

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

January 8, 2015

A regular meeting of the Utah State Board of Education was held January 8, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. At the direction of the Chair, Vice Chair David Thomas conducted. The meeting convened at 8:30 a.m.

Board Members present:

Chair David L. Crandall	Member Mark Huntsman
First Vice Chair David L. Thomas	Member Marlin Jensen (non-voting)
Second Vice Chair Jennifer Johnson	Member Jefferson Moss
Member Laura Belnap	Member C. Mark Openshaw
Member Leslie B. Castle	Member R. Dean Rowley (non-voting)
Member Freddie Cooper (non-voting)	Member Spencer F. Stokes
Member Brittney Cummins	Member Teresa L. Theurer (non-voting)
Member Barbara W. Corry	Member Terryl Warner
Member Kristin Elinkowski (non-voting)	Member Joel Wright
Member Linda Hansen	

Board Members participating by phone:

Member Dixie L. Allen
Member Steven R. Moore (non-voting)

Executive and Board staff present:

Brad Smith, State Superintendent	Bruce Williams, Associate Supt.
Joel Coleman, USDB Superintendent	Lorraine Austin, Board Secretary
Russ Thelin, USOR Executive Director	Emilie Wheeler, Board Communications Specialist
Sydnee Dickson, Deputy Supt.	Chris Lacombe, Assistant A.G.
Judy Park, Associate Supt.	

Others present:

Chris Godfrey, Utah School Employees Association; Lydia Nuttall, parent; Kris Fawson, State Independent Living Council; Vincent Newmeyer; Frank Strickland; Jan Ferré, LCPD; Dessle Olson, UNBC; Rebecca Chavez-Houck, Utah House of Representatives; Rich Nelson, LITC; Blake Wight, Thanksgiving Point; Stephen Ward, Granite School District; Ken O'Brien, Salt Lake City School District.

Opening Business

Vice Chair David Thomas called the meeting to order at 8:30 a.m. Member Freddie Cooper led those present in the Pledge of Allegiance.

Board Member Message

Member Rowley, the USBA representative on the Board, welcomed the Board. He reported that the Utah School Boards Association completed a self-evaluation several months ago. As a result, they realized they weren't communicating as well as they could with their local constituents. As part of the evaluation the group read the book, Lessons from the Mouse, by Dennis Snow. He shared an excerpt from the book about an ice cream cone falling on the ground at Disneyland, and the opportunities every employee should look for to amaze and go above and beyond. There are opportunities to build relationships and amaze customers by simply caring. He encouraged Board members to read the book and consider how decisions they make will affect those in the classroom.

Vice Chair Thomas recognized that this is Member Rowley's last meeting and thanked him for his work on the Board.

Changes to the Agenda

Vice Chair Thomas noted that action items on child sexual abuse prevention and an ESEA resolution were added to the agenda. [The required notice was given for those items.]

Introduction of New Employees

H.R. Director Dave Rodemack introduced the following new employees: Heidi Davis, Pamela Talili, Benjamin Rasmussen and Amy Woolsey.

Administration of the Oath of Office to New Board Members

Chair David Crandall administered the Oath of Office to Board members elected in November 2014—Laura Belnap, Brittney Cummins, Linda Hansen, Mark Huntsman, Spencer Stokes, Terryl Warner and Joel Wright.

General Consent Calendar

Approval of the December 5, 2014 minutes was pulled from the Consent Calendar.

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

Member Belnap requested discussion of the 2015 Meeting Schedule. The Schedule was pulled from the Consent Calendar.

Motion carried.

A. Minutes of Previous Meetings

Minutes of a State Board of Education hearing held December 4, 2014 were approved.

B. Monthly Budget Report

The monthly budget report was received.

C. Contracts

The following contracts were approved. Member Johnson questioned whether the beginning date is correct on the contract for Precision Exams. That information will be checked.

1. Receivable Contract - Precision Exams LLC, \$393,691, 01/15/2014 to 10/24/2019

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

2. University of Kansas Center for Research, Inc. (KUCR), \$2,707,036, 01/01/2015 to 01/31/2020

To provide a test—Dynamic Learning Maps—that is designed to assess the progress of children with significant cognitive disabilities in attaining proficiency in mathematics and English/language arts, and that complies with the Essential Elements—the standards adopted by the Utah State Board of Education.

3. Murphy Santa Maria 1 LLC, \$771,975, 08/01/2015 to 07/31/2020, amendment

To lease space for the Division of Rehabilitation Services located at 5522 South 3200 West, Taylorsville, Utah.

D. 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*.

E. 2015 Board of Education Meeting Schedule

This item was pulled for further discussion.

F. K-3 Reading Improvement of Deficiency Plans

Utah Code 53A-17-a-150 *K-3 Reading Improvement Program* was amended in 2011 to include Board approval of plans submitted by LEAs that did not meet their Uniform Growth Goals (starting fall 2014). Several LEAs did not meet their goals as outlined in their Utah Consolidated Growth Application. The following submitted plans in order for the K-3 Reading funding to be released as outlined in statute: Nebo, DaVinci, Canyon Grove, and Dual Immersion Academy.

The Board approve the plans as submitted.

G. R277-111 Sharing of Curriculum Materials by Public School Educators

The Board approved on third reading continuation of rule R277-111 *Sharing of Curriculum Materials by Public School Educators* consistent with the Utah Administrative Rulemaking Act five-year review requirement. The Board also approved on third and final reading amendments to the rule to update terminology and remove unnecessary language.

H. R277-468 Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process

The Board approved new rule R277-468 on third and final reading. The rule provides for LEAs to develop policies and procedures for curriculum and material review which include parents.

I. Requests for Temporary Authorizations

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

J. List of Educator Licenses Processed

The Board received a summary of the total number of educator licenses and license areas processed in December 2014.

MOTION was made by Member Belnap and seconded by Member Castle that the 2015 Meeting Schedule be approved with a change of the October Board meeting dates to October 8-9 rather than October 1-2.

MOTION TO AMEND was made by Member Johnson and seconded by Member Hansen that the time for the Board Legislative meetings be changed from 12:00 p.m. to 5:00 p.m.

