

**UTAH STATE BOARD OF EDUCATION  
MEETING MINUTES**

August 6-7, 2015

**WORK/STUDY SESSION - August 6, 2015**

A study session of the Utah State Board of Education was held August 6, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Prior to the study session, Board members met with the STEM Action Center Board.

Board members present included Chair David Crandall, 2<sup>nd</sup> Vice Chair Jennifer Johnson, Dixie Allen, Laura Belnap, Leslie Castle, Barbara Corry, Brittany Cummins, Linda Hansen, Mark Huntsman, Jefferson Moss, Spencer Stokes, Terryl Warner and Joel Wright.

Others present included Emilie Wheeler, Debbie Davis, and Lorraine Austin—Board staff; Brad Smith, Sydnee Dickson, Scott Jones, Rich Nye—Utah State Office of Education; Darin Brush, Utah State Office of Rehabilitation; Nicole Call, Assistant Attorney General; Jean Tokuda Irwin, CMAC; Patti Harrington, USSA/USBA/UASBO; Debi Tabor and Cheryl Phipps—Utah PTA; Cynthia K. Phillips, Weilenmann School of Discovery; Royce Van Tassell, Utah Association of Public Charter Schools; Jay Blain, Utah Education Association.

Chair David Crandall called the meeting to order at 4:22 p.m.

**Strategic Plan**

Superintendent Brad Smith led a discussion regarding the Utah State Board of Education (USBE) strategic plan for public education.

**Executive Session**

**MOTION** was made by Member Moss and seconded by Member Johnson that the Board move into executive session for the purpose of discussing pending or reasonably imminent litigation.

Upon voice vote of the members present, the Board moved into executive session. Those present included all Board members listed above and Brad Smith, Sydnee Dickson, Emilie

Wheeler, Nicole Call and Lorraine Austin.

**MOTION** was made by Member Huntsman and seconded by Member Johnson that the Board come out of executive session.

Motion carried. The Board reconvened in open session at 5:52 p.m.

### **Utah State Office of Rehabilitation Agency Plan**

Darin Brush, USOR Executive Director, shared the Utah State Office of Rehabilitation Agency Plan. He expressed thanks to Stacey Cummins, Aaron Thompson, Jennifer Roth and other USOR staff for their assistance his first thirty days on the job.

The study session adjourned at 6:00 p.m.

Following the study session the Finance, Law and Licensing, and Standards and Assessment Committees met.

**UTAH STATE BOARD OF EDUCATION MEETING - Friday, August 7, 2015**

A regular meeting of the Utah State Board of Education was held August 7, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah.

Chair David Crandall conducted. The meeting commenced at 8:05 a.m.

**Board Members Present:**

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

**Board Members Excused:**

1<sup>st</sup> Vice Chair David L. Thomas

**Executive and Board Staff Present:**

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

**Others Present:**

Lauri Nelson, Patty Bartholomew, Laurie Bartholomew, Alison Devey, Jeremy Devey, Makenzie Devey, Tamara McIntyre, Benjamin McIntyre, Alison McIntyre, Christopher McIntyre, Shanda Baldwin, Jessica Hoffmann, Lucinda Fellenz, Jadie Hoisington, Travis Fellenz, Sara Doutre—USU Sound Beginnings; Debi Tabor, Utah PTA; Darcy Hardman; Michael Page; Joylin Lincoln; Lydia Nuttall; Barbara Lefler, RRCI; Michelle Tanner, USDB; Jackie Hendrickson, Detrick Hendrickson, Kris Fawson, Utah Statewide Independent Living Council; Craig Frank, UCN/ECA; Cheryl Atwood, Options for Independence; Chase Clyde, Jay Blain—Utah Education Association

**Opening Business**

Chair David Crandall called the meeting to order at 8:05 a.m. Member Linda Hansen led those present in the Pledge of Allegiance.

### Swearing in of New Board Member

Chair Crandall administered the Oath of Office to Stan Lockhart. Mr. Lockhart was appointed by Governor Herbert to fill the vacancy left by Mark Openshaw.

### Board Member Message

Member Laura Belnap welcomed the Board with a presentation, The Second Look. She encouraged the Board to be less like a spyglass and more like a telescope, to take a second look at options and opportunities, and take a second look and second listen as they hear from people. Member Belnap ended her remarks with an invocation.

### Recognition of Freddie Cooper

Former Board member Freddie Cooper was recognized for her service on the Board as the representative for the Coalition of Minorities Advisory Committee from 2014 to 2015. She was presented with original children's art work.

### Introduction of New Employees

H.R. Director David Rodemack introduced new employees Jessica Trappman, Jeff Greene, Mark Knowlden, Whitney Phillips, Tiffany Anderson, Brett Baltazar, Stephanie Patton, Margaret Lautaini, Eliza Stocks, and Sara Wiebke.

### **Public Comment**

Shanda Baldwin - informed that her son is recent graduate of the Sound Beginnings program at Utah State University. Five years ago her family moved to Cache Valley and decided the program was the most appropriate learning setting for him. This past year he was mainstreamed and has excelled. She felt his success is because of the foundation he received in the Sound Beginnings program and the tools provided specific to his impairment. She asked the Board to consider intervening in the decision that was made recently to no longer fund the program.

Jessica Hoffman - introduced her son, Liam, that hears with cochlear implants. Sound Beginnings has been there for them and she hopes to have the same success story as the one just shared. She asked the Board to consider the future generation.

Darcy Hardman - expressed how valuable it has been to have audiologist services at the Sound Beginning location. With the change to the program students will have to rely on a traveling audiologist in Logan. Having an audiologist onsite ensures that her child doesn't have to go one day without a hearing device, and she worries that she won't be able to receive the same level of services outside Sound Beginnings. She also expressed concern with the disruption the change in programs would cause her child. She requested that the Board leave the Sound Beginnings funding in place one more year while an independent source study of the issues is done.

Alexandra Eframo - stated that many people from Utah go to other states to buy lottery tickets. If Utah had a lottery the money received would help education and the money would be kept in the state. She expressed concerns about bullying and the amount of time children spend on computers. She also advocated for a moment of silence in the classroom.

Sara Jones, Utah Education Association - shared comments on Board rule R277-533. For the past three years UEA has been focusing on the initiative, Educators Taking the Lead, to provide professional learning for educators on the new evaluation system. She referred to lines 233-235 in the rule and asked for a revision before the rule is approved. Those lines require that individual evaluations be collected by the USOE. This is a significant change to policy and UEA believes it clearly violated the statute that ensures the privacy and protection of individual evaluation data. Also, there is no clear and consistent policy among local education agencies about who has access to the Utah State Office of Education's Computer Aided Credentials of Teachers for Utah Schools (CACTUS) program.

