wright absent.

MOTION was made by Member Warner and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 16-18 and clear the individual for licensing.

Motion carried; Members Castle, Hansen, Stokes and Wright absent.

MOTION was made by Member Warner and seconded by Vice Chair Thomas that the Board approve the UPPAC Consent Calendar.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Huntsman that Case No. 16-14 be removed from the Consent Calendar.

Motion to amend carried.

Motion carried.

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that in UPPAC Case No. 16-14 the Board deny clearance of the background check.

Motion carried; Members Castle, Hansen, Stokes, and Wright absent.

Division of Services for the Deaf and Hard of Hearing Advisory Council

MOTION was made by Vice Chair Thomas and seconded by Member Allen that the Board remove Sarah Thompson from membership on the Division of Services for the Deaf and Hard of Hearing Advisory Council, due to multiple unexcused absences.

Motion carried; Members Castle, Hansen, Stokes, and Wright absent.

WestEd Appointment

MOTION was made by Vice Chair Thomas and seconded by Member Allen that the Board appoint Superintendent Terry Shoemaker to the WestEd Board of Directors, for a term June 2016 through May 2019.

Motion carried; Members Castle, Hansen, Stokes, and Warner absent.

Adjournment

MOTION to adjourn was made by Vice Chair Johnson and seconded by Member Allen.

Motion carried. The meeting adjourned at 4:47 p.m.

Lorraine Austin, Board Secretary
Minutes approved April 15, 2016