MOTION TO AMEND was made by Member Openshaw and seconded by Member Moss that the October date be moved to October 7-8 to accommodate the Columbus Day weekend.

Vice Chair Thomas mentioned that he has a scheduling conflict on Wednesdays, and it was suggested his Committee may need to meet a different day.

Motion with the amendments carried unanimously.

Public Participation

Vincent Newmeyer, Science Core Review Committee - addressed some things of which the Board might not be aware from the email communications from the Science Review Committee. He expressed that the current science standards have served Utah quite well as Utah's ACT science scores are high. The science standards being considered by the Board today are not Utah standards, but are a cut and paste of the National Science Standards. The Next Generation Science Standards are a complement to the Common Core. He suggested that Utah needs to develop its own standards.

Frank Strickland, geologist - has some real concerns about the proposed science standards from a scientific standpoint. He referenced Root Question 2 in the 7th Grade

Integrated Science Standards draft, regarding “analyzing displays of pictorial data to compare patterns of similarities in the embryological development across multiple species to identify relationships not evident in the fully formed anatomy.” He stated that the Haeckels chart on which this is based has been challenged from a scientific standpoint. Mr. Strickland also challenged Root Question 6, disagreeing with the premise that “human activity such as the release of greenhouse gases from burning fossil fuels are major factors in the current rise in earth’s mean surface temperature,” and gave examples of other things causing greenhouse gases. He suggested that if the subject is discussed it needs to be done in the current context that many scientists are challenging the assumption that it is caused primarily by human activity.

Sara Jones, Utah Education Association - shared UEA’s funding priorities. UEA supports a 6.25 percent increase in the WPU, fully funding student enrollment growth, and investing one percent for professional development funding. UEA requests that the Board consider as the basic funding block for districts an increase on the WPU above and beyond keeping up with enrollment growth. To date, funding has not returned to pre-recession funding levels, and sustained and significant increases in the WPU over the next few years are needed. Also, the needs of districts vary greatly, and more money in the WPU would make it possible for local districts to make the decisions of where the money will be spent.

Board Elections

MOTION was made by Member Openshaw and seconded by Member Moss that the Board elect two vice chairs for 2015.

MOTION TO AMEND was made by Member Corry and seconded by Member Allen that the Board elect three vice chairs.

Member Corry explained that she has worked with USBA leadership when they had four members on their executive committee. It is helpful to have more people involved so responsibilities can be traded off, there are more people for a sounding board, and more people communicating the work of the executive committee. Member Moss

responded that if too many are in leadership it becomes a board within a board.

Member Castle asked current leadership to respond. Chair Crandall reported that there was a time last year where there were two vice chairs and it appeared that would work well. He felt it would be better to try two vice chairs first.

Member Allen noted that the role of leadership seems to have expanded to encompass more legislative meetings and that could be covered more easily with a bigger executive committee.

Member Moore asked if additional vice chairs could be added later if needed.

Motion to amend failed, with Members Corry and Allen in favor.

Motion carried unanimously.

Vice Chair Thomas announced that David Crandall is the only member currently running for Chair. He opened the floor for the nominations. There were no additional nominations.

MOTION was made by Member Wright and seconded by Member Moss that David Crandall be elected Chair by acclamation.

Motion carried unanimously.

Vice Chair Thomas announced that Laura Belnap, Jennifer Johnson, and David Thomas have are running for Vice Chair, and opened the floor for additional nominations. There were no further nominations.

Each candidate was given three minutes to speak. Member Belnap stated that there are three reasons she would consider being part of Board leadership: 1) She is new and old to the Board as she was an appointed member in the past; 2) she is a consensus builder and has a relationship with many of the legislators and has a working relationship with charter and online schools; 3) she has done many performance reviews.

Member Johnson stated that leadership means work and she is willing to put in the work. She spoke to a concern other Board members have had that she is visiting districts outside of her area of representation. She responded that Board members work on policy for the entire state. She has been to Weber and Carbon and intends to go to Tintic, Sevier and Wasatch Districts soon. There is no intent to be disrespectful to other Board members. She

noted that about 2/3 of Board policy is in finances and as Finance Committee Chair she is working on those finance items.

Vice Chair Thomas distributed a prepared statement to Board members earlier outlining why he want to continue as vice chair. He talked about political courage. He works on building consensus, using as an example his work on the ESEA waiver process to bring all sides together. He's also very much involved with fighting to protect the Board's constitutional role.

The members voted by ballot and the ballots were counted by Chair Crandall and Board Secretary Lorraine Austin.

Chair Crandall announced that David Thomas will be First Vice Chair (eleven votes) and Jennifer Johnson will be Second Vice Chair (nine votes). Member Belnap received six votes

Utah State Board of Education RDA/TEC Representative Appointment

Vice Chair Thomas gave background that each redevelopment agency (RDA) in the state has a taxing entity committee (TEC). The TEC committees move RDAs forward. Membership on those committees includes two members from the city, usually two members from the county, a school district representative, representatives from other governmental entities, and a State Board of Education representative. The Board's TEC representative reports to the Finance Committee and the Finance Committee gives direction to its representative on how to vote. Cathy Dudley, the Board's representative, has now retired and a replacement is needed.

Member Wright expressed his dismay that in a past RDA the State Board representative voted counter to Alpine School District, he thought without clear authorization of the State Board of Education, and cast the deciding vote. Vice Chair Thomas responded that generally the TEC representative discusses with the Board Finance Committee how he/she should vote in upcoming TEC meetings. He indicated that in those instances where there is not a Finance Committee meeting in advance of a TEC meeting, the TEC representative will contact the Finance Committee Chair for direction, and the default position has usually been to vote with the local school district. Member Moss added that on several occasions recently the Finance Committee has given direction not to vote with the school district.

Vice Chair Johnson mentioned that the in the Finance Committee in November it was suggested that it would be helpful to know what kind of criteria would be acceptable. A larger discussion is needed. She also noted that the State Office of Education is the state repository for all the entities, and suggested that a chart could be created and analysis done showing the amount of tax revenue to the schools that is given up by these entities. She also suggested that if it is the desire of a Board member in the RDA area to cast a vote in the TEC rather than a staff member, that should be considered.