Jackie Hendrickson - talked about her son who lost his hearing. When they discovered Sound Beginnings and realized how happy her son was with the team there, they moved to Logan and her husband now commutes three hours a day to work. They were only notified four weeks ago that the Utah Schools for the Deaf and the Blind is cutting funding to Sound

Beginnings. They have requested that a hearing on this be held before the start of the school year, and as of yesterday, have over 2000 signatures on their petition to let their voices to be heard. The children deserve a transition time before services are stopped.

Lydia Nuttall - referenced the idea regarding science standards to teach both evolution science and information that opposes that science. If we want children to be free thinkers they need to be taught something more than just one ideology for the origins of mankind. She gave percentages on belief in God and the origin of humans. She believes in choice and that children need choice.

Sara Doure - introduced her daughter, Daisy, who uses cochlear implants. After observing USDB classrooms her family chose to move to Logan for her daughter to attend the Sound Beginnings program. They believed, based on talking to other parents, that it was her daughter's best chance of becoming mainstreamed. She feels those chances have been disrupted when one month before school she was informed that the program would be moved to a program for which she can find no information. She believes the procedures to stop Sound Beginnings are illegal. It is impacting a lot of families regardless of the political or fiscal reasons and those families have not been given appropriate notice. Programs should not be restricted to a sole source of services, with the Utah Schools for the Deaf and Blind (USDB) as the only provider. She distributed written comment.

Lauri Nelson - associate professor at Utah State University and member of the management team of Sound Beginnings - expressed her concern regarding the termination of the partnership between Sound Beginnings and USDB. Sound Beginnings provides an exceptional program that prepares children to successfully enter mainstream kindergarten programs. Children in Sound Beginnings make more than a month of educational gain for every month in the program. She distributed a cost analysis for Sound Beginnings and USDB and stated that the cost for Sound Beginnings is less than the cost for USDB to provide the services.

She noted that there has not been time for appropriate discussion or public input and expressed concerns about procedural safeguards for the families in Sound Beginnings. She also

explained that Sound Beginnings is central to the USU graduate training program. Because cost appears to be the main concern, program staff are requesting that the Board appoint an independent and unbiased panel to investigate and make a decision in early January.

Chair Crandall invited Joel Coleman, Superintendent for the Utah Schools for the Deaf and the Blind, to respond to the comments. Superintendent Coleman acknowledged that he is very sensitive to the concerns of the parents, and he shared that he has a niece that is deaf and has cochlear implants. He stated that the decision to stop funding for the Sound Beginnings program was not something that happened lightly. He also gave assurance that students previously served at Sound Beginnings will continue to receive every single service they have had access to there.

The School for the Deaf currently serves hundreds of students and they are the authoritative experts on what is best for those students. There is no disagreement that parents and students have been treated well at Sound Beginnings, but there are other parents that could speak to the quality and access to services USDB provides. He reported that a Utah Schools for the Deaf program has been set up in a classroom in Logan City School District. The USDB just received the contact information and permanent files of those in Sound Beginnings and are now contacting parents about the program. He also clarified that USDB is not the only provider in the state, but it is the only public school for deaf children in the state. Sound Beginnings is still a provider.

Superintendent Coleman informed the Board that changes in funding were needed as there was a fundamentally inequitable situation in the funding of Sound Beginnings and programs for deaf children statewide. The money spent for the same quality services throughout the state was not even close to what has been spent at Sound Beginnings. USDB staff approached Sound Beginnings with several options for restructuring the funding for the program. After several meetings and three sessions of mediation, the result was that Sound Beginnings would not consent to any change in funding. Superintendent Coleman stated that he stands firm on his fiduciary duty for all deaf children in the state.

He expressed that the Board is also the Board for USDB and the decision on whether to

hold a hearing is the Board's, but did express concern that any type of delay could be detrimental to the students.

Member Stokes asked whether the relationship with Sound Beginnings is the only relationship of this type outside of USDB. Superintendent Coleman responded that it is the only relationship where USDB outsources the education that the school should be doing. The school is in other partnerships to train graduate students.

Member Stokes questioned what the options are for those student in Cache Valley. Superintendent Coleman responded that any parent can choose any program, but now USDB will not be paying for parents to go somewhere outside of the USDB program. USDB will still pick up and drive students to the USDB program and the students will interact with peers that are not deaf. The only difference a parent will see is a different classroom and location. A student will have same program as prescribed by the student's IEP team.

Member Stokes asked if there was an attempt to ask Sound Beginnings to provide their services at the same reimbursement rate given for USDB programs. Superintendent Coleman responded that it was an option presented. The funding for USDB programs is significantly less because USDB has capacity that is not redundant. Another option was that USDB hire some of Sound Beginnings providers and dedicate them to Sound Beginnings. USDB was willing to continue the relationship. He also informed that Sound Beginnings and USDB did not calculate the numbers in the same way.

Member Hansen asked why parents weren't notified earlier that USDB was pulling out of Sound Beginnings. Superintendent Coleman responded that USDB anticipated they would still be able to work with Sound Beginnings, and an impasse was not reached until recently. When the impasse was reached, USDB immediately went to work to try and get the student files from Sound Beginnings. They did attempt to contact the families knew about.

Member Wright asked why families couldn't be given the money similar to the Carson Smith Scholarship. Superintendent Coleman responded that USDB receives a direct appropriation to provide services, and this type of program isn't in place.

Member Lockhart asked if all options have been presented to Sound Beginnings.

Superintendent Coleman reiterated that options were presented in three different three-hour sessions with Sound Beginnings. Member Lockhart suggested meeting again including a member of the State Board of Education to come up with a workable solution. Superintendent Coleman reported that though money was the main conflict, there were other fundamental conflicts, including early intervention. Early intervention programs ages 0-3 are where parents get the education and knowledge necessary to make the most informed choices for their children. Currently in the Cache valley area all early intervention is funneled through Sound Beginnings, which includes a listening and spoken language program, but doesn't offer an ASL option. If USDB provides early intervention parents have a choice of options.

Member Allen attested that students in the rest of the state are not receiving the same services that students receive at Sound Beginnings. She asked if more time could be given to these parents as they have invested time and money to participate in Sound Beginnings. Superintendent Coleman expressed his belief that these parents who are so committed will not lose anything by having USDB provide the services.

Member Stokes expressed his support for appointing a small group of Board members to talk with Superintendent Coleman and parents from Sound Beginnings.

