

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

February 6, 2015

A regular meeting of the Utah State Board of Education was held February 6, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. The Board's Finance, Law and Licensing, and Standards and Assessment Committees met the day prior to Board meeting on February 5, 2015 from 6:00 p.m. to 9:00 p.m. at the State Office of Education.

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 Teresa L. Theurer (non-voting)
Member Brittney Cummins	Member Nancy Tingey (non-voting)
Member Kristin Elinkowski (non-voting)	Member Terryl Warner
Member Linda B. Hansen	Member Joel Wright

Board Members Excused:

Member Freddie Cooper (non-voting)

Executive and Board Staff Present:

Brad Smith, State Superintendent	Lorraine Austin, Board Secretary
Sydnee Dickson, Deputy Supt.	Emilie Wheeler, Board Communications Specialist
Judy Park, Associate Supt.	Debbie Davis, Board Interim Internal Auditor
Bruce Williams, Associate Supt.	
Russ Thelin, USOR Executive Director	
Joel Coleman, USDB Superintendent	

Others Present:

Governor Gary Herbert; Tami Pyfer, Shannon Simonsen - Governor's Office; Mary Carpenter, Aimee Edwards, Matt Holland, Utah Valley University; Richard Kendell, Governor's Standards Review Panel; Liz Hitch, Utah System of Higher Education; Maureen Mathison and Peter Trapa, The University of Utah; Sean Reyes, Attorney General; Parker

Douglas, Attorney General's Office; Connor Boyack, Libertas Institute; Norm Jackson, parental rights; Laney Benedict, LeAnn Wood, Cheryl Phipps - Utah PTA; Laura Perry, parent; Lisa Cummins, parent; Dale McIntyre, Citizens for Responsible Government; James Wilson, parental rights; Cindy Darius, parent; Frank Stickland; Jennifer Payne, parent; Benjamin Burnett, student; Keri Dantel, parent; Leslie Richman, parent; Rhonda Hair, parent; Bonni Nessen, teacher; Heather Granger, parent/teacher; Christel Swasey, Utahns Against Common Core; Claire Ashby; Emily Boberg, parent; Chris Ruiz, parent; Alisha Jensen, parent; Tim Ingalls, parent; Elizabeth Weight, AFT Utah; Tim Smith, UAPCS; Kris Fawson, Utah State Independent Living Council.

Opening Business

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

Board Member Welcome

Member Teresa Theurer shared a story from Steve Jobs. He spoke of a neighbor that had a rock tumbler. They put ugly, dirty rocks into the tumbler with a little water and grit powder. Through the noisy process of the rocks bumping against each other the result was beautifully polished rocks. Steve Jobs likened this to a team of "incredibly talented people bumping up against each other" as they polished each other and polished the ideas. Member Theurer compared this to the Board, a diverse team with different backgrounds and ideas. She hoped that as Board members work together, making noise and bumping up against each other, they will polish themselves and the issues into beautiful stones. She handed out polished stones. She closed with an invocation.

Introduction of New Employees

H.R. Director Dave Rodemack introduced new employees Nicole Ferguson, Jennifer Roundy, and Iris Sanchez.

Changes to Agenda

Chair Crandall announced the following changes to the agenda [items were noticed in accordance with statute]: Testing Opt Out and USOR Role Clarity were added; Parliamentary Procedures training was postponed.

Chair Crandall reported that in yesterday's Standards and Assessment Committee meeting, the Committee did not give preliminary approval to the Science Standards. After discussion with Superintendent Brad Smith, it was determined that the Science Standards will not be further discussed today, but Superintendent Smith will pull them back and reset the process for review and approval.

Public Comment

Norm Jackson - distributed handouts regarding the Common Core, ESEA Title I regulations, and education by executive action. He read quotes regarding the federal government taking away local and state control of education.

Heather Gardner, parent - reported that last week her child was forced to take the DIBELS test. She expressed her feelings that students should be able to opt out of statewide assessments, and that parents are being pressured to give up their parental rights. She requested that the Board protect parental rights.

Lisa Netl Bloom, Utah Education Association - introduced herself as UEA's new Executive Director. She reported on two endeavors in which UEA has been involved—student learning objectives (SLOs) and assessment literacy.

Dawn Davies, Utah PTA President-elect- expressed that PTA believes every child needs the benefits of safety, health, and a strong education system. She informed that PTA is in support of the Elementary and Secondary Education Act waiver renewal and encouraged the Board to move forward with the waiver using the language that Utah is in charge of its educational standards. She distributed a letter written by a principal.

General Consent Calendar

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

Motion carried unanimously.

A. Minutes of Previous Meetings

Minutes of the State Board of Education meetings held December 5, 2014 and January 8, 2015 were approved.

B. Contracts

The Board approved the following contract:

1. Evaluation and Training Institute, \$283,500, 01/07/2015 to 09/30/2015, amendment

To provide evaluation services of the legislative pilot program, UPSTART.

C. Contract Reports

The Board received the following reports: *Contracts Approved by State Superintendent or USOR Director (less than \$100,000)* and *Upcoming Contracts with Renewals*.

D. Requests for Temporary Authorizations

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

E. List of Educator Licenses Processed

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

Utah Core Standards Report, Governor Gary Herbert

Governor Gary Herbert was welcomed to the meeting, along with Governor's Education Director Tami Pyfer, Attorney General Sean Reyes, Co-chairs of the Governor's Standards Review Panel—Richard Kendell, former Commissioner of Higher Education, and Matt Holland, President of Utah Valley University—and others from the review group, Governor's office, Attorney General's Office and Higher Education.

Governor Herbert lauded the success of the state, but indicated that where Utah is not number one is in education compared to the nation and the rest of the world. His goal for the

state in education is to improve and become a top ten state in graduation rates and achievement comparisons. One of the challenges he sees is the growing overreach of the federal government into the state domain, including the state education system. He will assert Utah's rights over control of the education system. He recognizes that there are concerns that Utah has ceded or lost control over its education system. There are good people arguing on both sides and because of that, he has interjected himself into the discussion in asking for a review of where we're at and where we should be going.

The Governor reported that in a press conference last summer he laid out three principles that should be addressed: 1) We must maintain high academic standards in all subjects, not just math and English, and for all students; 2) we must monitor and limit the federal government's role in education; and 3) we must preserve our state and local school district control of our education system, including curriculum, materials, testing and instructional practices.