Associate Superintendent Bruce Williams informed that every taxing entity committee (TEC) requires a written document listing the Board's representative. In the past, because of the time commitment and expertise required, there has been a staff member appointed as the Board's representative to all taxing entity committees. However, there is nothing that precludes the Board from appointing own of its members to a taxing entity committee.

Superintendent Smith recommended that USOE Finance Director Natalie Grange be appointed as the Board's representative, and indicated a request for an alternate will be presented at a future meeting.

Member Stokes asked for Ms. Grange's background. Superintendent Smith responded that she has just recently been the Board's Internal Auditor.

MOTION was made by Member Wright and seconded by Member Moss that the Board appoint Natalie Grange as the Board's taxing entity committee representative, with two conditions: 1) that the default vote is always "no" unless the representative has written consent from the Board Finance Committee and Board; and 2) that the representative uses reasonably good efforts to inform and invite Board members to join TEC meetings.

Member Castle asked for the motion to be divided. Without objection the motion was divided.

Motion to appoint carried, with Member Wright opposed.

Motion on the two conditions was considered.

MOTION TO AMEND was made by Member Johnson and seconded by Member Castle that the first condition be changed from "no" to "abstain unless the Board

instructs the TEC representative to vote differently.”

Vice Chair Johnson expressed her thinking that the Board needs to receive a recommendation from the Finance Committee and approve the direction to its TEC representative.

Member Wright expressed concern that decisions affecting millions of dollars are being made by staff. It was clarified that the TEC representative should not vote without the direction of the Board, and Member Johnson’s amendment would make that clear.

Member Corry stated that she feels the role and responsibility of the Board is changing. She gave background that when a Board representative was added to the TEC it was to give added support to local school boards. If a local board was not comfortable with the RDA, the State Board would support the local board. She questioned if the Board should take a step back and consider whether it is overstepping its responsibilities, and perhaps talk to local districts before making a decision.

MOTION TO POSTPONE was made by Member Castle and seconded by Member Openshaw.

Chair Crandall indicated that Board leadership will follow up with the motion.

Superintendent Smith committed that the staff TEC representative will abstain on any RDA vote that comes up before the next Board meeting.

Motion to postpone carried.

Utah State Office of Rehabilitation Order of Selection Plan

USOR Director Russ Thelin addressed the Board. He reminded Board members that last month the Board gave approval for USOR to pursue an Order of Selection plan as federally mandated if they do not have resources sufficient to serve all clientele. Director Thelin reported that the agency has now completed all required activities and are requesting approval of the proposed Order of Selection plan. The plan was presented to the State Rehabilitation Council on December 22, and the Council approved the plan with some slight

changes. Two public hearings were also held to solicit input.

Vice Chair Thomas brought up the need to serve current clients that are not covered in the Order of Selection Plan. There has been discussion of a legislative request for a \$6.3 million supplemental to cover services for those clients this year. Vice Chair Thomas questioned how a supplemental would impact maintenance of effort (MOE) in future years.

Mr. Thelin responded that there will be some impact, but USOR will be pursuing a full or partial waiver of MOE from the federal government. If no waiver is given there will be a dollar for dollar penalty. He indicated that he has talked with the feds and similar requests have been granted to other states. There has been a guarded response that at a least partial waiver will be granted.

Member Hansen asked how long USOR expects to be on Order of Selection. Mr. Thelin responded that as soon as more resources are available, another category as outlined in the Order will be opened. The agency's goal is to serve as many people as possible. Member Hansen responded that people with disabilities spend a lot of time on waiting lists, and she is concerned about creating another waiting list. She expressed hope that this would be as short as possible.

Chair Crandall asked how it is decided who gets served first once a category is opened. Director Thelin reported that the guidelines are established in federal law and a category must be opened in its entirety. The opening of a category will happen as outlined in the plan.

Vice Chair Johnson indicated it is her understanding that with the reauthorization of the federal Rehabilitation Act, there is a requirement that a certain amount of money must be targeted towards students with disabilities first. She asked if USOR will be able to fulfill that requirement. Director Thelin responded that this is of concern to the agency. Because certain amounts of money must be used for those categories, that is primarily why students with disabilities is the number one priority in the prioritization of categories. The agency will do all it can to open that category as soon as possible so the amounts that must be utilized from the grant to serve those individuals are met.

Vice Chair Johnson asked if there is a possibility that the agency will run out of money

and not be able to serve any in Category 1. Mr. Thelin reported that USOR will continue to serve those who are currently on a plan. If the supplemental funding is not received the impact could be that the agency may not be able to serve any individuals for a time with paid services. It doesn't mean there wouldn't be any money going to serve those categories, because there are counseling and some other services that are provided which would count towards the set aside. Vice Chair Johnson asked what the plan would be for prioritizing who to serve if there is no money in paid services, and whether the plan would be to serve a certain percentage of clients, or a percentage of each plan. Director Thelin responded that by law if they go on Order of Selection they are required to provide needed services for anyone that is in plan up until the point there is no money.

MOTION was made by Member Johnson and seconded by Member Moss that the Board approve the USOR Order of Selection Plan with the directive to get it into operation as soon as possible.

Motion carried, with Member Stokes absent.

Graduation Initiatives

Deputy Superintendent Sydnee Dickson gave a presentation on the Board's Graduation Initiative to bring new Board members up to date, and because recommendations made by the graduation task forces that have not been resolved are causing some questions from educators in the field. In 2013 three work groups were formed to look at credits needed for graduation, computer literacy, and financial literacy. Over the course of a year the work groups compiled their recommendations, vetted them publicly, and brought the recommendations to the Board in February and March 2014. Specific recommendations were brought to subsequent Board meetings.

One of the recommendations was that the Financial Literacy course be removed from Social Studies requirement and become a standalone requirement with some updates. In its December 2014 meeting the Board approved updated Financial Literacy standards.

A recommendation regarding Digital Literacy standards was brought the Board in June

2014. At that meeting, the Board approved adding Computer Science as a core science credit, effective immediately. Also in June, the Board directed that the Graduation Initiative recommendations be studied in relation to the Board's legislative agenda and funding needs determined. Dr. Dickson also updated the Board on USOE actions and communications with various entities regarding the Graduation Initiative.

