

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

December 5-6, 2013

December 5, 2013 Work/Study Session

The Utah State Board of Education held a work/study session on December 5, 2013 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. The meeting commenced at 3:40 p.m. Chair Debra Roberts conducted.

Board members Dixie Allen, Laura Belnap, Kim Burningham, Leslie Castle, Barbara Corry, David Crandall, Dan Griffiths, Heather Groom, Michael Jensen, Jennifer Johnson, James Olsen, Jefferson Moss, Mark Openshaw, Tami Pyfer, Debra Roberts, Isaiah Spencer, and David Thomas were present. Also present were Martell Menlove, Brenda Hales, Lorraine Austin and Kristina Kindl.

Motion was made by Member Mark Openshaw that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of individuals.

A voice vote was taken, and upon unanimous consent of those present, the Board moved into Executive Session at 3:55 p.m. All above were present, with the exception of Member Michael Jensen. Heidi Alder was also present in the Executive Session.

Motion was made by Member Dixie Allen and seconded by Member Heather Groom that the Board come out of Executive Session.

Motion carried unanimously. The open meeting reconvened at 4:55 p.m.

The Board received training on the Open and Public Meetings Act, the Government Records Access and Management Act (GRAMA), and employee relations.

The meeting adjourned at 6:00 p.m.

December 6, 2013 Board Meeting

The Utah State Board of Education held a regular meeting on December 6, 2013 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair Debra Roberts conducted.

Board Members present:

Chair Debra G. Roberts	Member Michael Jensen
Vice Chair David L. Crandall	Member Jennifer A. Johnson
Member Dixie L. Allen	Member Jefferson Moss
Member Laura Belnap (non-voting)	Member James V. (Jim) Olsen (non-voting)
Member Kim R. Burningham	Member C. Mark Openshaw
Member Keith M. Buswell	Member Tami W. Pyfer
Member Leslie B. Castle	Member Isaiah (Ike) Spencer (non-voting)
Member Barbara W. Corry	Member Teresa L. Theurer (non-voting)
Member Dan Griffiths	Member David L. Thomas
Member Heather Groom	

Board Members excused:

Member Marlin Jensen (non-voting)
Member R. Dean Rowley (non-voting)

Executive staff present:

Martell Menlove, State Supt.	Bruce Williams, Associate Supt.
Brenda Hales, Deputy Supt.	Lorraine Austin, Board Secretary
Judy Park, Associate Supt.	

Others present:

Lydia Nuttall, parent; Ray Terry, Beaver School District; Tina Smith, UAPCS; Jan Ferré, LCPD

Opening Business/Recognitions

Chair Debra Roberts called the meeting to order at 8:19 a.m. Member Laura Belnap led the Board in the Pledge of Allegiance.

Board Welcome Message

Member Barbara Corry welcomed the Board. She shared an experience from a local teacher in her area expressing the satisfaction that comes from helping a student. She shared

the quote from Mother Teresa, “We can do no great things—just small things with great love,” and reflected that we can do amazing things if we love one other and try to pass joy on. She offered an invocation.

Recognition of Outgoing Board Members

Appointed Board Members Laura Belnap and Isaiah Spencer were acknowledged and thanked for their service on the Board, and were presented with children’s art work. Member Belnap has represented the State Charter School Board since 2012; Member Spencer has represented the Coalition of Minorities Advisory Committee (CMAC) since 2010.

Promises to Keep Highlight

Superintendent Martell Menlove referenced a white paper from AIR entitled “Predictors of Postsecondary Success.” The article identified things that happen at each school level to predict postsecondary success. Dr. Menlove found that those things identified correlate with Promises to Keep and State Board priorities.

Light of Learning Award

Mark Bouchard was introduced by Deputy Superintendent Brenda Hales. Until recently, Mr. Bouchard served as the Chair of Prosperity 2020, and is currently the Chair of the Governor’s Education Excellence Commission. He has vigorously championed the efforts of educators, board members, and business leaders to enhance teaching and learning. He was thanked for his sincere dedication to the students and teachers of Utah.

Board Chair Roberts presented Mr. Bouchard with the State Board of Education’s Light of Learning Award. Mr. Bouchard thanked Board members for the award, and for doing hard and important things. He expressed that the cause of public education is worth fighting for, and investment in education is an investment in the families in Utah.

Public Participation

Lydia Nuttall, parent, Morgan County - indicated she has questioned how to teach civic

and character education in a concise way. She shared a handout about our form of government.

General Consent Calendar

Motion was made by Member Dixie Allen and seconded by Member Heather Groom that the Board approve the General Consent Calendar.