He expressed several areas of concerns, and in response to those concerns called for the following: 1) A legal review from the Attorney General's Office in regards to Utah's adoption of the Common Core Standards in Mathematics and English Language Arts, and a determination of whether Utah has ceded control over the standards to the federal government; 2) a review of existing standards to make sure they prepare students for college and careers; 3) a review of how curriculum is established and whether there is autonomy at the local level; 4) a review of how textbooks and resources are reviewed and acquired; 5) a study of how test questions are developed and vetted; and 6) a look at what and how student data is collected and protected.

Attorney General Sean Reyes addressed the Board. Prior to reporting on his legal review, he mentioned an issue that arose earlier in the week. A staff member of the State Office of Education sent a memo to local education agencies (LEAs) restricting the ability of parents to opt their children out of certain testing. The memo highlighted the name of one of his assistant attorneys general, Chris Lacombe, and seemed to give the impression to some that Mr. Lacombe was agreeing with or endorsing the policy conclusion of the memo. Attorney General Reyes made clear that any attempt to use specific individuals in the A.G.'s Office to

give the impression that their office is driving or agreeing with a particular philosophy is inaccurate and inappropriate. The A.G.'s Office gives agencies legal guidance and advises them of the strengths or weaknesses of positions from a legal standpoint. Regardless of the advice his office gives, agencies make the ultimate policy decision. A.G. Reyes informed that he has spoken with Superintendent Smith about this issue and the Superintendent agreed to address it with the Board.

Mr. Reyes referenced a report distributed on Utah's Elementary and Secondary Education Act (ESEA) waiver with an analysis of legal questions regarding state educational authority and policy regarding Utah's Core Standards. The analysis concludes that:

- The State Board has authority to set academic standards for Utah students.
- The Board's adoption of the Common Core Standards was not illegal in any way.
- By adoption of the Common Core Standards, Utah did not cede its authority over standards and curriculum.
- Utah LEAs control their curriculum.
- There are no partnerships or programs that have indirect control on the curriculum.
- It is debatable whether the state is bound by any federal entanglements in regards to its academic standards.
- There are no federal entanglements with respect to curriculum.
- Utah did not receive federal monies to adopt Common Core Standards.
- Utah did not acquiesce educational control or sovereignty by adopting Common Core Standards.
- Utah can change its academic standards, including modification to Common Core standards.
- Changes to Common Core Standards must comply with the Utah legislature's learning objectives, public outreach, standards review committee and public notice requirements.
- Utah will not lose federal monies if it modifies Common Core Standards.
- Utah's waiver from No Child Left Behind is in compliance with SB 287 *Core Curriculum Standards Amendments* (2012 Legislative Session).

Vice Chair Johnson asked for confirmation of her understanding that the Attorney General's Office is counsel for the State Board of Education, but is not legal counsel for LEAs. Parker Douglas, the A.G.'s Chief of Staff, responded that it is the role of the A.G.'s office to provide legal advice to the Board, and generally not to LEAs. There may be some cases, such as a direct challenge to constitutionality of a local board's actions, that might come under the purview of their office.

Governor's Education Director Tami Pyfer informed that the Governor's Office gathered input on the English Language Arts and Mathematics Standards through an online survey. The survey was posted for six weeks and there were 7,040 respondents from Utah. She reviewed results of the survey. The majority of respondents supported the standards, either as written or with continual improvement.

Dr. Richard Kendell presented a report from the Standards Review Panel, formed by the Governor in September 2014 to evaluate the Utah Core Standards in Mathematics and English Language Arts. Two technical evaluation teams were also formed. The Mathematics Team was chaired by Dr. Peter Trapa, Professor and Chair of the Department of Mathematics at the University of Utah. The English Language Arts Team was chaired by Dr. Maureen Mathison, Associate Professor and Chair of the Writing and Rhetoric Studies Department at the University of Utah. The charge was given to the Review Panel to determine if the current Utah Mathematics and English Language Arts Standards were more rigorous than the previous standards and if the Standards might adequately prepare students for work or postsecondary training.

Dr. Mathison and Dr. Trapa presented information about the work and conclusions from the technical teams. Each technical team found that the new Utah Core Standards were an improvement over the state's previous (2007) standards. In all but a few instances, the teams found that the new standards were more rigorous than the previous standards and were designed with appropriate research and best practices. They also concluded that proper implementation of the standards would better prepare students for postsecondary and training programs.

Dr. Matt Holland concluded with recommendations from the Standards Review Panel and Technical Evaluation Teams.

1. Evaluations and revisions to the Core Standards must be done on an ongoing basis as planned for in the USOE Standards Review Timeline.
2. Efforts should be made to edit/revise/restructure or construct another version of the Appendices to the Utah Core Standards to use it as a tool.
3. Further study of implementation issues, including professional development and inadequate supply of appropriate books, technology, supplies and other materials is needed.
4. More attention is needed for the implementation of the integrated approach to math instruction.
5. Ongoing evaluations should be conducted to make sure there is a good balance of classical literature and informational texts.
6. The recruitment, cultivation, and retention of high quality teachers must be a long-term, critical investment for Utah.
7. Further attention needs to be given to factors that may affect student achievement such as motivation of students, support of parents, and the effectiveness of assessment systems and value of information derived from assessments.

Board members asked questions of the panel and review team members. Member Castle asked whether the standards are a hybrid of an inferior product. Drs. Mathison and Trapa responded that they don't see the standards as a hybridization, but as very coherent with good research applied to learning theory.

Vice Chair Thomas questioned whether students successfully completing secondary Math I, II and III would be prepared to take Math 1050 in postsecondary institutions. Dr. Trapa responded that yes, the standards of secondary Math I, II and III provide excellent preparation for courses such as Math 1030, 1040, and 1050.

Vice Chair Thomas also asked Dr. Trapa whether he viewed the integrated approach to math to be inferior to the organization of Algebra I, Geometry, Algebra II, and whether there are advantages to this traditional model that are being lost by going to the integrated model. Dr. Trapa responded that this analysis was outside the charge of the team. Dr. Trapa gave his

opinion that the corpus of standards for Math I, II and III can be reorganized into the Algebra I, Geometry, Algebra II sequence of courses. Though this might look like a “traditional” sequence, it would be a departure from the sequence of courses called Algebra I, Geometry, Algebra II in 2007. If the traditional sequence of courses was adopted today using the existing standards, it would look very different than in the past. He knows of no conclusive evidence that organizing the standards in the traditional sequence is better or worse than organizing them in Math I, II and III.