Superintendent Dickson informed that LEAs are asking for clarity regarding the Financial Literacy course. When Financial Literacy was added to the Social Studies requirement several years ago there was an impact for Social Studies in the field, such as some courses being cut to a half-year. LEAs are now questioning whether Financial Literacy has been separated from Social Studies, and if an additional half-credit will be added to the Social Studies graduation requirement.

Dr. Dickson reported that another issue with LEAs is keyboarding. Although LEAs are supportive, if the Board requires keyboarding it will be a financial burden on schools due to added equipment and space needs and teaching expertise needed. There is also a funding piece to consider with Computer Literacy.

Another piece for consideration is the proposed variability in the graduation gateways that have been presented. Three gateways were discussed: 1) an accelerated graduation pathway; 2) a standard graduation pathway; and 3) a specialized pathway where students would graduate with their classes, but have well-defined opportunities for specific study outside of the standard graduation pathway. Some LEAs have concerns that if they are forced into offering all three of the gateways it would be very burdensome.

Superintendent Dickson summarized that decisions for the Board include whether to make Financial Literacy a standalone course, and if so, whether to add an additional half-credit requirement to Social Studies; whether to have some districts pilot the graduation gateways; and whether to pursue other digital literacy areas.

Vice Chair Johnson acknowledged that these are major decisions for the Board, and asked for an understanding of the implications for LEAs, with more information provided in future meetings. Dr. Dickson responded that the greatest urgency for LEAs is the Social Studies

piece, because it is not clear for LEAs as they move into registration for next year.

Superintendent Smith suggested that the Board could take action now with implementation in a year.

Member Theurer asked what discussions have happened with higher education regarding the Social Studies requirement for the Regents Scholarship. Superintendent Dickson responded that students applying for the Regents Scholarship have been taking the courses needed through their senior year. The greater burden is what has happened to diminish instruction in some of the courses. Member Theurer asked that the graduation requirements be made clear to higher education so parents are aware of the additional requirements for the Regents Scholarship and the courses that are eligible to be counted for the scholarship.

Member Corry questioned whether LEAs can cope with moving Financial Literacy to a standalone course. Social Studies Specialist Robert Austin reported that Financial Literacy has been taught across many disciplines and taught by many teachers across the spectrum, so moving it to a standalone course would allow for restoration of social studies courses to full-year courses.

MOTION was made by Member Johnson and seconded by Member Openshaw that the Board approve Financial Literacy as a standalone course beginning in the 2014-15 school year, that the Social Studies requirement be changed to 2.5 credits, and that in February the Board consider adding an extra half-credit to the Social Studies requirement for the 2014-15 school year.

Robert Austin will provide information at the next meeting regarding the number of Social Studies credits required by school districts.

Motion carried, with Member Stokes absent.

Member Elinkowski asked for further discussion of the graduation pathways and whether all LEAs would have to implement all the pathways. It was noted that several districts already engage in a differentiated diploma program. Superintendent Smith asked staff to gather data from those districts as far as its effect on graduation.

Member Theurer clarified that currently Financial Literacy does not count toward the

3.5 Social Studies credits required for the Regents Scholarship.

Member Castle expressed concerns about differentiated pathways.

MOTION was made by Vice Chair Johnson and seconded by Member Belnap that discussion on the rest of the issues be tabled.

Motion carried; Members Allen and Stokes absent.

Discussion with Legislator

Representative Rebecca Chavez-Houck was welcomed to the meeting. Representative Chavez-Houck reported that she is planning on running a Tire Fee Amendment bill to support and implement clean air initiatives. The plan would be to charge a tire fee of \$2.50 for every new tire purchased that would go into a dedicated fund for the Department of Air Quality (DAQ). This fund could possibly provide grant opportunities for school districts to retrofit school buses to run on cleaner fuel. She has talked with Representative Handy about offering it as a possible funding stream for his bill on retrofitting buses, although it wouldn't cover all the costs. She recognized that the Board has a priority in place for a one-time appropriation for replacement of buses. Her bill is intended as a complement to that appropriation, not as a replacement.

Vice Chair Thomas asked if there is something in the proposed legislation that would specifically allow these fees to go toward replacing the fleet. The Representative responded that the bill is broad enough to cover the allowance and give flexibility to DAQ to use the fund for other things.

Utah Professional Practices Advisory Commission (UPPAC) Cases

MOTION was made by Vice Chair Johnson and seconded by Member Corry that the Board accept the UPPAC recommendation in Case No. 13-1124 and suspend by default the educator's Level 2 Secondary Education License for no less than five years from the date of Board action.

Motion carried, with Member Belnap opposed; Members Allen and Stokes absent.

MOTION was made by Member Corry and seconded by Member Moss that the Board accept the UPPAC recommendation in Case No. 13-1159 and suspend the educator's Level 1 School Counselor Educator License for no less than two years from the date of Board action.

Motion carried, with Member Johnson opposed; Members Allen and Stokes absent.

MOTION was made by Member Corry that the Board accept the UPPAC recommendations in Case No. 14-1193 and Case No. 14-1211. Without a second, the motion did not move forward. The cases were referred to Executive Session for discussion.

Child Sexual Abuse Prevention

Vice Chair Johnson reported that she has been chairing a task force authorized in 2014 legislation H.B. 286 *Child Sexual Abuse Prevention*. Through the work of the task force a document, *Minimums Caregiver/Guardian*, has been created. The document will be used as a template for evaluation of possible curricula by the state and possibly by LEAs, as a planning document for laddering requirements for curricula over time; and as a summary document for parents. Vice Chair Johnson indicated it would be helpful for the task force to receive public comment from LEAs and the public on whether the document would be helping in providing assistance with program selection.

MOTION was made by Vice Chair Johnson and seconded by Member Corry that the *Minimums Caregiver/Guardian* document be put out for public comment for a period of twenty days.

Member Johnson indicated that since this is just an initial look at the concept the time period is sufficient. Superintendent Smith reported that the document is being presented to the Utah School Superintendents Association today.

Motion carried; Members Allen and Stokes absent.

Government Records and Management Act (GRAMA) Presentation

Assistant Attorney General Chris Lacombe gave the Board an informational presentation on GRAMA.