### **General Consent Calendar**

**MOTION** was made by Member Huntsman and seconded by Member Allen that the Board approve the Consent Calendar.

**MOTION TO AMEND** was made by Member Stokes and seconded by Member Johnson that contract B2 for multiple vendors be removed for further discussion. Without objection, the motion was amended.

**MOTION TO AMEND** was made by Member Belnap and seconded by Member Hansen that contract B1 with Evaluation and Training Institute, contract B5 with Snapp Studios, and items E–NASBE Dues, and H–R277-444 be removed from the Consent Calendar to receive further clarification.

Motion to amend carried.

Motion as amended carried, with Vice Chair Johnson opposed.

Contract B1 - Susan McRea, Financial Analyst, explained that Evaluation and Training Institute is the company used for an outside evaluation of the UPSTART program to evaluate the performance of the children in the pilot. It is required in statute and was awarded through an RFP process.

Contract B2 - Associate Superintendent Rich Nye and Assessment Director JoEllen Shaeffer explained that \$8 million is to be awarded to multiple vendors to provide the data collection system for the DIBELS assessment. Multiple vendors have been identified through an RFP process in order for districts to have a choice. The contract is for the platform, not the assessment. The vendors receiving the award are Amplify and VPORT. Information is still being collected on which vendors the districts have chosen. Member Stokes that a dollar amount for each vendor be provided before a vote is taken.

Contract B5 - Susan McRea explained that Snapp Studios was awarded the contract as a sole source. The USOE has been working with them to create an iPad system that would be used in the drivers education vehicles. The program is specific to drivers education and is for the behind-the-wheel portion of the program. It allows teachers to track student performance, and can also track payroll.

Item E, NASBE Dues - Member Hansen questioned whether the Board is taking advantage of all the things the NASBE organization can do for the Board. Chair Crandall indicated the Board is benefitting from its membership in NASBE.

Item H, R277-444 - Member Belnap reported that as a result of discussions in the Standards and Assessment Committee, rule R277-444 needs to come back for further changes. It was clarified that the rule is on the Consent Calendar for continuation only so it doesn't lapse. It will come back to the Board for amendments in a future meeting.

**MOTION** was made by Member Belnap and seconded by Member Corry that the Board approve returning all items removed from the Consent Calendar with the exception of item B2.

Member Cummins asked what the consequences will be if the Board doesn't approve contract B2. Associate Superintendent Nye responded that it will delay local education

agencies (LEAs) from administering the test. He indicated he will work to get amounts for each vendor by the end of the day.

Motion carried.

Motion to approve the Consent Calendar minus B2 carried unanimously.

### **Consent Calendar**

#### **A. Minutes of Previous Meeting**

Minutes of the Utah State Board of Education meeting held June 18-19, 2015 were approved.

#### **B. Contracts**

The Board approved the following contracts:

1. Evaluation and Training Institute, \$947,760, 08/15/2015 to 12/31/2019

To provide independent external evaluation of the UPSTART program.

2. Multiple vendors to be determined based on RFP solicitation BC16001 process that closed July 16, 2015, \$8,000,000, 08/15/2015 to 08/14/2020

This item was removed from the Consent Calendar.

3. ESP Solutions Group, Inc., \$441,150, 09/01/2015 to 08/31/2020

To license the Vertical Reporting Framework (VRF) software for the Utah Transcript and Record Exchange (UTREx).

4. Kimono, LLC, \$850,000, 09/01/2015 to 09/01/2020

To provide Student Locator Framework (SIFWorks SLF) and Zone Integration Server (SIFWorks ZIS) software for the Utah Transcript and Record Exchange (UTREx).

5. Snapp Studios, LLC, \$1,237,518, 09/01/2015 to 08/31/2020

To provide Drivers Education training software.

6. Utah Statewide Independent Living Council, \$175,567, 10/01/2015 to 09/30/2016, Amendment

To provide resources to the Independent Living Program in accordance with federal Title VII Part B and the State Plan for Independent Living.

C. Contract Reports

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

D. Qualified Zone Academy Bond (QZAB)

The State Board of Education was awarded \$2,849,000 of QZAB authorization for calendar year 2014 under 54E(c)(2) of the Internal Revenue Code. Qualified Zone Academy Bonds provide a financial tool that can be used by state education agencies to encourage formation of partnerships between public schools and local businesses to enhance academic curriculum, increase graduation rates, and to better prepare students for the rigors of college and the workforce. Applications were requested from qualifying LEAs in April 2015. One LEA submitted a complete application and demonstrated compliance with all eligibility criteria.

The Board awarded the entire \$2,849,000 QZAB funds to Ogden City School District.

E. National Association of State Boards of Education (NASBE) Dues

The Board approved payment of NASBE 2016 dues in the amount of \$23,556 broken out as follows: \$23,406 - NASBE; \$130 - National Council of State Education Attorneys (NCOSEA); \$20 - standard subscription.

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

In its June 19, 2015 meeting, the Board approved amendments to R277-116 on second reading. Amendments were made to ensure consistency with the Utah Internal Audit Act, Board intent, and internal auditing standards.

The Board approved R277-116 *Utah State Board of Education Internal Audit*

*Procedure*, as amended, on third and final reading.

G. R277-406 K-3 Reading Improvement Program and the State Reading Goal

In its June 19, 2015 meeting, the Board approved R277-406 on second reading. The rule was amended to take into account the proposed approach to calculating the uniform growth goals for LEAs based on DIBELS data and student growth.

The Board approved R277-406 *K-3 Reading Improvement and the State Reading Goal*, as amended, on third and final reading.

H. R277-444 Distribution of Funds to Arts and Science Organizations

In its June 19, 2015 meeting, the Board approved continuation of R277-444 on second reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-444 *Distribution of Funds to Arts and Science Organizations* on third and final reading.

I. R277-497 School Grading System

In its June 19, 2015 meeting, the Board approved amendments to R277-497 on second reading. The rule was amended to make it consistent with S.B. 245 *School Grading Amendments* (2015 Legislative Session).

The Board approved R277-497 *School Grading System*, as amended, on third and final reading.

J. R277-498 Grant for Math Teaching Training

In its June 19, 2015 meeting, the Board approved continuation of R277-498 consistent with its rulemaking process.

The Board approved continuation of R277-498 *Grant for Math Teaching Training* on third and final reading.

K. R277-602 Special Needs Scholarship - Funding and Procedures

In its June 19, 2015 meeting, the Board approved amendments to R277-602 on

second reading. The rule was amended in response to 2015 legislation, S.B. 270 *Carson Smith Scholarship Amendments*.