Vice Chair Thomas noted that the Board intentionally did not adopt the Appendices to the English Language Arts Standards. He asked Dr. Mathison, since it is a recommendation of the ELA Evaluation Team to adopt some form of the Appendices, to give further explanation. Dr. Mathison responded that adoption and integration of the Appendices will provide clarification to teachers that the examples in the Appendices are simply illustrative and will help them implement the standards.

Member Wright wondered whether if the process started from scratch there would be a consideration of whether standards are needed at all or if there are better standards.

Member Allen thanked staff of the State Office of Education for their work on the standards, noting that she has heard every comment of the review group previously from USOE staff. She informed that the Board considered the issues addressed before the Utah Core Standards were adopted.

Member Belnap discussed implementation of the standards, and highlighted two problems she sees from the new ways students are taught. First, students are having to learn in a different way subjects they already know; second, there is a chasm between parents and children because parents are not able to help their children with math. The implementation and curriculum is supposed to come from the local level, and yet all districts seem to be teaching in the same way. President Holland affirmed the conclusion in the report that implementation issues came up repeatedly and need to be addressed, but stated that since that stood outside the charge of the committee it wasn't studied.

Member Moss asked whether the elementary standards are age appropriate. Dr. Trapa replied that a detailed analysis of the elementary math standards was done by the elementary

expert on the team, and it was determined that the standards are age appropriate. Dr. Mathison reported that the ELA team came to the same conclusion.

Member Stokes asked the Review Panel to address the need for rigorous professional development. Dr. Kendell responded that in the past the state had a very significant fund for training teachers. Virtually all of that money is gone, and although the USOE has trained thousands of teachers it is short of the task. He gave his opinion that until there are more resources available to address the implementation issue, not much progress will be made.

Governor Herbert observed that the most common concerns he has heard about the standards have to do with math. There is confusion with the public and the implementation could have been better. His office has proposed to the legislature a 6.25 percent increase in the value of the weighted pupil unit (WPU) with the explicit recommendation for local control. That would give districts the option to use the funds for professional development.

Tami Pyfer thanked the Standards Review Panel and work groups for the tremendous amount of work they have done. She reviewed issues surrounding local control of curriculum and materials, testing, data collection and privacy, and standards review.

Governor Herbert also expressed appreciation for the work of those on the review group. He recognized the Board's authority to set the standards and hoped the recommendations will provide some guidance to the Board. The Governor expressed that he has a significant concern about educational achievement in the state and made the following recommendations. He feels there is a growing need for a more robust discussion as part of the curriculum on the founding of this country, the Constitution and civic responsibility. In addition, he suggested that a basic course in economics is needed in order for students to understand the free market economy on which the nation built its success. He asked the Board to consider those recommendations as it reviews the Social Studies Standards. He expressed appreciation to the Board and indicated he trusts the Board in their decisions.

Member Wright asked the Governor for his thoughts on a long-term charter funding solution. Governor Herbert replied that he is willing to look at what would be the most fair way to extract the needed funds and distribute them to Utah educational institutions to provide the best possible outcomes for choice in education.

Member Castle commented that she appreciates the Governor being able to recognize that there are a lot of shrill voices in the community, and there are other voices that aren't as shrill, but are just as enlightened and important. She noted the importance of making sure that not only the elite in society are educated. She also reported that there is an upcoming review of the Utah Science Standards, and commented on the importance of the standards and curriculum being sacrosanct and pristine, and decisions about the standards not being influenced by political or religious bias or extremism. She expressed hope that the Governor is being advised about case law regarding science standards. Governor Herbert responded that all voices are important and need to be heard, and that the goals are the same—to have the best educational environment for all students.

Vice Chair Thomas noted that the Governor's budget has proposed using the bulk of the \$600 million surplus for public education. He asked the Governor how that is being received and what the Board can do to assist in this endeavor. The Governor expressed that he feels the legislature is responding to education needs. The issue will be removing the earmark from transportation, which is a challenge. He welcomed a healthy debate.

Member Hansen reported her understanding that some districts are facing teacher shortages. She asked the Governor how he foresees recruiting teachers to Utah when surrounding states are paying more. Governor Herbert replied that he believes in the free market, and that we need to be cognizant about teacher salaries in other states. He suggested that teacher salary and benefits need to be combined when comparing with other states and adjusted as appropriate. He expressed his trust of local districts to determine where their money needs to be spent, including recruiting of teachers.

Chair Crandall thanked the Governor for taking his time to speak to the Board.

Testing Opt Out Policy

Superintendent Brad Smith reported on the memo regarding testing opt out sent to LEAs this week, and some issues surrounding the memo. His intent was to provide factual context and bring the item back to the Board in its March meeting for a full discussion. He stated that Associate Superintendent Judy Park did not act in any sense on her own in issuing

the memo. The memo was forwarded to him for his review, she also sought review from the Assistant Attorney General, and Superintendent Smith then gave final approval for the memo to be sent.

Superintendent Smith explained that the memo to him was a nonevent because as an LEA head he had received iterations of the memo that were relatively similar, and this seemed to him to be the third iteration of a topic that he already knew and with which he was conversant. The memo was not intended to create any change in policy or change in direction, though it has been interpreted as having that effect. When the memo came to him it struck him that the office was establishing business rules and operational principles for the administration of tests, therefore was not setting policy. Since then he has had a discussion with Board leadership and that position has been appropriately challenged, and he acknowledged that his view was not fair to the Board. He also acknowledged that the memo involved legal conclusions.

Superintendent Smith committed to revising the memo and bringing it back to the Board for full approval because it involves policy determinations. He made clear the structure that he anticipates presenting in the memo will include the following: 1) The most important legal policy has already been set by the Constitution and by what he would consider to be natural rights. Parents have the right to opt out of anything and they don't need permission or to seek someone else's response; 2) the safe harbor policy, which is driving some of the angst, is a recognition of parental rights to opt out, and for certain things to opt out into a safe harbor where there is no adverse affect on the child in the school. That is not a universal safe harbor and that is driving some of the concerns in the districts; 3) there was no intention on the Superintendent's part to suggest that the A.G.'s office was asked to make a policy decision. That is not the role of legal counsel and that was not the intent. The intent was to convey the notion that the USOE vetted the legal context of this situation.

