

**UTAH STATE BOARD OF EDUCATION MEETING
SUMMARY OF ACTIONS**

January 6-7, 2016

Board Members Present: Chair David Crandall, First Vice Chair David Thomas, Second Vice Chair Jennifer Johnson, Members Dixie Allen, Laura Belnap, Leslie Castle, Barbara Corry, Brittney Cummins, Linda Hansen, Mark Huntsman, Stan Lockhart, Spencer Stokes, Terryl Warner, Joel Wright. (Member Jefferson Moss was absent.)

All votes were unanimous unless noted otherwise. Board rules can be accessed at <http://schools.utah.gov/law/Administrative-Rules.aspx>.

- The Board approved minutes of the Utah Schools for the Deaf and the Blind Board meeting held December 3, 2015.
- The Board approved Board Policy 4001 *Board Governance of the Utah Schools for the Deaf and the Blind*.
- The Board approved the General Consent Calendar with the following contracts removed: Amplify Education, Inc., Voyager Sopris Learning, Inc., and school turnaround vendors—Catapult Learning, Tetra Analytix, Innovations Educational Consulting, School Improvement Network, and Education Direction. Member Wright opposed.
- The Board approved the above-listed contracts contingent on any necessary changes being authorized by Finance Director Kristine Rasmussen and Assistant Attorney General David Jones.
- The Board approved releasing \$150,000 from the contingency fund for an accounting adjustment.
- The Board voted to adopt its Strategic Plan, as amended, as a working document and gather feedback on it from Board members and other stakeholders.
- The Board approved the following changes to its SFY 17 legislative request. Member Stokes was absent for these votes.
 - Add \$17 million one-time request for a contingency fund as #3 on the one-time list, in the event there is an underestimation in enrollment growth.
 - Move \$150,000 for a contract attorney from Internal Staffing to Risk Mitigation.
 - Remove ACT funding from the ongoing list and replace it with 1.5 percent WPU increase (separate from the 2 percent already requested).

- Add \$10 million for Optional Extended-day Kindergarten (OEK) to come from an earmarked fund to be put into the Education Fund.
- Move the request on the USOR ongoing list for an attorney from #5 to #2 on the list.
- Change the name of the building request on the USDB one time list to “Utah County New Building.”
- Add a request for \$270,500 for special education (Carson Smith program) to come from the General Fund.
- Add the separate 1.5 percent WPU increase on the ongoing list (passed above) to the 2 percent WPU increase, for a total of 3.5 percent WPU increase. Members Allen, Belnap, Corry, Castle, Hansen, Huntsman, Warner, and Wright in favor, and Members Cummins, Crandall, Johnson, Lockhart and Thomas opposed.
- Add a request for \$50,000 to increase the School Children’s Trust Section budget to come from the dividends and interest account of the School Land Trust.
- Move \$750,000 for the Strategy for Change library program from the one-time list to the bottom of the ongoing list. Members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Thomas and Warner in favor, and Members Johnson, Lockhart and Wright opposed.
- A motion to remove the ACT funding request on the ongoing list and replace it with \$40 million for classroom teacher salaries failed, with Members Allen, Belnap, Hansen, Lockhart, and Thomas in favor, and Members Castle, Corry, Cummins, Crandall, Huntsman, Johnson, Thomas, Warner and Wright opposed.
- A motion to add \$200,000 to the ongoing list for teacher reading endorsements failed, with Members Hansen and Warner in favor, and all others opposed.
- A motion to add \$15,000 to the ongoing list for Board member professional development failed, with Members Thomas and Wright in favor, and all others opposed.
- A motion to decrease the technology grant program on the ongoing list by \$13 million and increase the 2 percent WPU increase to 2.5 percent increase failed, with Members Allen, Belnap, Castle, Corry, Hansen, and Warner in favor, and Members Cummins, Crandall, Huntsman, Johnson, Lockhart, Thomas, and Wright opposed.

- The Board approved recommending to the Administrative Rules Committee the following changes to charter school statute. Members Belnap, Castle, Corry, Cummins, Crandall, Hansen, Huntsman, Johnson, Stokes, Thomas and Warner in favor, and Members Allen, Lockhart and Wright opposed.
 - Recommendation #1: That the Legislature amend 53A-1a-501.5 to grant the Board authority to appoint and remove members of the State Charter School Board (SCSB).
 - Recommendation #2: That the Legislature amend 53-1a-509.5(10) to give the Board a longer time period (up to 60 days) to consider approving or denying a charter school's request to voluntarily terminate the school's charter and a transfer operation of the charter school to another charter school or school district.
 - Recommendation #3: Amend 53A-1a-511(4) that exempts charter schools from fiscal requirements in Title 53A, Chapter 19, Fiscal Procedures to exempt charter schools from Sections 53A-19-103 and 105 only. Also amend sections 53A-19-101, 102, 104, 106, 107 and 108 to apply to charter schools.
 - Recommendation #4: Amend Section 53A-1a-510.5 to provide more specificity pertaining to the closure of a charter school, as follows:
 - Replace the references to "as soon as possible" to hard timelines.
 - Increase the number of entities that a closing school is required to notify when the school is going to close.
 - Change some of the responsibilities currently delegated to a closing school and reassign them to the authorizer.
 - Require the authorizer to oversee and supervise the audit, inventory, and liquidation of assets.
- The Board approved establishing a Charter School Issues Task Force to study the following issues, with Members Allen, Lockhart and Wright opposed.
 - Whether to recommend to the Legislature statutory amendments to 53A-1a-508 to limit a new charter school's charter agreement with a charter school authorizer to a three- to five-year initial contract that may be renewed upon successful execution of the charter agreement.
 - Directions for an application process for all charter authorizers.