The Board approved R277-602 *Special Needs Scholarship - Funding and Procedures*, as amended, on third and final reading.

L. List of Educator Licenses Processed

The Board received summaries of the total number of educator licenses and license areas processed in June and July 2015.

M. Adoption of Per Diem Rates

The Board adopted, in accordance with its Bylaws, the per diem rates for boards established by the director of the State Division of Finance [63A-3-106 and 107].

### **Monthly Budget Report - Year End Close**

Associate Superintendent Scott Jones and Brian Ipson, Internal Accounting, made a presentation on State Fiscal Year 2015 year end close. Information was distributed and reviewed on unearned revenue and the closing package. Mr. Ipson reported that the closing package will be submitted to State Finance by next Wednesday. Mr. Jones noted that reports from the local education agencies must be received before the package can be finalized. His staff has been working with districts to ensure their reports are submitted.

Mr. Ipson referenced an audit done last year that recognized problems with the unearned revenues and accounts receivables book at year end close for SFY 14. He reported that corrective action has been taken to ensure the audit findings are being addressed. He indicated that staff is confident in the closing numbers.

Accounting and other division staff were acknowledged for the work they have done to accomplish the year end close.

### **SAGE Licensing by Other Vendors**

Associate Superintendent Rich Nye and Assessment Director JoEllen Shaeffer reviewed

three options for leasing the SAGE online adaptive test question bank as outlined in a handout distributed to the Board. Dr. Shaeffer noted that there are not only states, but also companies, that are interested in leasing Utah test questions.

**MOTION** was made by Member Allen and seconded by Vice Chair Johnson that the Board direct staff to move forward with Option 3:

*Utah State Office of Education will only take secure possession of the item bank in an agreed upon format and facilitate opportunities for interested vendors to view a sample of items representative of the Utah item bank with a summary of items available per grade, subject, type, depth of knowledge, and copyright situation. Upon secure transfer of Utah item bank to vendors, license agreements will ensue that will specify:*

- *Covering Utah from and against any and all losses, damages, injuries, liabilities, suits and proceedings arising out of the licensing.*
- *Ensuring security of the SAGE assessment items.*
- *Guaranteeing Utah payment for any released item “regardless of whether the release is accidental, intentional or required by law.”*
- *Providing all information about the SAGE assessment to the licensing state.*
- *Annual reports on item usage, released item tracking, etc.*
- *Collecting and paying for all classical and IRT statistics for the administration of SAGE items for use of cross-state linkages by states under any said agreements with Utah’s current testing contractor.*
- *Tracking item exposure and usage across states, collecting item release requests, and preparing analyses for Utah to support item release and item development decisions.*

**MOTION TO AMEND** was made by Vice Chair Johnson to add that staff will move forward with the expectation that any agreement will come back to the Board for approval.

Motion was amended without objection.

Motion carried, with Member Belnap opposed.

### **Public Educator Evaluation Committee Report**

Linda Alder, USOE Educator Effectiveness Coordinator, distributed updated information and gave an annual report of the Utah Educator Effectiveness Project. She reported on district readiness to implement the public educator evaluation system.

### **Superintendent's Report**

Superintendent Smith reported on the following.

- The Teacher of the Year banquet will be held September 18, 6:30 p.m. at the Doubletree Hotel. All Board members are invited.
- The USOE superintendency, USOR Executive Director and USDB Superintendent met in a retreat on Tuesday of this week as part of the strategic planning process. Superintendent Smith expressed what a blessing it is to have this team in place.
- The Beverley Taylor Sorenson Arts Learning Program is now in its 8<sup>th</sup> year. During the 2014-15 school year the program has grown to include 218 schools in 28 school districts and 16 charter schools. The program is evaluated by the Utah Education Policy Center, and it has been shown that student achievement in schools with the program is higher than in schools that are similarly situated without the program. There appears to be evidence of correlation of participation in the program with student achievement and parent involvement. Applications greatly exceed the ability to provide.
- The Board was reminded of the joint education meetings with the legislature, public education and higher education in Cedar City on September 2-3.

### **Audit Committee Report**

Vice Chair Jennifer Johnson reported on the following items from the Committee. A summary of the July 16 Audit Committee meeting was distributed.

2016 Prioritized Audit Plan

Internal audit staff performed a risk assessment and have developed a risk plan. Internal Audit Director Debbie Davis, along with Auditors Kevin John and Nate Johansen reviewed the top three risks and a proposed audit plan.

**MOTION** from Committee that the Board adopt the Prioritized Audit Plan for SFY 2016.

It was noted that the plan is flexible and the Audit Committee will review additional items as they come up and determine where to fit them into the plan.

Member Wright expressed in regards to the proposed charter school signatory power audit, the hope that the State Charter School Board will be liberal in letting charter schools amend their charters.

Motion carried unanimously.

Internal Audit Request for SFY17 Funding Priorities

**MOTION** from Committee that the Board include requests for an additional financial/compliance auditor and an administrative assistant to the SFY 17 budget priorities list under consideration.

Motion carried unanimously.

Change to Utah Code 63I-5 *Internal Audit Act*

There is language in the Utah Internal Audit Act (UCA 63I-5-201(4)) which indicates that USOE establishes, under the direction of the Board, the internal audit function. The Audit Committee has discussed that because the internal audit function should be independent of daily operations and reports to the Board, the Board should be designated to establish the internal audit function.

**MOTION** from Committee that Board leadership work with the legislature to revise the statutory language in the Utah Internal Audit Act to indicate that the Board establishes the internal audit function.

Motion carried unanimously.

## Standing Committee Reports

### FINANCE COMMITTEE

Committee Chair Jennifer Johnson reported on the following items from the Finance Committee meetings on July 9 and August 6.

#### AIR Funds and SFY 16 Budget Amendments

The Committee reviewed information and recommendations on how to fund the Associate Superintendent for Assessment and Accountability position, three managerial accounting positions, one federal grant compliance officer position, and hiring an external accounting, law, or auditing firm to ensure indirect cost pool reliability. The Committee was also given an update on the status of the AIR contract funds and the potential issues with using AIR contract funds to pay for the above.

**MOTION** from Committee that the Board move funding from the Associate Superintendent for Policy and Communications position to the Associate Superintendent for Data, Assessment and Accountability position, and fund the Associate Superintendent for Policy and Communications position with ongoing risk mitigation funds; in addition, to request funding for an ongoing FTE during the next legislative session so as not to rely on contract or federal funds to pay for positions.