Member Belnap asked how the delay will affect opting out of the SAGE writing assessments, which have now begun. The Superintendent responded that SAGE and its components are unambiguously covered by the safe harbor provisions of Utah Code 53A15-1403(9)(a), and there is an opt out provision for the SAGE writing assessments.

Elementary and Secondary Act (ESEA) Flexibility Renewal

Chair Crandall reminded the Board that Utah's current ESEA flexibility waiver expires in June of this year. Last month the Board adopted a resolution calling on Utah's Congressional Delegation to reauthorize the ESEA. Since that time, a federal bill regarding such authorization has been sent out for public comment. In the meantime, the deadline the U.S. Department of Education has set for application for waiver renewal is March 31, 2015. Unless authorized by the Board, the USOE will not be applying for a waiver.

Superintendent Smith reported that the the operational direction he has given to USOE staff is to prepare an ESEA renewal application ready to submit that includes the same state sovereignty language passed by the Board in the prior iteration of the ESEA waiver. Staff understands the Board must approve the submission of the application and will be prepared to give the Board options.

Chair Crandall also reminded that in the Board's last meeting it set as a priority legislative request \$30 million of one-time funds that could be used to cover impacts on LEAs should the Board not apply for the waiver or if the waiver is not extended by the Department of Education.

Member Theurer asked for clarification on whether the waiver is for three years. Chair Crandall responded that the Department is offering a three-year waiver, but the Board can apply for less.

Member Theurer also questioned whether the \$30 million request was for whatever the Board wanted to spend it on, not necessarily the waiver. Chair Crandall responded that was correct, and the appropriation would give the Board flexibility.

Superintendent Smith noted that one of the difficulties is that the application is due on March 31, but the acceptance or rejection may not be known until many weeks or months later when it would be too late to seek flexibility from the legislature. The \$30 million is an ask with intent language that if the Department of Education rejects the waiver it would give the Board the ability to hold districts harmless. Member Hansen asked if the \$30 million would be from the Education Fund, and Chair Crandall clarified that the Board would be requesting it from the General Fund.

Member Theurer questioned from where the \$30 million amount came. Superintendent Smith answered that it was based on an estimate from USOE Title I Section. Member Theurer also questioned if the waiver is not received, what will happen in following years. Chair Crandall indicated that the \$30 million would be set aside in the initial year, and if it is not used it will go back into the education fund. Superintendent Smith reported that one of the primary costs to LEAs under No Child Left Behind (NCLB) is to provide transportation from a failing school to another school. Since under NCLB all schools will become failing schools, it is his assumption that the service would not apply. Vice Chair Thomas also reported that money for title programs will not be lost if Utah doesn't receive the waiver.

Member Warner expressed that from responses she has received there seems to be the idea that if Utah continues with a waiver there will be more federal intrusion. She asked if there would be more federal intrusion under NCLB without the waiver and if the \$30 million is not appropriated. Chair Crandall noted that one of the turnaround models is to fire the personnel at the school responsible for not meeting Adequate Yearly Progress under NCLB. He would define that as firing no one, because no one is responsible. He suggested there would be less federal intrusion with NCLB alone because of how the law can be applied.

Member Stokes asked what the benefits are of not reapplying for a waiver. Vice Chair Johnson reiterated that because of ESEA there is federal intrusion into the schools. The intrusion with the waiver is in the policy requirements for standards, educator effectiveness, and accountability. From her point of view, the federal intrusion with the waiver is far more intrusive than without.

Member Warner indicated she could support not applying for the waiver with a written commitment from the legislature for the \$30 million.

Member Hansen reported that district superintendents and local boards are in support of the waiver, and questioned why the Board would go counter to what local boards feel will help them. She also expressed concern over the work that would be required of state and LEA staff if there is a switch from the waiver, then another switch if the ESEA is reauthorized.

Superintendent Smith responded that the federal Congress has created a situation where there is a risk of that kind of shift no matter what happens. He suggested delaying

seeking the waiver until the last possible moment because there will be more information as to what Congress and legislature are going to do.

Member Openshaw responded that it is still very early in the legislative process, and he suggested it might be wise to temper the rhetoric. His observation of the Public Education Appropriations Subcommittee is that they are proceeding with caution and are not dealing with the final budget yet. He suggested giving the legislature respect because funding of public education is their prerogative.

Vice Chair Johnson asked for information from staff. Federal statute provides for states to initiate or seek a waiver, and some states have received mini waivers. She identified a waiver from transportation for choice in extreme rural areas of the state. She asked for staff recommendations for specific waivers for which Utah could apply in terms of flexibility from the unintended consequences of NCLB.

Member Moss expressed that he was hesitant to sign the waiver last year because Utah has to agree to certain stipulations to get the waiver, essentially asking the federal government to approve what Utah is doing. He voiced a strong concern about the Department of Education making decisions that affect Utah education.

Member Stokes indicated that he has a great amount of faith of in ESEA being reauthorized and agreed with the decision to hold off on a waiver as long as possible. He also stated that he believes the Utah legislature will support the Board in this. Member Wright concurred, and expressed that it might help motivate legislators to know that the Board is leading out in fighting federal intrusion. Member Belnap also asked for more time and information, as the correspondence she is receiving from the public is varied for and against the waiver.

MOTION was made by Member Stokes and seconded by Member Moss that the Board express to the legislature the intent that Utah will not apply for an ESEA flexibility renewal now and will take final action in the Board's March meeting.

MOTION TO AMEND was made by Vice Chair Thomas and seconded by Member Corry to add that the Board will not apply for a waiver on the condition that the legislature will state its intent to appropriate \$30 million in one-time funds from the

General Fund in order to backfill any adverse consequences to LEAs from the Board not applying.

Vice Chair Johnson spoke against the amendment because there is still information the Board is gathering prior to making a decision. She also voiced that the Board stating such a condition may cut down on the ability to communicate with the legislature on the issue. Member Castle suggested waiting until next month to make the decision.

Without objection, the main motion was postponed indefinitely.

Executive Session

MOTION was made by Member Hansen and seconded by Member Openshaw that the Board move into Executive Session for the purpose of discussing the character, professional competence, and physical or emotional health of individuals, and pending litigation.

Upon voice vote of the members present, the Board voted unanimously to move into Executive Session, following lunch. The Board moved into Executive Session at 11:45 a.m.

Due to the arrival of a legislator, the Executive Session was postponed.

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

Motion carried. The Board reconvened in open meeting at 11:58 a.m.