Member Corry questioned whether Board members are required to keep emails. Mr. Lacombe responded that Utah law prohibits the destruction of documents when a request for that documentation is in process. He indicated it is acceptable to destroy emails unless there is a specific reason they are being destroyed.

Member Cooper questioned whether an individual can be given access to a student's financial record at a college or university. Mr. Lacombe suggested it probably falls under the the definition of a private record, but will get back to her with more information.

Member Elinkowski asked for clarification of whether Board member emails to each other are considered public information. Vice Chair Thomas responded that Board member emails are public, including those to individual members.

Discussion with Legislators

Senator Aaron Osmond

Senator Osmond was welcomed to the meeting. He expressed his feeling that the Board and Legislature should work together on legislation. He reported that he has many bills open this year and has been working on the issues for several years. If there are bills that cause challenges he will sit down with the Board. Senator Osmond focused on the following three bills.

Property tax equalization - Senator Osmond reported that politically it doesn't work to equalize within existing revenues. From a taxing perspective he doesn't believe there is a problem with district taxing efforts in most cases. The legislature has created a problem by drawing the boundaries of the school districts, and he believes it is incumbent upon them to solve the problem. His proposal is to adjust the minimum basic rate to generate new revenue in the form of inflationary recapture. The minimum basic rate has not been reformed since 1996. His proposal would be implemented over a five-year period , with a recapture every five years. The funds would be earmarked to fund capital outlay foundation and enrollment growth programs.

Maintenance and Operations (M & O) - Senator Osmond is proposing capturing or

earmarking a portion of the income tax growth off the top for districts to manage operational costs. For any growth in income tax revenue, 30 percent would be captured for redistribution, first to districts that are struggling. The voted leeway guarantee allows districts to meet minimum level of funding. He believes it should be the same as charter schools.

Professional Development Funding - Senator Osmond is proposing \$10 million for the purpose of a loan to grant program for teachers to become nationally board certified. The program is a standards-based, academic-outcome-focused program. The idea is that teachers would apply for the grant, and if they complete the certification they do not have to pay it back; if they do not complete the program it becomes a loan. The funding would allow 3,000 teachers to become board certified.

Member Belnap asked for information showing that by teachers becoming nationally board certified, their student achievement will increase. Senator Osmond reported that the information is being gathered. Vice Chair Johnson asked if the bill could be expanded to go beyond national certification, perhaps to improve specific content areas. Senator Osmond indicated he would consider changes, but wants to stay true to the concept. Member Castle asked whether he would consider including education leaders such as principals. Senator Osmond responded that he is open to that addition.

Member Wright asked for information showing how Utah compares to other states on property tax equalization.

Representative Steve Eliason

Representative Eliason was welcomed to the meeting. He reviewed some of the bills he is planning to sponsor in the upcoming session.

Educator Tax Credit - the bill would create a tax credit for unreimbursed expenses that teachers spend on supplies, and is intended to be in place until a federal credit comes back into place.

State Education Sovereignty Act - this bill provides an incentive to the federal government to not bypass proper channels of state education systems.

Representative Eliason distributed a handout, House Resolution Regarding Improving Student Numeracy Proficiency through Four Years of High School Math, and asked Richard Nelson to comment on the proposed Resolution. Mr. Nelson emphasized that industry needs individuals with critical thinking skills.

Civics Education Initiative - this bill requires high school students to pass the U.S. Citizenship Test before they can graduate from high school. The Representative indicated that the bill isn't asking for curriculum, and suggested the test could be done online.

Member Theurer thanked Representative Eliason for the math resolution, and stated that higher education would welcome it.

Member Castle talked about the idea of remediation and the implication that when students are remediated, it means something right hasn't happened. She noted that when it comes to math there is a gap when time is taken off, including the summertime gap. There are many variables for students needing remediation that may not be due to a failure by public education. Representative Eliason responded that he is open to solutions.

Member Belnap questioned from where funding for the educator tax credit would come. Representative Eliason responded that it could come from the General Fund or public education dollars.

Member Moss reported that the Board hears it is sometimes difficult to get good math teachers. He asked whether a financial incentive could be added to the Resolution. The Representative responded that the Resolution recognizes additional resources may be needed for implementation, and asked for recommendations.

Superintendent Smith reported that he met this morning with Commissioner of Higher Education Dave Buhler and Governor's Education Director Tami Pyfer to begin a discussion about a comprehensive ten-year education strategic plan. One of the specific things they discussed is the complex issue with technology and math education and how secondary and higher education have a role to play that is either symbiotic and is a virtuous cycle, or presently is somewhat symbiotic and a somewhat vicious cycle. They discussed making sure public education is addressing the handoff of 12th graders to higher education, the idea of higher

education needing to feed more effective teachers back into the public education system, and the need for both to work together to make the system more adaptable to the needs of the modern economy.

Vice Chair Johnson reported that last year the Board was asked to combine and prioritize K-12 requests with those of the State Charter School Board and the Utah Schools for the Deaf and the Blind. She asked for guidance from Representative Eliason as to how the Board can best communicate to the legislature those priorities. Representative Eliason responded that it is very important for legislators to understand the Board's priorities.

Vice Chair Thomas reported that the Board's top priority is to address needs identified in a risk assessment of USOE. It is critical that the Board fix the problems found in the risk assessment and he appealed to Representative Eliason for whatever help the legislature can give to appropriate the needed funds. The Board is matching the amount requested from existing budgets. Representative Eliason committed that he is happy to meet with the Board in advance of the session to talk about Board priorities.

Senator Howard Stephenson

Senator Stephenson was welcomed to the meeting. He expressed his hope that the annual joint meeting of the legislative education committees, State Board of Education, and State Board of Regents held in the past can resume, and hopefully a date will be set before the session ends.

Senator Stephenson commented on Senator Osmond's leadership on equalization of funding and expressed his support for putting significant amounts of money into the school building foundation program. He posed the idea that when the guarantee for tax effort on the voted and board leeway is increased, it is better than increasing the weighted pupil unit. The Senator discussion the following legislation.