- Amendments to Board rules related to 53A-1a-509.5 to the termination of a school's charter under the voluntary school improvement process and issues and concerns raised by USOE School Finance.
 - Other charter school issues as directed by the Board.
- The Board adopted a Resolution Establishing the Advisory Committee on Equity of Educational Services for Students (ACEESS), as amended by the Board, with Members Allen and Lockhart opposed.
- The Board approved adding the Subrecipient Monitoring audit to the Audit Plan.
- The Board approved on second reading continuation of R277-716 *Alternative Areas of Concentration and Programs*, as amended.
- The Board approved on third and final reading R277-494 *Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities*, as amended.
- The Board approved supporting legislation to amend the Corporal Punishment statute to insert a definition of the term "physical restraint" in Title 53A-11-8 that matches the term "physical restraint" in Board rule R277-609; and delete Subsection 53A-11-802(2)(d).
- The Board approved Board Policy 3001 *Deputy/Associate Superintendent Oversight*, with Member Lockhart opposed.
- The Board approved the USOE policy to realign finance/accounting positions.
- The Board adopted the revised Secondary Mathematics Standards.
- The Board approved the Test Administration and Testing Ethic Policy Manual and directed staff to create a rule based on the information in the manual.
- The Board approved Board Policy 3002 *Standards Review Committee*. Vice Chair Johnson absent.
- The Board directed staff to send out a survey, after Assistant Attorney General review, to determine what percentage of designated staff would participate in a transition from merit to career exempt.
- The Board approved supporting a policy for modification to R277-276 *Statewide Online Education Program (SOEP) Enrollment Procedures* and directing staff to send a memo to local education agencies and to post a notice on the program enrollment website to inform enrollees that as of January 11, 2016 only individual enrollments, and not bulk enrollments, are allowed until the money is obligated.

- The Board approved release to local education agencies of the Class Size Reduction and Pupil Transportation Allocation Formula intent language reports.
- The Board approved appropriating from the carryover balance in the basic program, the full amount of the deficit to pay for the regular basic program.
- The Board approved transferring the title of Cache County parcel 05-05-0020 to the Utah College of Applied Technology, pending further review of USOE executive staff. Members Belnap and Wright opposed; Member Lockhart absent.
- The Board approved the Utah Professional Practices Advisory Commission (UPPAC) Consent Calendar, with Case No. 15-73 removed. Member Lockhart absent.
- The Board accepted the UPPAC recommendation in Case No. 13-1135 to reinstate the petitioner's Level 2 Special Education License.
- The Board accepted the UPPAC recommendation in Case No. 15-1267 to suspend the individual's Level 1 Elementary Education School Counselor License for not less than two years from the date of Board action. Members Belnap, Johnson and Wright opposed; Member Lockhart absent.
- The Board directed that the UPPAC Executive Secretary prepare additional findings in UPPAC Case No. 15-1242.
- The Board approved the UPPAC recommendation in Case No. 15-12 to deny licensure for one year from the date of Board action.
- The Board approved the UPPAC recommendation in Case No. 15-1264 to issue a letter of reprimand to the educator to be in place for not less than two years from the date of UPPAC action. Members Allen, Castle, Corry, Crandall, Hansen, Stokes, Thomas, and Wright in favor, and Members Belnap, Cummins, Huntsman, Johnson, and Warner opposed; Member Lockhart absent.
- The Board approved the UPPAC recommendation in Case No. 15-1270 to issue a letter of reprimand to the individual to be in place not less than two years from the date of UPPAC action. Members Castle, Hansen, and Warner opposed; Member Lockhart absent.
- The Board approved revoking the individual's Level 2 Secondary Education and Administrative License in UPPAC Case No. 15-1276.
- The Board appointed Lisa M. Ord and Paul F. Traher to the Division of Services for the Blind and Visually Impaired Advisory Council, representing consumers, service providers, or employers, for terms January 1, 2016 through June 30, 2018.

- The Board appointed Gary Aquilla and Melissa Freigang to the Governor's Committee on Employment of People with Disabilities for four-year terms.
- The Board approved a hearing officer report containing findings and recommendations from a hearing held July 2, 2015 pertaining to Board rules R277-200 to R277-206, R277-487, R277-502 and R277-520.
- The Board approved a hearing officer report containing findings and recommendations from a hearing held December 3, 2015 on Board rule R277-207.
- The Board adopted the Board written decision from the July 2, 2015 hearing pertaining to R277-200 to R277-206, R277-487, R277-502 and R277-520.
- The Board adopted the Board written decision from the December 3, 2015 hearing pertaining to R277-207.
- The Board directed staff to make payment of a designated invoice to the American Institutes for Research (AIR).