Discussion with Legislator

Representative Jake Anderegg was welcomed to the meeting. The Representative reported that the legislature had a lively debate this morning on how much the State Board of Education is paid and are looking at an increase. They realize how much time and effort goes into the work of the Board.

Representative Anderegg reported that he will be meeting today with the Governor's Education Director, members of PTA, UEA, United Way, the Eagle Forum, and Associate Superintendent Judy Park on his proposed Student Privacy Act. He intent is to set up a framework for how student information is to be collected, how information is to be secured,

and how that information is accessed and shared. He reported that he is working on a substitute that will address some initial concerns about expungement and disciplinary records. The Representative asked for Board input.

Member Castle asked whether under his bill information on student Individual Education Plans (IEPs) could be accessed from higher education institutions. Representative Anderegg responded that nothing in the bill prohibits or addresses anything beyond 12th grade except for the ability to expunge certain information if you are over 21, such as school discipline records.

Vice Chair Thomas informed that after the last legislative session the Board did a major rewrite on its data privacy rule based upon best practices and legislation from other states. He asked whether the bill is duplicative of the Board's current rule. The Representative responded that he doesn't believe there is much duplication. It isn't the intent of the bill to prescribe a specific way things have to be done, and the bill gives the Board the responsibility to define the categories of disciplinary levels to be retained.

Vice Chair Thomas asked if the bill allows for sharing of data between Workforce Services and public education. Representative Anderegg responded that the bill does not address longitudinal data. He has another bill that would address that data and sharing is not prohibited.

Representative Anderegg reported that the fiscal note estimates a one-time impact of \$350,000 and ongoing of \$750,000. Member Stokes asked if an FTE will be designated as the education student privacy coordinator, and was given an affirmative answer. In response to a question from Vice Chair Johnson on audit requirements, Representative Anderegg also indicated the fiscal note may need to be adjusted to add funding for audit requirements.

Member Belnap asked whether being so specific about the data would cause limitations, and asked whether it needs to be written more broadly. The Representative responded that it is his preference that things get addressed systematically.

Member Wright expressed that this a brave and no-win thing to do. He questioned if even with the best efforts any of the data will be safe. Representative Anderegg responded that it is not a question of if, but of when, and the issue is to recognize the reality, minimize the

threats, and maintain the data when a breach occurs.

Executive Session

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

Upon unanimous voice vote of the Members present, the Board moved into Executive Session at 12:22 p.m. Those present in Executive Session included Chair Crandall, Vice Chairs Johnson and Thomas, Members Allen, Belnap, Castle, Corry, Cummins, Elinkowski, Hansen, Huntsman, Jensen, Moore, Moss, Openshaw, Stokes, Theurer, Tingey, Warner and Wright; Brad Smith, Joel Coleman, Sydnee Dickson, Lorraine Austin, Chris Lacombe, Ben Rasmussen, Rachel Terry and Nicole Ferguson.

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

Motion carried unanimously. The Board reconvened in open session at 1:55 p.m.

Utah State Office of Rehabilitation (USOR)

Superintendent Smith reported that the Social Services Appropriations Subcommittee was made aware of the USOR funding situation this week and the information was not positively received. The Committee questioned whether USOR's clients could be better served by USOR being governed elsewhere; however, a proposed change in governance did not come out of committee. The Superintendent reminded the Board that a supplemental appropriation for this fiscal year of \$6.3 million is being requested by the Board. The Appropriations Subcommittee expressed that the circumstance of this matter leaves them with very little alternative than to move forward the funding recommendation.

Superintendent Smith confirmed that USOR will be going on Order of Selection, which means that services for new clients will be rationed. That is required in order to restore the financial viability of the office. He acknowledged that this is a dire circumstance where the most vulnerable are placed in grave jeopardy. Part of the assurance he and Board leadership

gave to the Appropriations Subcommittee was that over the next year the Board will articulate how this happened, how to prevent it from happening again, and then be able to discuss whether USOR should be retained under the Board.

Superintendent Smith also reported to the Board that the USOE relies on USOR indirect cost pool funding to fund USOE services. In many respects, USOR has been paying for services they haven't been getting, and that needs to be addressed on multiple levels. Chair Crandall reiterated that this is a very serious situation with no short-term remedy.

USOR Executive Director Russ Thelin reported to the Board some changes that have happened to the Order of Selection Plan since it was approved. The Plan was originally submitted with five categories for the waiting list for Order of Selection, but the U.S. Department of Education did not accept two of the categories. Although the Rehabilitation Act was reauthorized, there are no new regulations for the Act. The Plan was submitted in compliance with the new law, but the old regulations are still in operation. The two categories dropped are students with disabilities and individuals who need rehabilitation services in order to retain employment. The changes will need to be ratified by the Board.

MOTION was made by Vice Chair Johnson and seconded by Member Openshaw that the Board ratify the Order of Selection Plan as revised with the categories Most Significantly Disabled, Significantly Disabled, and Individuals with a Disability, in that priority order.

Motion carried unanimously.

Vice Chair Johnson discussed that there is some confusion regarding to whom the USOR Executive Director reports—sometimes the Board, sometimes the Superintendent, sometimes an Associate Superintendent. Superintendent Smith responded that he has discussed this with Mr. Thelin and the USOE will provide every element of support to him through the School Finance Section, he will report to Superintendent Smith, and he will be involved with the Board as much as they desire. There needs to be much more involvement than in the past.

Member Hansen suggested that a member of the Board sit on a USOR advisory council. Mr. Thelin informed that there are several advisory councils, and the State Rehabilitation Council includes representatives from all the Rehabilitation division advisory councils. The State Rehabilitation Council has not historically reached out to the Board. Chair Crandall

suggested that more communication would have been helpful as problems arose.

Vice Chair Johnson gave a summary of the USOR's financial situation. For a period of five years USOR was attempting to continue to provide services at the same level it always had even though costs and the number of clients were increasing. In order to cover the costs at the same time there were state cuts, one-time monies were used. With federal grants, there is an obligation to continue matching at the level that is being received. If one-time money is received, the agency is still obligated into the future for the match. In addition, there was the complicating factor that in 2013 the impression was given that there was \$10 million more money than there actually was to write contracts with clients. Contracts for \$7 million were written, exacerbating the entire problem. The intent was to take care of clients, but was done without a financial plan or knowledge of the Board. She acknowledged that Director Thelin was not privy to the overriding and the decision to use one-time sources until after he was appointed as the Executive Director.