Digital Teaching and Learning Initiative - the legislation seeks to give LEAS incentives for having sufficient computers per student with the final goal of 1 to 1 device per student. Senator Stephenson has been meeting with USOE staff and schools districts to incorporate

their plan into the bill. The initiative is based on base funding for each LEA, with additional funding on a per student basis; 2/3 of the funding would be based on the capital foundation program formula. In talking with students, he has found that the biggest obstacle to success in the use of 1 to 1 devices is keyboarding proficiency.

Coding bill - the legislation provides incentives for LEAs to provide coding opportunities at every level.

Student Centered World Class Learning Model - the bill is for a pilot third semester program where teachers are paid 50 percent more.

Expansion of Teacher Stipends - Senator Stephenson mentioned the shortage of qualified math, science and computer science teachers, and noted the \$4200 stipend that is available for highly-qualified teachers in math and science. This bill would expand the stipend to computer science teachers and increase the amount by \$1000 per year.

Vice Chair Thomas reported that the Board gave input regarding some changes it would like to the proposed Digital Teaching and Learning Initiative bill. He asked whether those changes have been made, including designating the Utah Education Network to make recommendations for the grants to the Board, and the Board being the final decision maker.

Member Moss asked how the capital foundation formula would apply to charter schools. Senator Stephenson responded that charters are funded at the average level of every school district, and this is one area where equalization has been achieved.

Vice Chair Johnson asked how the Board can best communicate its priorities to the legislature. Senator Stephenson responded that he would like a more in-depth conversation about this. He believes the legislature should respect the Board's authority and should develop a way of giving the Board more authority over the appropriations.

Member Warner asked whether the third semester constitutes year-round school. The Senator responded that there would be a virtual semester. The bill asks LEAs for proposals on how to implement the third semester.

Executive Session

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

Upon unanimous voice vote of the voting members present, the Board moved into Executive Session at 1:43 p.m.

Those present in Executive Session included Board members Belnap, Castle, Cooper, Corry, Crandall, Cummins, Elinkowski, Hansen, Huntsman, Jensen, Johnson, Openshaw, Stokes, Theurer, Thomas, Warner, Wright, and Brad Smith, Sydnee Dickson, Lorraine Austin, Ben Rasmussen, Rachel Terry, and Heather Waite-Grover.

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

Motion carried. The Board reconvened in open meeting at 2:12 p.m.

Executive Session Items

Utah Professional Practices Advisory Commission Cases

MOTION was made by Chair Crandall and seconded by Vice Chair Johnson that the Board accept the UPPAC recommendation in Case No. 14-1193 and suspend the educator's Level 2 Secondary Education License for no less than two years from the date of Board action, with the following additional conditions: 1) that the conditions for reinstatement be clarified in the stipulated agreement; and 2) that the case be referred to law enforcement.

Motion carried; Member Allen absent.

MOTION was made by Member Corry and seconded by Member Belnap that the Board accept the UPPAC recommendation in Case No. 14-1211 and suspend the educator's Level 2 Secondary Education License for no less than one year from the date of Board action.

Motion carried, with Chair Crandall and Vice Chair Johnson opposed; Member Allen absent.

Utah Comprehensive Counseling and Guidance Program Report

Rule R277-462 *Comprehensive Counseling and Guidance Report* requires USOE staff to gather information regarding counselor-to-student ratios by LEA and report this information to the Board. USOE Education Specialist Lillian Tsosie-Jensen reviewed the Comprehensive Guidance report and distributed additional information. She reviewed the number of schools that meet the required school counselor-to-student ratio of 1 to 350 or better. LEAs not meeting the ratio must submit a plan for how they will meet the ratio in the future.

Member Castle asked if school counselors are assisting in areas such as college guidance, bullying problems, and mental health issues, and if a distinction is made in the report. Ms. Tsosie-Jensen reported that the supplemental information distributed outlines the breakdown of delivery of services. Based on a school's needs, counselors adjust their time spent in various services.

Member Castle stated that she is a big believer that counselors funded by public education should be engaged in responsive services, but the college counseling portion should be shared with higher education. Ms. Tsosie-Jensen responded that licensed school counselors are trained during their preservice on the areas outlined in the handout, but are not trained as licensed mental health counselors. In larger schools a team of four or five counselors may have various areas of proficiency, but it is more difficult in rural schools. Counselors do partner some with higher education, but the gap still needs to be bridged.

Member Hansen reported that a comment she has heard from parents of at risk students is that those students are not getting the counseling they need, and are not receiving help with college scholarships. It is a real concern for those parents. Lillian responded that it is a concern for her as well, but has to do with the ratios. She lauded counselors for the job they do given the numbers.

Member Theurer informed that she was a voting Board member when the Board instituted the 1:350 ratio. At no time did the Board think every school would be able to accomplish it, but the ratios are much better than they used to be. She reported that higher education does have some offerings to assist students and are trying to work with districts to utilize what is in place. She encouraged Board members to find out if the LEAs in their areas

are involved with higher education offerings. Member Cooper reported that Weber State is engaged with districts in their area and the collaboration is working.

Vice Chair Johnson asked for Lillian's opinion of changes that might be needed to the Board rule to perhaps allow licensed social workers to be licensed counselors or other changes. Ms. Tsosie-Jensen responded that given the College and Career Ready focus, licensed school counselors are best to deliver a general overview. There may be needs in some schools for social workers and psychologists, but she has found that through federal funding those services can be provided for needed populations. The program for Comprehensive Counseling and Guidance is very broad and is for all students.

Member Huntsman questioned how the LEA plans to come into compliance are working, and are there consequences for LEAs that don't ever come into compliance. Lillian responded that some are implementing their plan better than others, but some have not moved at all in five years. She suggested that as the Board looks at additional dollars going into the WPU, a recommendation could be made to LEAs to use some of that funding to come into compliance.

Member Wright reported that in talking with some districts, they feel they can better determine how to implement their resources, and rule R277-462 requiring the report and plan is an example of taking away that flexibility. He encouraged the Board to send the rule back for elimination or complete revision.

Utah Open Meetings Act Training

Assistant Attorney General Sheila Page gave an informational presentation to the Board on the Open Meetings Act, to which the Board is subject.