Motion carried unanimously.

#### Special Session Request

The Committee reviewed options for potentially seeking supplemental funding if a special legislative session is called.

**MOTION** from Committee that the Board utilize resources available with Risk Mitigation funds initially, then direct Superintendent Smith and Associate Superintendent Jones to work together to identify mission critical positions within the agency and come up with the funds internally, if possible, to fund six FTEs (three managerial accountants, one federal compliance

officer, and two support staff for Internal Audit and School Finance.)

Motion carried unanimously.

#### State Fiscal Year Budget Formulation Timeline

The Committee reviewed the budget formulation timeline.

#### State Fiscal Year 2017 Funding Priorities

**MOTION** from Committee that the Board prioritize Enrollment Growth and WPU inflationary adjustment as SFY 17 budget requests.

Motion carried unanimously.

#### Budget Tools Standardization

The Committee received information on standardized budget tools that could be part of a template for the financial dashboard.

#### Budgetary Authority

The Committee reviewed a draft budget authority document. The Committee did not recommend increasing the Superintendent's budgetary authority for approvals over \$100,000. The Committee also recommended that cumulative movement between object codes of \$25,000 or more require superintendency approval, and that the superintendency develop a policy on how to handle transfers for amounts less than \$25,000 internally.

#### SAGE Formative System

The Committee received information regarding continuation of the SAGE formative system.

Superintendent Smith reported that he is gathering information on options and will provide that information to the Board.

Taxing Entity Committee to the Community Development and Renewal Agency of the City of Washington Terrace for the Southeast Urban Renewal Project Area - Plan Extension

This item was postponed at the request of the taxing entity.

SFY 17 Funding Requests

The Committee reviewed new funding requests for SFY 17 and information was distributed to the Board on funding requests submitted as of August 6, 2015. The majority of the requests were from USOE section directors and from recommendations by the Finance Committee. It is anticipated the Board will prioritize funding requests in its September meeting.

Associate Superintendent Jones reported there will be additions from Special Education and School Finance. There may also be items added after the Board strategic plan is finalized.

Representatives from the Division of Child and Family Services presented information to the Committee on a database that the USOE has access to, by law, to search potential serious or chronic child abuse claims.

Superintendent Jones indicated that information on the budget requests will be posted to the Board's website. He also reported that next year the process of identifying budget requests will begin just following the legislative session.

Budget Reporting Schedule

**MOTION** from Committee that the Board approve the budget reporting schedule for SFY 16 while allowing staff to make adjustments to the schedule as necessary.

Motion carried unanimously.

Child Nutrition Programs (CNP) Section SFY 16 Budget Update

CNP staff gave an overview to the Committee of the programs administered by the section.

### Funding Critical Positions

During the July Finance Committee meeting the Committee recommended that the superintendency look at how to fund three managerial accountants, one federal grants compliance officer, two administrative assistants, one director for student services, and the hiring of an outside accounting/law firm. It was suggested that funding from agency vacancies be considered. The superintendency has determined that the vacancy savings are in federal funds, not in state money, therefore cannot be used to fund state positions. SAGE licensing revenue has also been considered to help fund some of the positions.

It was reported that information has just been received that an ongoing \$4.7 million appropriation for CRTs was anticipated; however, a line item for this appropriation cannot be identified. That money, plus an additional \$6.7 million appropriated for the computer-adapted assessment system, would pay for the State of Utah contract with AIR. There is a concern that the \$4.7 million, though it appears to have been appropriated, has not been identified in the system. Associate Superintendent Jones noted that the \$4.7 million and \$6.7 million has already been encumbered so could not be used to fund positions.

**MOTION** from Committee that the Board direct Superintendent Smith and Board leadership to consider options, including cutting positions internally and requesting the additional positions in a special session, to fund the three managerial accounting positions.

Motion carried unanimously.

### Charter School Enrollment Variances

The Committee received an explanation of the charter school student enrollment variances and how the funding was distributed based on those variances.

### Charter School Revolving Account Loans

**MOTION** from Committee that the Board approve awarding loans as recommended by the Charter School Revolving Account Committee for the following: American Academy of Innovation - \$217,300; Franklin Discovery Academy - \$300,000; St. George Academy -

\$300,000; Wallace Stegner Academy - \$300,000; Wasatch Waldorf Charter School - \$300,000; Freedom Preparatory Academy - \$142,300, GreenWood Charter School - \$130,000; The Early Light Academy - \$75,000; and Vanguard Academy - \$164,000.

Motion carried; Member Wright abstained.

#### R277-119 Budgetary Authority

The Committee reviewed amendments to R277-119 to change the rule number, change the title of the rule, and provide technical and conforming changes. The Committee approved amendments to the rule on first reading.

**MOTION** from Committee that the Board approve R277-119 *Budgetary Authority*, as amended, on second reading.

Motion carried unanimously.

#### Budgetary Authority

The Committee reviewed recommendations for budgetary authority made by the Finance Committee in July and gave direction for staff to draft the recommendations into language to add to R277-119.

#### Correction of Prior Fiscal Year Minimum School Program Payments

USOE Finance Director Natalie Grange reviewed calculation issues reported to the USOE School Finance Section from Ogden and Grand School Districts and the steps taken to resolve the calculation issues. As a result of recalculations, Ogden and Grand Districts were paid additional monies from carryover funds, with the approval of the Finance Committee.

#### Converting Information Technology and Finance Positions from Merit to Career Exempt

**MOTION** from Committee that the Board add the conversion of Information Technology and Finance positions to the Board budget priority list for consideration, assuming a seven percent salary increase for all affected positions.

Motion carried.

#### SFY 16 USOE/USOR Indirect Cost Pool Updates

The Committee received an update on the status of the Indirect Cost Pool.

#### Bylaws Additions for Board Budgeting Procedures

This item was not discussed.

#### Contracting Procedure Review

The Committee received information on current processes and procedures for contract approval. Vice Chair Johnson invited Board members to submit suggestions or questions on the contract process. This item will be revisited in a future meeting.

#### Requests for Data/Information

The following requests for information were made:

- Determine the percentage of households that are eligible for free or reduced lunches that don't participate in the program.
- Identify what areas/positions the USOE could cut if the agency had to identify funds internally to fund the managerial accounting positions.
- Provide a list of IT and Finance positions vacated, and whether the positions were vacated to seek private employment.
- Provide a flow diagram of how a contract moves through the process and who is accountable for monitoring.

### **LAW AND LICENSING COMMITTEE**

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

Paraeducator to Teacher Scholarships (PETTS) Program

The Committee received a report regarding the Paraeducator to Teacher Scholarship program.