Chair Crandall reiterated that if the governance of USOR isn't going to move, then the Board has to take the responsibility of oversight seriously.

Vice Chair Johnson reported that \$2 million in indirect overhead from USOR is received by the State Office of Education. There would need to be significant changes to the budget in order to accommodate any kind of a USOR change in location.

Director Thelin expressed appreciation for being able to come before the Board this year. He also recognized Vice Chair Johnson and Superintendent Smith for the exceptional job they did of highlighting what the Board and USOR are doing to rectify the problems.

Committee Reports

AUDIT COMMITTEE

Committee Chair David Thomas reported that the Committee will be receiving a year end closeout report for FY15-16. A confidential copy will be released to the Board. Questions should be directed to the Vice Chair Thomas or Internal Auditor Debbie Davis.

FINANCE COMMITTEE

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

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

The committee received the USDB financial report. Appreciation was expressed to USDB Chief Financial Officer Scott Jones.

Minimum School Program (MSP) Review

The Committee received a presentation on the various revenue sources and an explanation of how the funding systems work.

R277-116-1 Utah State Board of Education Internal Audit Procedures—Definitions

A revised rule from the Committee was distributed to the Board. The rule was amended to bring it into consistency with Board Bylaws and update definitions of the Audit Committee and Internal Auditor. The Committee approved amendment to the rule on first reading.

MOTION from the Committee that the Board approve R277-16-1 *Utah State Board of Education Internal Audit Procedures—Definitions*, as amended, on second reading.

Motion carried unanimously.

R277-114 Corrective Action and Withdrawal or Reduction of Funds

This rule was sent back to staff for additional adjustments and future consideration.

Pupil Accounting Discussion

The Committee held a discussion regarding pupil accounting including review of Performance Audit 2013-02 *Distance and Online Education Programs in Utah Schools* and recommendation from the R277-419 and LEA Funding Task Force. The issue is finding a way to balance equitable funding to students and give parents and students choice in education while

creating equal incentive opportunities for all students.

Rebekah Richards, Chief Academic Office at Graduation Alliance, was invited to speak to the Committee about various methods of pupil accounting that happen in other states. Notes from her were distributed.

MOTION from Committee that the Board direct staff to remove the privacy portion from R277-419-9 and place it in another section of administrative rule.

The intent is that R277-419 should only address pupil accounting.

Motion carried unanimously.

It was noted that staff received several assignments from the discussion. Superintendent Smith expressed that staff will work to provide the materials as quickly as possible keeping in the mind the requirements placed on them during the legislative session.

Requests for Data

It was reported that this will be a standing committee agenda item.

Member Wright asked for more information regarding RDAs and school bus transportation and he will send correspondence outlining the specific information he is seeking.

Utah State Office of Education and Discretionary Fund Budget Review

The Committee received the quarterly budget report.

LAW AND LICENSING COMMITTEE

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

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

The Board recently approved major revisions to R277-504. Additional public comment was received and amendments were proposed for Board consideration.

The Committee approved on first reading the proposed amendments with the following

additional changes:

- Line 411 changed to read: (a) core content from the Utah Early Childhood Core Standards and the Essential Elements and content specific pedagogy.
- Line 430 changed to read: “The Board may” rather than “The Board shall.”

MOTION from Committee that the Board approve R277-504 *Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5)*, as amended, on second reading.

Motion carried unanimously.

R277-502 Educator Licensing and Data Retention

Utah Code 63M-1-3208 requires that the Board of Education collaborate with the STEM Action Center to develop STEM education endorsements and requires the Board to make rules to establish how STEM endorsements will be valued on a salary scale for educators.

Amendments to the rule were proposed to clarify the rule to more explicitly link STEM endorsement courses to LEA salary schedules.

It was noted that the Committee questioned Line 395 and whether the USOR or Board should determine which content area endorsement should qualify as a STEM endorsement, and the Committee felt it was appropriate to leave it with the USOE.

The Committee approved on first reading the proposed amendments to R277-502 with the following additional amendments:

Lines 117, 123 and 467: Changed “The Board shall” to “The Board may . . .”

MOTION from Committee that the Board approve R277-502 *Educator Licensing and Data Retention*, as amended, on second reading.

USOE Teaching and Learning Director Diana Suddreth reported that staff have been working on a STEM endorsement for the past six months, and a series of courses have been designed for K-6 teachers that focus on hands-on science, project-based learning, problem solving, and some math pieces. The definition of STEM endorsement could be expanded to include the elementary math endorsement or secondary endorsements in STEM areas, or the Board could direct that staff design a STEM endorsement for secondary. Vice Chair Johnson

requested a report on recommendations and alternatives for the STEM endorsement. Because this rule went to the Administrative Rules Review Committee it is a higher profile issue. Dr. Suddreth informed that the changes to the rule are in response to the Rules Review Committee concerns.

Dr. Suddreth explained that the struggle in writing the rule was to not take over the responsibility of the LEAs to set teacher pay, but to honor what the legislature has directed to ensure that STEM endorsements result in higher pay for teachers. Staff approach was to tie the STEM endorsements to university credit that is recognized for lane change, thereby resulting in increased pay for those that have STEM endorsements. Superintendent Smith asked what happens in LEAs that don't have lanes. Dr. Suddreth responded that it is a question they were not able to resolve.

In response to a question from Member Belnap, Director Suddreth explained that the STEM endorsement doesn't mean that teachers have to get another endorsement if they already have an endorsement in a STEM area. The reason the language in the rule references university credit is because some of the endorsement courses are available without going through a university. USOE credit is given, but some districts don't honor that credit as part of their lane change, and the rule language would cause the credit to be honored as part of their lane change.

Superintendent Smith suggested an amendment on Line 391 to change "credit for lane change" to "credit for lane or step change." Districts that don't have lanes do recognize step changes based on additional education increment, and the change would probably encompass the vast majority of all LEAs.

Chair Crandall questioned how charter schools would participate in STEM endorsements. Deputy Superintendent Dickson indicated that one of the keys they heard in the Administrative Rules Review Committee was the term "value," not necessarily an amount. There may be better terminology than "university credit value." University credit is the qualifier.

Chair Crandall voiced his understanding that the Rules Review Committee wanted an actual value placed on the endorsement. Dr. Dickson responded that university credit was

used as the value rather than a dollar amount to not interfere with negotiated agreements. She reported that she followed up with Senator Stephenson and he stated he wanted some kind value that would provide equity.