Legislative Priorities

MOTION was made by Vice Chair Johnson and seconded by Member Corry that the Board approve removal of the parenthetical "(Staffing and systems)" from the Board's #1 ongoing priority.

She suggested an information sheet is needed for each priority.

Motion carried; Member Allen absent.

MOTION was made by Vice Chair Johnson and seconded by Member Moss that the Board delete the #7 one-time priority, USOE Office Space/Building Feasibility Study, from the list.

Member Corry reminded that the study was put on the list to get it on the radar, and it was suggested as a result of the success of the USDB building feasibility study.

Member Cummins questioned how important a building is to the Board. Vice Chair Thomas responded that there are systems within the building are falling apart. If a feasibility study is done, it would be expected that a report would come back to the legislature which may facilitate it getting on the State Building Board list.

Superintendent Smith offered that the study could probably be funded from various sources within the current budget and for less than \$300,000. He also suggested it could go on the list of non-funding items to draw attention to the need.

Chair Crandall expressed that given the size of the USDB budget, it was appropriate for the USDB to request an appropriation for the study, but didn't feel the Board should be asking for small things if it could be funded within the budget.

MOTION TO AMEND was made by Member Corry and seconded by Member Belnap that USOE Building Replacement be added to the non-funding priority list.

Member Openshaw questioned if the Board needs to work independently through the Division of Facilities and Construction Management (DFCM). Vice Chair Thomas responded that the Building Board proposes the facilities for funding. However, some facilities are funded that never appear on the list. There are one-time monies available this year that could be used for a feasibility study.

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

Motion carried, with Vice Chair Thomas opposed.

MOTION was made by Vice Chair Johnson and seconded by Member Stokes that the Board remove the #3 one-time priority, Transportation Initiative, from the list.

Vice Chair Johnson explained that she doesn't feel that alternative fuel is appropriately funded from education funds. Member Stokes also mentioned that this will probably be an initiative that will be funded from other sources.

Motion carried; Member Allen absent.

MOTION was made by Vice Chair Johnson and seconded by Chair Crandall that the Board add as the #2 one-time priority \$30 million for State Board of Education Quality Initiatives.

Vice Chair Johnson explained that such an initiative would allow the Board to do a number of things including assisting with the loss of a waiver. The motion was also made in response to the concept discussed by Senator Stephenson.

Motion carried, with Member Belnap opposed; Member Allen absent.

Member Elinkowski questioned whether the State Charter School Board priorities would be a part of the Board priorities. Vice Chair Thomas responded that last year the Education Appropriations Committee chairs asked the Board to prioritize all of the education funding, and he assumes that the direction could be the same this year. Chair Crandall reported that Board leadership will be meeting with the Education Appropriations Committee chairs to determine how the priorities should be presented.

Member Wright asked if the Board could share an attorney with the State Charter School Board, and was given a negative response.

Member Cummins asked if the technology initiative comes with specific plans for implementation. Deputy Superintendent Dickson reported that the bill looks at how the money is disbursed in grants to schools and includes an accountability piece for the types of things for which funding is allowed. Every LEA will need to have a plan to ensure they have all the elements in place.

MOTION was made by Member Hansen and seconded by Member Corry that the Board add \$6.3 million for a USOR supplemental as the #1 priority on the USOR one-time list.

Vice Chair Johnson expressed concern because of the implication that more money will exacerbate USOR's financial situation in future years. Russ Thelin responded that the supplemental will do no harm going forward. USOR staff have done an analysis of the financial situation with and without the supplemental and the agency does much better with the supplemental. He explained that it has the potential of helping the Maintenance of Effort. USOR Auditor Debbie Davis explained that the supplemental affects how they are managing state appropriations and which federal year they're using the state appropriations to match. It is a management of state funds issue. Superintendent Smith asked Director Thelin to provide him with a written explanation of the issue.

Board members still expressed concern, and Superintendent Smith suggested a prioritization of ideas as follows: 1) Keep the doors open presently; 2) safeguard against the danger that the supplemental request would become a funding source that would impact MOE obligations. USOR will seek a waiver of the MOE requirement on whatever incremental amount is received in the supplemental; and 3) receive a written explanation of this complex issue.

Motion carried; Member Allen absent.

Science Standards Preview

In the 2014 Legislative Session, H.B 342 *Power and Duties of the State Board of Education* was passed. The legislation requires that standards review committees be formed for various subject areas, including science. USOE Teaching and Learning Director Diana Suddreth gave an overview of the standards review process. Six different sets of standards will be reviewed this year. The review of science standards is taking place now.

Deputy Superintendent Dickson added that the Board has been receiving communications from members of the Science Review Committee. She reminded the Board that it is not a parent review committee, but is a standards review committee. She also noted that at the request of Board leadership, the standards will be brought before the Board as early as possible to get input and direction from the Board very early in the process. Therefore, an

internal draft of the Science Standards is being brought before the Board.

USOE Science Specialist Sarah Young reported that Utah's science standards were over ten years old before the review started. Research around teaching science has changed as well the understanding of some concepts and how technology plays a role in science, necessitating a change in the standards. Discussion in the science community started in December 2012, and meetings have been held with over 500 stakeholders to get input in order to mold something that could be presented to the public for feedback. She hears from Utah science teachers on a regular basis asking for a chance to weigh in on the standards based on their expertise in working with students in the classroom. It is the intent that in February, the Science Standards will be brought back to the Board with a request to send them out for public comment.

Member Moss asked if the Science Standards Review Committee is aware that there will be continued opportunities for input and revision. Ms. Young also responded that the timeline was presented to the committee, and although some expressed they would like more time for review, the timeline balances that review with the need to allow feedback from the public and all teachers. Once the standards are sent out for a 90-day comment period anyone can give input, including committee members.

Member Moss brought up a concern that has been voiced that the committee is copying and pasting the National Science Standards, and a question of why Utah isn't developing standards that are Utah driven.

Science Standards Committee members present, Stephanie Wood and Ken O'Brien, were recognized.