Weilenmann School of Discovery Charter Amendment

The Committee reviewed a request to approve a change to Weilenmann School of Discovery's charter forwarded from the State Charter School Board.

**MOTION** from Committee that the Board approve the proposed change to Weilenmann School of Discovery's charter to increase its student enrollment by 21 students, and waive the timeline requirement in Board rule R277-482.

Motion carried; Member Lockhart absent.

Utah Statute, Board Rules and Policies in regard to the Statewide Online Education Program

The committee discussed issues related to the Statewide Online Education program and provided direction to staff for revisions to Board rules.

R277-477 Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program

The Committee considered R277-477 in its June meeting, and the rule was brought back for additional changes. The Committee reviewed proposed changes to R277-477 to amend the distribution formula for School LAND Trust Program money for charter schools and to add to the approved expenditures list.

The Committee approved a repeal/reenact of R277-477 on second reading. An updated rule with Committee changes was distributed to the Board.

**MOTION** from Committee that the Board repeal/reenact R277-477 *Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program* on third and final reading.

Motion carried; Member Lockhart absent.

R277-491 School Community Councils

The Committee considered R277-491 in its June meeting, and the rule was brought back for additional changes. The Committee reviewed proposed changes to amend what it included in the principal's required report. An updated rule was distributed to the Board.

The Committee approved a repeal/reenact of R277-491 on second reading.

**MOTION** from Committee that the Board repeal/reenact R277-491 *School Community Councils* on third and final reading.

Motion carried; Members Lockhart and Stokes absent.

R277-533 Educator Effectiveness Component Requirements

School districts are required to begin full implementation of the Educator Effectiveness Program in the 2015-16 school year. New rule R277-533 was written to give districts the information needed to achieve full implementation as scheduled.

The Committee requested full Board discussion of the rule. An updated rule with Committee changes was distributed.

Deputy Superintendent Sydnee Dickson explained that there is a concern in the field regarding the privacy of individual educator evaluation data. In conversing with various stakeholder groups there seems to be wide-based support to alleviate that concern through amending lines 233-235 to read: "A school district shall report to the Board annually on or before June 30 the information necessary for the Board to make the report required by UCA 53A-8a-410."

**MOTION** was made by Member Belnap and seconded by Member Hansen that the Board approve R277-533 *Educator Effectiveness Component Requirements (Version 2)*, with the additional amendment read above, on second reading.

Motion carried; Member Stokes absent.

R277-100 Rulemaking Policy

The Committee reviewed R277-100 in accordance with the Utah Administrative

Rulemaking Act five-year review requirement. The Committee directed staff to make further amendments and bring the rule back to the September meeting.

R277-207 Utah Professional Practices Advisory Commission (UPPAC) Disciplinary Presumptions

The Committee reviewed new rule R277-207 and made additional amendments. An updated rule with the Committee amendments was distributed to the Board. The Committee approved R277-207, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-207 *Utah Professional Practices Advisory Commission (UPPAC) Disciplinary Presumptions*, as amended, on second reading.

Motion carried.

R277-514 Board Procedures: Sanctions for Educator Misconduct and R277-517 Board and UPPAC Disciplinary Definitions and Actions

Rules R277-514 and R277-517 were recommended for repeal because the bulk of R277-517 was eliminated in HB 345 (2015 Legislative Session) and specifics of hearing procedures and Board review contained in R277-514 have been moved to R277-201 through R277-203. The Committee approved repeal of R277-514 and R277-517 on first reading.

**MOTION** from Committee that the Board approve the repeal of R277-514 *Board Procedures: Sanctions for Educator Misconduct* and R277-517 *Board and UPPAC Disciplinary Definitions and Actions* on second and third reading.

Motion carried.

R277-200 through R277-206, R277-515 and R277-516

The Committee reviewed proposed amendments to R277-200 through R277-206, R277-515 and R277-516 to incorporate hearing procedures, Board review of UPPAC recommendations, appeal procedures, and reporting requirements. Updated rules R277-201 and R277-203 with Committee amendments were distributed.

The Committee approved R277-200, R277-201, R277-202, R277-203, R277-204,

R277-205, R277-206, R277-515 and R277-516, as amended, on first reading.

**MOTION** from Committee that the Board approve as amended, on second and third reading, R277-200 *Utah Professional Practices Advisory Commission (UPPAC) Definitions*, R277-201 *Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions*, R277-202 *UPPAC Hearing Procedures and Reports*, R277-203 *Request for Licensure Reinstatement and Reinstatement Procedures*, R277-204 *Utah Professional Practices Advisory Commission Criminal Background Review*, R277-205 *Alcohol Related Offenses*, R277-206 *Drug Related Offenses*, R277-515 *Utah Educator Standards*, and R277-516 *Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members*.

Motion carried unanimously.

R277-417 Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation

R277-417 was approved by the Board effective July 8, 2015. Since that time staff received additional public comment and identified additional recommended changes. The amendments clarify that LEAs may use public funds for costs related to curriculum, instruction, private lessons, technology and other educational services as long as the LEA selects and has oversight of the above. The Committee approved R277-417, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-417 *Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation*, as amended, on second reading.

Motion carried unanimously.

R277-438 Dual Enrollment

The Committee directed that R277-438 be brought back to the September meeting.

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

The Committee directed that R277-494 be brought back to the September meeting.

**Standards and Assessment Committee**

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

Standardized Template for Standards, and Standards Review Process

The Committee considered new formatting for content standards and additional changes needed to the Standards Review Process.

**MOTION** from Committee that the Board direct staff to incorporate the Standards Review Process into a rule and bring to the Board.

Motion carried unanimously.

**MOTION** from Committee that the Board approve the new formatting for content standards as presented.

Motion carried unanimously.

Utah Science and Engineering Education (SEEd) Standards for Grades 6-8 Public Feedback

The Committee reviewed suggestions made by the Utah Science and Engineering Education Standards writing team for revisions to the proposed standards in response to public feedback.

USOE Science Specialist Rickie Scott explained why the science standards are being revised. There are three weaknesses with the current standards: 1) there is no connection between the standards for different areas of science; 2) the content of the standards and the science practices or skills are two separate pieces; and 3) the standards are based on 20-year old research. To correct these flaws the standards would have to be reordered based on content, the content and skills would have to be integrated, and additions due to current research would have to be added. It was determined that because the changes would be

overwhelming it was best to start over with the standards. He also noted that the standards revision was driven by the field.