Superintendent Smith noted that by giving 16 credit hours that would drive potential changes on almost all salary schedules. It would not provide a common amount that would apply across all districts. Staff could perhaps go back and look at salary schedules across the state and try to extract an average of what a 16 credit hour advance would look like, and if a dollar amount is identified, at least that would have some tie to functionality in the field. Chair Crandall reiterated that the complaint the Rules Review Committee had was in leaving the amount up to LEAs.

Vice Chair Johnson voiced a concern with the term “the Board may” in lines 117, 123 and 467, and expressed that Board rules should not be directive to the Board. She asked for that language to be cleaned up.

MOTION TO REFER TO COMMITTEE was made by Member Openshaw and seconded by Vice Chair Johnson.

Motion carried unanimously. Staff will work on amendments to the rule as discussed and bring back to the Committee.

Superintendent Smith requested clarification on whether the Board is requesting that a dollar amount be designated. Chair Crandall directed that staff look at options that work for all LEAs.

Least Restrictive Behavior Interventions (LRBI) Technical Assistance Manual

Changes to the LRBI Manual, as well as to R277-609 *Standards for LEA Discipline Plans* are being made to apply to all students, not just Special Education students. A wide variety of stakeholders gave input into the document. The Committee directed staff to take the manual back to the public for additional input and consider putting some sections into rule, while keeping others as guidance.

It was reported that Members Castle and Hansen volunteered to participate in groups to make changes to this document and Board rule.

R277-609 Standards for LEA Discipline Plans

The rule was referred back to staff for additional public input, and will be brought back to the Committee, along with the LRBI Manual, in April or May.

The Committee approved the rule for continuation on first reading.

MOTION from Committee that the Board approve continuation of R277-609 *Standards for LEA Discipline Plans* on second reading.

Without objection, the motion carried.

R280-200-3 Rehabilitation—Board Approval for Federal Funding Requests

A new section was added to R280-200 to give clarity to the authority required for the State Office of Rehabilitation to make application for new federal grants or reallocation funding.

The Committee reviewed the section and made additional changes. An updated rule was distributed. The Committee approved amendments to the rule on first reading.

MOTION from Committee that the Board approve R280-200-3 *Rehabilitation—Board Approval for Federal Funding Requests* on second reading.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Stokes that lines 13-16 be removed.

Motion to amend carried unanimously.

Motion carried unanimously.

STANDARDS AND ASSESSMENT COMMITTEE

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

Science Standards for Grades 6-8

A motion to recommend preliminary approval of the Science Standards and sending the Standards out for public comment failed in the Committee, with Committee member Allen in favor and Members Belnap, Cummins, Crandall and Stokes opposed. As noted earlier, the Science Standards draft will go back to staff for additional work.

Member Belnap thanked the staff and the writing committee for their work.

College and Career Awareness Standards

In order to facilitate up-to-date knowledge, exploration and activities, the CTE Introduction course has undergone a major revision including standards, objectives and indicators, curriculum, and course name. The new name is College and Career Awareness and the focus of the course is career exploration and planning, integration of academics, and project-based learning.

The Committee asked for changes in Objectives 1b and 1g to replace the term “develop and demonstrate” with “understand.” The Committee approved the Standards with the additional changes.

MOTION from Committee that the Board give final approval to the College and Career Awareness Standards, as amended.

Motion carried unanimously.

Secondary Library Media Standards

The revision of the Standards began in January 2014, the Standards were approved for public comment on May 9, 2014, and public comment was received from May 19 through September 24. The public comments were analyzed and adjustments to the Standards were made. Although not required by law, a Public Review Committee was convened to review the standards. The Committee approved the Standards.

MOTION from Committee that the Board approve the Secondary Library Media Standards for the purpose of dissemination, implementation, and ongoing professional development as designated by the Utah State Board timeline.

Motion carried unanimously.

Social Studies Credit Changes

Recommendations from the Board’s Graduation Task Force were initially presented to the Board in its June 4, 2014 meeting. Not all recommendations were acted upon at that time.

The Graduation Task Force recommended a change to the graduation rule requiring a total of 3.0 units of social studies credit, which is an increase of one half (.5) unit. In its January meeting, the Board made the required Financial Literacy course a standalone requirement, removing it from Social Studies.

MOTION from Committee that the Board approve amending the graduation rule to increase the Social Studies requirement to 3.0 units.

It was noted that 41 percent of school districts already require three credits.

Member Hansen voiced that this seems to be a local control issue as local boards have the ability to add to the requirements. Member Wright concurred, indicating his constituents don't want additional requirements.

It was reported that to qualify for the Regents Scholarship students must have 3.5 units of Social Studies. Member Moss asked how students are made aware of the Scholarship requirements. Member Theurer responded that it is through counselors. Member Castle expressed that there are students who aren't aware of the Regents Scholarship and some LEAs that don't support the Scholarship.

Vice Chair Johnson spoke in opposition to the motion. High school diplomas don't represent college and career readiness, and she felt a much more detailed conversation is needed as to what a high school diploma represents.

Member Corry reminded the Board that the Graduation Task Force has been looking at the requirements for several years. When it started there was a call for increased rigor, and this recommendation is the end result of the work of the Task Force.

Member Huntsman questioned whether there has been input from district superintendents. He expressed appreciation to districts that retained the 3.0 Social Studies requirements, but added that districts now have many offerings and options for students. He does not feel there is justification for the Board to take flexibility away from local boards.

USOE Social Studies Specialist Robert Austin was asked to comment. He reported that for the most part other states require three units of Social Studies, and many colleges require three units as an entrance requirement. He expressed his view that Social Studies is essential as it is the reason we have public education—for the understanding of history, geography,

economics and political life. Through Social Studies students develop essential skills of analysis, research, evaluation, and vetting sources, understanding sound bites on the news, and making sense of the world. Not every student will go on to higher education, but all will be citizens. Mr. Austin also reminded that the change would restore the Social Studies requirement back to where it was prior to Financial Literacy becoming part of the requirement.

Vice Chair Thomas indicated that normally he would agree with giving the flexibility to local districts, but feels that historically many districts did not step up and keep the rigor when the Financial Literacy requirement was added to Social Studies. He also supported keeping up with other states.