Vice Chair Johnson asked for clarification on the need for the standards update and what the conceptual changes are that need to be changed. Ms. Young responded that staff continues to hear, especially from middle level teachers, that as teachers try to take an integrated approach they struggle to see a theme and cohesive vision. Students are inhibited from being able to take one concept area and transfer it to another concept area. Another concern is that in the current standards there are two separate elements that are present

within the science standards. One is the traditional standard that addresses content; the other is the science intended learning outcomes (ILOs) that address science critical thinking and process skills. Additionally, when the elements for the Utah Core for literacy were recently adopted, there was an element specific to science, and there is that list of standards as well. Therefore, there are three separate sets of standards with no vision on how they are pulled together to implement into a successful science classroom. Other areas lacking include articulating the use of engineering, utilizing applied sciences to help demonstrate science concepts, and integration of technology.

Member Wright expressed a fear he has heard that SAGE testing has hijacked the standards, and that the standards will be written to maximize SAGE results. Ms. Young responded that one of the great opportunities now is being able to develop standards during the time SAGE is present, and the opportunity to know what the assessment system will look like. One of the challenges of the former CRT system was being able to write effective multiple choice items that really got at science skills. Staff has been working with Assessment during the entire process and as soon as the standards are in place, new SAGE items will be developed that will align with the standards. SAGE follows the standards.

Member Cummins noted that the way the document is formatted seems to imply that the math standards have something to do with items in the grey or green boxes. Sarah indicated that she has heard the same feedback from community members and there does need to be a separation between the boxes.

Member Belnap commented that it would be helpful to see the new standards side-by-side with the old standards. Ms. Young noted that the standards don't always specifically align, but a preliminary cross walk has been developed which will be provided to Superintendent Smith for distribution to the Board.

R277-419-9 Pupil Accounting—Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors

On November 14, 2014, a request was sent to the State Office of Education from ten

interested persons requesting a hearing concerning rule R277-419-9, which was published in the *Utah Bulletin* on November 1, 2014. The State Board held a hearing on the rule on December 4, 2014, with Assistant Attorney General (AAG) Chris Lacombe acting as the hearing officer.

AAG Chris Lacombe presented a summary report of the hearing to the Board. The majority of comments made were concerning Sections F and G of R277-419-9. The first issue was whether a third party has the ability to collect, access and store student data. The rule is written to authorize the LEA as the only entity to collect and store enrollment records, which doesn't reflect current practical practice.

A second issue was that in the rule the prohibition of incentives and reimbursements potentially interferes with lower income student access to the internet and may deny K-6 students of their right to a Free and Appropriate Public Education (FAPE).

Mr. Lacombe reviewed suggested changes to the rule.

MOTION was made by Chair Crandall and seconded by Member Openshaw that under the emergency rule provision the Board adopt changes to Sections G and F of R277-419-9 as specified in the hearing report.

Vice Chair Johnson voiced her preference that the last sentence under Section 9-G be changed to require permission rather than notification. AAG Lacombe responded that he specifically wrote it to give notice, not permission.

It was clarified that the emergency rule will allow LEAs who are in violation of the current rule to continue functioning as they are. The rule will come back to the Finance Committee for review and amendment.

Member Belnap stated that she has problems with the entire rule. She suggested that authorization and notification should be done as part of the enrollment process on the front end. That issue was identified in the audit and the correction should have already been made by all schools. She also has a problem with Section F regarding vendors giving money to provide private lessons. Chair Crandall suggested that the Board make the recommended changes to the rule and readdress other concerns when the rule comes back to the Board.

Motion carried, with Member Belnap opposed; Member Allen absent.

Superintendent's Report

Superintendent Smith reported on the following:

- The technology upgrade of the building conference rooms is now in process.
- The office will provide a shuttle service for staff and Board members to and from the Capitol complex during the legislative session.
- A draft USOE organization chart was reviewed.
- Staff members Sydnee Dickson, Judy Park, Bruce Williams, Cammy Wilcox, Patty Hunt, LesLee Snelson, Michelle Davis, and Mark Peterson were introduced.
- Superintendent Smith gave background regarding the Elementary and Secondary Education Act (ESEA) flexibility waiver received last year. The waiver was a one-year waiver and was obtained for the purpose of avoiding the penalties that may be imposed under the federal No Child Left Behind Act for failed schools. The Board achieved a consensus to go ahead with the application which included some very strong state sovereignty language, which was accepted by the U.S. Department of Education (USED). USED has announced that the next round of waivers involves a three-year flexibility renewal. At present, staff have been working on preparing an application with the expectation that the Board will seek renewal. The intent is for the application to come to the Board in its February or March meeting. Superintendent Smith will ensure that all Board members receive a packet with the information that was prepared for the last waiver process.
- By legislative direction every high school senior is given the ACT test. With the present allocation there are sufficient funds to cover the ACT costs for the present school year, but because ACT is raising the costs of the tests, there will not be enough for the 2015-16 school year. The Board will need to address whether this test should be continued.

ESEA Resolution

An updated resolution was distributed to the Board. Superintendent Smith reviewed the resolution, which calls upon “all members of Utah’s congressional delegation to sponsor legislation preserving Utah’s education state sovereignty . . .”

MOTION was made by Member Moss and seconded by Member Openshaw that the Board approve the resolution.

Member Castle questioned whether the Board has unequivocal sovereignty.

It was noted that the resolution will be sent to the Legislature, Governor and Congressional Delegation.

Member Stokes asked whether the resolution would make it harder to obtain ESEA waivers in the future. Superintendent Smith responded that the language in the resolution was taken from prior waiver language.

Motion carried, with Member Belnap opposed; Member Allen absent.

Board Chair’s Report

Chair Crandall expressed appreciation for the Board’s support of his chairmanship. Board leadership will be making committee assignments soon. Member Cooper brought forth a recommendation from the Coalition of Minorities Advisory Committee that Board member Hansen be appointed to serve on that Committee.

Chair Crandall reminded Board members that their conflict of interest forms are due on Monday.

Board Member Closing Comments

Member Huntsman voiced that given the amount of material distributed, he felt rushed in getting through it. He asked if backup could be provided earlier to the Board to ensure they have the time for review.

Adjournment

MOTION was made by Vice Chair Johnson and seconded by Member Openshaw that

the meeting adjourn.

Motion carried. The meeting adjourned at 5:00 p.m.

Lorraine Austin, Board Secretary
Minutes approved February 6, 2015