Member Stokes reported that the Standards and Assessment Committee determined that once changes are made to the standards as recommended by the Committee it would be appropriate for the standards to go out for an additional thirty day comment period.

Superintendent Smith concurred with the thirty day comment period as the product will be substantially different than the product that went out for the 90-day review.

**MOTION** from Committee that the Board direct staff to prepare a final draft of the Utah Science and Engineering Education Standards for Grades 6-8, incorporating the suggestions made by the writing team, and direct that the standards be sent out for an additional 30-day public review.

Member Wright asked how these standards are different than the version based on the Next Generation Science Standards (NGSS) that was presented originally.

Member Belnap responded that the Board has received the standards several times in different versions and the standards will all be rewritten, although there may be some things that are similar to NGSS. Member Wright asked for an assurance that it will not be the NGSS standards verbatim. He stated his preference for LEAs to adopt their own standards, and indicated there is no research supporting that the new standards will be better than what is currently in place.

Member Belnap clarified that the Board will see the revised standards prior to the release for the comment period.

Member Moss asked for a side-by-side comparison with the current standards and asked how an independent evaluation could be done to determine whether the revised standards will be better than the current standards. Superintendent Smith indicated he will direct staff to do the comparison. Member Moss also expressed discomfort with only a 30-day comment period and indicated his preference for a longer time.

Member Warner reported that as she has talked with the science teachers in her area they have indicated there is a lack of resources. She expressed concern over making massive

changes with not enough resources.

**MOTION TO AMEND** was made by Member Belnap and seconded by Member Corry that the 30-day comment period be changed to be optional at the Board's discretion.

Member Castle expressed concern that this is a diversion and stated that she cares about standards that are not politically or religiously biased.

Member Moss clarified that his concern is not necessarily the 30-day time limit, but that science teachers are involved and that it is not a rushed process.

Motion to amend failed, with Member Belnap in favor and all others opposed.

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

#### Statewide Kindergarten Readiness Indicators

There is currently no statewide measurement for kindergarten readiness. The Committee considered a request for a statewide kindergarten readiness assessment.

**MOTION** from Committee that the Board direct staff to move forward with finding a statewide kindergarten readiness assessment.

Motion carried unanimously.

#### Seal of Biliterate Proficiency

The Committee reviewed the proposed creation of a seal of biliterate proficiency to go on a student's high school diploma.

**MOTION** from Committee that the Board approve the creation of a seal of biliterate proficiency.

Deputy Superintendent Dickson informed that the issue stemmed from legislation carried by Senator Howard Stephenson in the last legislative session. Staff have been engaged with Senator Stephenson since then to bring the idea before the Board.

Vice Chair Johnson questioned the cost. Dr. Dickson responded that the fiscal note on the legislation was \$14,000, which is not in the current budget. Vice Chair Johnson asked if there is data showing that adding a seal on the diploma will make a difference. She noted that local education agencies already have the authority to add a seal, and reported that she has heard a concern from a rural district superintendent that rural districts don't have the ability to hire the teachers to give students the necessary language availability.

Member Warner expressed her complete support of bilingualism, but was concerned that the requirements to obtain the seal are not rigorous enough.

Member Stokes suggested that stating it is a seal is a misnomer—the designation will be printed on the transcript. He indicated there would be three levels of proficiency, and suggested that other areas, such as STEM, could be added. He felt the Board should give every advantage it can to students going into the job market.

Member Huntsman reported that the superintendents and principals he discussed the seal with were not in favor. He advocated for leaving it to the local boards to determine.

Member Castle suggested that by approving this seal, it could be perceived that the Board values this one piece of education over all others. She felt the conversation should be postponed until after the Board identifies just what a high school diploma means.

Member Allen reported that in her rural area there are many bilingual individuals and this would validate that skill.

**MOTION TO AMEND** was made by Vice Chair Johnson and seconded by Member Stokes that the addition of the seal be contingent on finding available funds.

Motion to amend failed, with Members Cummins, Lockhart, Johnson, Moss, and Stokes in favor and Members Allen, Belnap, Castle, Corry, Crandall, Hansen, Huntsman, Warner and Wright opposed. Vice Chair Johnson noted that her concern is for the funding, not the concept.

Vice Chair Johnson called the question. Motion carried unanimously.

Motion to approve the creation of a seal of biliteracy failed, with Members Allen, Lockhart, Moss, and Stokes in favor and members Belnap, Castle, Corry, Cummins, Crandall,

Hansen, Huntsman, Johnson, Warner and Wright opposed.

R277-444 *Distribution of Funds to Arts and Science Organizations*

The Committee reviewed changes to R277-444 to provide new language for clarification of the RFP process for new organizations and the reapplication for existing organizations. An updated rule with Committee amendments was distributed to the Board.

The Committee approved repeal/reenactment of R277-444 on first reading.

**MOTION** from Committee that the Board repeal/reenact R277-444 *Distribution of Funds to Arts and Science Organizations*, as amended, on second reading.

Motion carried unanimously.

R277-920 *Implementation of the School Turnaround and Leadership Development Act*

New rule R277-920 was created in response to S.B. 235 *Education Modifications* (2015 Legislative Session). The rule provides procedures to implement and administer the School Turnaround and Leadership Development Act.

The Committee approved R277-920, with amendments, on first reading. An updated rule with Committee changes was distributed to the Board. Member Belnap informed that a robust discussion was held in the Committee, particularly on measuring low performing schools. She explained that statute allows for using the grading system and other outcome-based measures determined by the Board. The rule identifies the school grading system as the measure. She clarified that there is a difference between the school grade and the school grading system. The school grading system includes several elements.

**MOTION** from Committee that the Board approve R277-920 *Implementation of the School Turnaround and Leadership Development Act*, as amended, on second reading.

Member Cummins indicated the Committee asked for more information about other measures that could be used. Superintendent Smith responded that there could be a number of data points the Board could direct staff to utilize, but given the requirement to start naming schools by August 15, the school grading system is currently in place. He felt the risk of

delaying is greater than the risk of marginally having a school included needlessly when it can be corrected later.

Member Cummins suggested that an amendment be made to include language in the rule indicating that the Board has the option to include other measures in addition to the school grading system to identify a low performing school. She explained that the amendment would provide communication to stakeholders that the Board will use the school grading system data this year, but may look at other options in the future.

Superintendent Smith expressed concern that adding another provision to the definition of a low performing school may inject ambiguity into something that is time sensitive. He suggested adding a provision that would direct him to provide a report once the 2014-15 data is gathered that makes a comparison between school grading and other data points as part of the obligation to evaluate the entirety of the school grading system.