Member Moss agreed that he is concerned about making the requirements too prescriptive for districts, but is also concerned that Social Studies courses have been shortened and students aren't getting the depth they need. Districts will still have flexibility if the half credit is added.

Member Stokes voiced that Financial Literacy is important, but questioned whether it is more important than understanding the Constitution.

Member Wright stated that he is an over-zealous counselor for citizenship in his city. However, as he looks back over education every time his children were forced to learn something it seemed they did the bare minimum. The sooner children can learn to love and embrace their interests, they will learn more.

Member Castle expressed that public school is where students learn how to be Americans. They are with people that are not like them, and the discussions they have in class are invaluable. Public school is an induction into knowing what it means to be an American. She can't think of anything that is more important in public education.

Member Huntsman indicated he would support the addition if there could be assurance that those things for which the Board has voiced today get into the classroom. Member Hansen reminded that curriculum decisions are up to local districts.

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

It was clarified that the requirement will be for the freshman class entering the 2015-16 school year.

Minimum Caregiver/Guardian Document Format

H.B. 286 *Child Sexual Abuse Prevention* was passed during the 2014 Legislative Session. The bill states that the Utah State Board of Education shall approve instructional materials for child sexual abuse prevention and awareness training and instruction. A workgroup has been formed to work on implementation of the legislative requirements.

In its January 8, 2015 meeting, the Board approved sending out for public comment a draft template for a Minimum Caregiver/Guardian Document. The document was sent out for twenty days to receive input on: 1) Whether the formatting was logical and will help local districts and charter schools in selecting a provider to provide sexual abuse prevention training and instruction; 2) whether the formatting will help providers identify and demonstrate which minimum standards are met by their program; and 3) whether the formatting will help parents and other members of the public understand the expected content of the training.

The Committee reviewed the document and the public comment received. It was noted that the public comment was mostly about the content, not format. The Committee did not feel the format as currently presented addressed the three questions.

The Committee asked that they work together with staff and the workgroup to develop a template, perhaps considering a document template that has already been produced.

Vice Chair Johnson indicated that there may have been misunderstanding about what the format means because of the content included. The idea is to present a format that assists with decision making when evaluating programs. She also noted that significant changes have been made to the document since it was released.

Superintendent's Report

Superintendent Smith expressed his commitment to bringing items much earlier to the Board, and noted that he will be working with staff to include relevant information in the agenda memos. He also voiced the need to evaluate and recognize lessons learned.

Legislative Items

Associate Superintendent Bruce Williams reported on recent actions of the Executive Appropriations Committee. Last night the co-chairs of the Public Education Appropriations Subcommittee made recommendations as a result of the 98 percent budget exercise, in which the Board participated. Today the Appropriations Committee made motions concerning the \$63 million in cuts to public education agreed to by the committees. The Appropriations Committee approved increasing the allocation to the Public Education Appropriations Subcommittee in the amount that is equivalent to the cuts, plus \$54 million for growth. One-time money to cover this year's educator salary supplement was also allocated. The Public Education Appropriations Subcommittee will meet next week to reallocate the public education funding they received. The Board will be presenting its funding priorities to the committee. Superintendent Williams pointed out that \$63 million is above the amount of the cuts the Board proposed.

MOTION was made by Vice Chair Thomas and seconded by Member Stokes that the Board request that funding for USOE equipment (\$100,000), USOE Supplies and Materials (\$1,000,000), USOE Travel (\$45,000), and USDB USIMAC (\$484,000) be restored.

Motion carried; Member Allen absent.

Member Corry commented that when the Board went through the process of suggesting budget cuts, her understanding was that all the funding would be backfilled into the areas from which they were cut.

MOTION was made by Member Corry and seconded by Member Warner that the Board request restoration of funding to the remaining programs from where money was cut.

Chair Crandall cautioned that this is a process that is up to the Public Education Appropriations Subcommittee, and if the Board makes no consideration for changes it might not be positive. Superintendent Smith also voiced that the point of the exercise was to invite the Board to more deeply examine the below-the-line items for resource allocation.

Superintendent Smith also pointed out that the Board did not suggest any cut from the K-3 Reading Improvement Program, but that was cut by the Appropriations Subcommittee. For the first time, this year districts will be held accountable for performance and could be in

danger of losing money if they don't change student performance. In his mind, that makes the K-3 Reading line item a very important line item, because it is a driver of change and innovation.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board request that the Appropriations Subcommittee: 1) Backfill the K-3 Reading Improvement Program at \$2.6 million; 2) restore the remaining funds to flexible allocation funding; 3) add charter school replacement to flexible allocation and recommend allowing the sunset of the difference in how charter LEAs and districts are funded (move all LEAs to ADM plus growth).

MOTION TO AMEND THE AMENDMENT was made by Member Warner and seconded by Member Openshaw that the Board also request that \$6 million be restored to Pupil Transportation.

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

Motion to amend carried; Member Allen absent.

Main motion, as amended, carried; Member Allen absent.

Vice Chair Johnson asked for clarification with respect to the restoration of the USOE equipment, supplies and materials, and travel, and whether those are restricted funds. Associate Superintendent Williams responded that those funds are not restricted, and the Board would have discretion as to their use. Vice Chair Johnson emphasized the understanding that those are unrestricted funds that could be used for the Board's top priority of risk mitigation. She asked for the clarification to ensure the Board understands that as Board leadership represents the Board's priorities, the implication is that the risk mitigation is a priority over travel, equipment, materials and supplies for the USOE.

Vice Chair Thomas stated that his only concern is that the actual amount needed for risk mitigation is \$2 million, and the Board committed to funding \$1 million if the legislature would do the same. If the money for USOE travel, etc. is backfilled, he would not be supportive

of the legislature considering that money as a legislative appropriation for risk mitigation. Chair Crandall replied that he feels Board leadership can effectively communicate that point.

Superintendent Smith reported that as he and staff are meeting with various groups, requests are continuously made regarding the Board's positions on bills. He has instructed his staff that when a Board position has been taken, they will represent and advocate that position; when the Board has not taken a position, staff will represent that fact; and when the Board has not taken a position and staff are asked to speak, they try to provide as detailed and factual information as possible without taking a policy position.

Closing Comments

Member Corry encouraged Board member involvement with its national organization, the National Association of State Boards of Education (NASBE).

Adjournment

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

Motion carried. The meeting adjourned at 4:30 p.m.

Lorraine Austin, Board Secretary
Minutes approved March 6, 2015