Member Lockhart cautioned the Board from moving in a direction counter to legislative intent, and suggested the Board work collaboratively with Senate President Niederhauser to make any changes to the statute in the future. Member Stokes noted that the statute does give the Board authority to add measures to define low performing schools, but given the time constraints the Committee recommended using the school grading system this year.

**MOTION TO AMEND** was made by Member Cummins and seconded by Member Stokes to include language in the rule that the Board may include other factors to define a low performing school.

The following was suggested by staff for the amendment:

- Line 27(a) - add (l);
- Line 29 - change (b) to (ii);
- Line 30 - delete the period and insert “; and”;
- Add (b) - “another measure identified by the Board.”

Motion to amend carried, with Members Lockhart and Wright opposed.

Member Stokes noted that he shares the desire to work collaboratively with the legislature. He asked for an update of the school leadership development program which is

part of S.B. 235. Superintendent Smith reported that the program is being developed now with the intent to contract with third parties to provide various aspects. Member Stokes questioned whether that was contrary to the legislation. Superintendent Smith responded that he didn't feel contracting with various entities would be contrary, and explained that to use just one third party provider may not allow the flexibility to provide what each school needs. Member Stokes noted that this is one of the concerns with not having everything outlined in the rule.

Member Lockhart suggested that since the turnaround program is beginning in the current school year, it would make sense to outsource it immediately and go to the staff model over time. Superintendent Smith agreed that it could be done, but indicated that as he has looked at what vendors are prepared to provide, he feels a more piecemeal approach with multiple providers is preferable.

Motion as amended carried; Member Castle absent.

#### R277-616 Education for Homeless and Emancipated Students

The Committee reviewed R277-616 in accordance with the Administrative Rulemaking Act five-year review requirement. The rule was amended to provide technical and conforming changes. The Committee approved continuation of and amendment to R277-616 on first reading.

**MOTION** from Committee that the Board approve continuation of and amendment to R277-616 *Education for Homeless and Emancipated Students*, as amended, on second reading.

Motion carried; Member Castle absent.

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

Board Chair David Crandall reported the following.

- The September Board meeting has been moved to September 17-18. On September 17 prior to committee meetings, the Board will meet as the governing board of the Utah Schools for the Deaf and the Blind. Member Hansen asked that as much as

possible Board meetings not be changed once scheduled.

- A master agreement for release of data to the State Auditor was signed today.

### **Board Member Comments**

Member Hansen expressed appreciation to Vice Chair Johnson for setting up a meeting with principals in Alpine School District. Vice Chair Johnson reported that a great discussion was held with the principals regarding the strategic plan. One of the principals offered to pull together forty principals for a round table with the full Board. Many Board members expressed interest in such a roundtable.

Member Corry announced that the NASBE Annual Conference will be held in Baltimore October 22-24. Members will notify the Board secretary if they wish to attend.

Member Huntsman expressed appreciation to the USOE superintendency, USDB Superintendent, USOR Executive Director and staff for their frankness and professionalism when responding and adapting to various situations.

Member Corry offered to facilitate visits to schools when the Board is in Cedar City for the joint education meetings.

### **Contract for Multiple Vendors (Consent Calendar item B2)**

Associate Superintendent Rich Nye distributed and reviewed clarifying information regarding the contract.

**MOTION** was made by Member Stokes and seconded by Member Huntsman that the Board approved contract B2 for multiple vendors.

Motion carried, with Vice Chair Johnson opposed.

### **Executive Session**

Motion was made by Vice Chair Johnson and seconded by Member Wright 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 or reasonably imminent

litigation.

Upon voice vote of the Board members present, the Board moved into Executive Session at 2:35 p.m. Those present included Chair Crandall, Vice Chair Johnson, Members Allen, Belnap, Castle, Corry, Cummins, Hansen, Huntsman, Lockhart, Moss, Stokes, Warner and Wright; and Brad Smith, Joel Coleman, Michelle Tanner, Sydnee Dickson, Emilie Wheeler, Lorraine Austin, Ben Rasmussen, Chris Lacombe, Nicole Call, and Scott Jones.

**MOTION** was made by Member Stokes and seconded by Member Warner that the Board come out of Executive Session.

Motion carried. The Board reconvened in open session at 5:00 p.m.

### **Executive Session Items**

#### USDB Advisory Council Appointments

Motion was made by Member Stokes and seconded by Member Huntsman that the Board appoint the following to the Utah Schools for the Deaf and the Blind Advisory Council for two year terms: Jared Allebast representing individuals who are deaf or hard of hearing; Vickie Hathaway representing individuals who are blind or visually impaired; Richard Gurgel representing individuals with an interest in or knowledge of deaf, blind or deafblind; Melanie Hooten representing individuals who are deafblind or a parent of a deafblind child; and Suzy Black and Stephanie Morgan representing USDB teachers.

Motion carried; Member Lockhart absent.

#### Licensing Actions and Utah Professional Practices Advisory Commission (UPPAC) Cases

**MOTION** was made by Member Stokes and seconded by Member Corry that the Board accept the UPPAC recommendations and take the following actions:

- Case No. 7-816 - deny reinstatement. The petitioner is allowed to seek a new reinstatement hearing no sooner than six months from Board action, and upon completion of specified conditions.

- Case No. 14-1234 - suspend the educator's Level 2 Secondary Education License for not less than three years from the date of Board action with certain conditions pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.
- Case No. 12-1092 - suspend the educator's Level 2 Elementary Education, Early Childhood and Special Education License for not less than two years with conditions from the date of Board action pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.
- Case No. 14-1244 - suspend the educator's Level 2 Education License for not less than two years from the date of Board action pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.
- Case No. 14-1224 - suspend the educator's Level 1 Secondary Education License for not less than one year with certain conditions from the date of Board action pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.
- Case No. 13-1178 - suspend the educator's Utah Level 2 School Career and Technical Education License for a period of 18 months retroactive to November 2014, with conditions to be met before seeking a reinstatement hearing. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.
- Case No. 13-1175 - revoke the educator's Level 2 Secondary Education License per the terms of the educator's Default Order.

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

**MOTION** was made by Member Stokes and seconded by Member Moss that the Board approve the UPPAC Consent Calendar.

Motion carried; Member Lockhart absent.

**Adjournment**

**MOTION** was made by Member Hansen and seconded by Vice Chair Johnson that the meeting adjourn.

Motion carried. The meeting adjourned at 5:03 p.m.

Lorraine Austin, Board Secretary  
Minutes approved September 18, 2015