Motion carried unanimously.

Professional Practices Issues

Chair Roberts gave some background about the process of the Utah Professional Practices Advisory Commission (UPPAC), and acknowledged that while it is a priority of every member of the Board to protect children, the Board also must recognize due process. She distributed a packet of information that included a compilation of several UPPAC issues. She also drew attention to the 2010 "Harrington Report"—*A Review of Professional Conduct in Utah's Public Schools*. She reminded the Board that it was a report commissioned by the State Superintendent, and the Board never officially adopted the report. However, UPPAC has accomplished much in response to the report.

Vice Chair Dave Crandall, chair of the Board's UPPAC Review Task Force, reported on a meeting yesterday of the Task Force. The Task Force adopted a Guiding Principles document developed by Member Kim Burningham. Member Jennifer Johnson presented information about research she compiled on educator sexual misconduct nationwide. In addition, the Task Force formed a committee to review the vendors for the Board's RFP to review the UPPAC process. Members Burningham, Castle, Johnson, and State Superintendent Menlove are on the committee.

It was requested that Member Johnson present her research as part of a Board study session. It was also suggested that educator licensing be forwarded as a study group topic to NASBE, the Board's national organization.

Vice Chair Crandall recognized Member James Olsen as the original chair of the UPPAC Review Task Force, and thanked him for his work.

Board Professional Practices Hearing

Motion was made by Member David Crandall and seconded by Member David Thomas that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual in UPPAC Case No. 10-961.

A voice vote was taken, and upon unanimous consent of those present, the Board moved into Executive Session at 9:35 a.m. Members Allen, Belnap, Burningham, Buswell, Castle, Corry, Crandall, Griffiths, Groom, Michael Jensen, Johnson, Moss, Olsen, Openshaw, Pyfer, Roberts, Spencer, Theurer, and Thomas were present, as well as Martell Menlove, Brenda Hales, Lorraine Austin, Kristina Kindl and Heidi Alder.

Motion was made by Member Dixie Allen and seconded by Member Mark Openshaw that the Board come out of Executive Session.

Motion carried unanimously. The Board reconvened in open session at 11:15 a.m.

Motion was made by Member David Thomas that in UPPAC Case No. 10-961, the Board reinstate the Level 2 School Counselor and Administrative/Supervisory License of the educator, with the condition that for one year the educator meet on a monthly basis with the State Superintendent of Public Instruction or his designee.

Motion carried unanimously.

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member Tami Pyfer and seconded by Member Jefferson Moss that the Board accept the UPPAC recommendation in Case No. 13-1118 and revoke the educator's Level 2 Elementary Education License. Under 53A-6-501(2)(a)(I), the Board must permanently revoke the educator license of an educator who is convicted of a sexual offense against a minor.

Motion carried unanimously.

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board accept the UPPAC recommendation in Case No. 13-1144 and accept a stipulated

agreement for suspension of the educator's Level 2 Speech/Language Pathologist Educator License. The educator may request a reinstatement hearing following satisfaction of all conditions in the stipulated agreement and completion of a criminal background check, no sooner than two (2) years from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

Motion carried unanimously.

Board Election Procedures

Vice Chair David Crandall reviewed recommendations for changes to the Board election procedures.

Motion was made by Member Kim Burningham that the following additional changes be made to the election procedures:

- Section H: add ". . . each member will check his/her personal choices for vice chairs according to the number of vice chairs determined by the Board."
- Section I - replace with, "The individual receiving the most votes will be considered 1st vice chair. In case of a tie vote, a vote will be taken to designate 1st vice chair."

Motion carried unanimously.

Motion was made by Member Mark Openshaw and seconded by Member Kim Burningham that the Board adopt the election procedures, as amended.

Motion carried unanimously.

Board Leadership Elections

Motion was made by Member Keith Buswell and seconded by Member Mark Openshaw that the Board elect two vice chairs.

Motion carried unanimously.

Vice Chair Crandall opened the floor for nominations for Chair. The names of Tami Pyfer, David Crandall, and David Thomas had previously been submitted for Chair. There were no additional nominations, and nominations were closed. Members Crandall, Pyfer, and Thomas made statements to the Board.

A vote for Chair was taken by ballot. The votes were counted by Member Michael Jensen and Board Secretary Lorraine Austin, with the following results: Crandall–6; Pyfer–5; Thomas–4. As no member received eight votes, a second vote was taken by ballot between Members Crandall and Pyfer.

The votes were immediately counted, and Member Tami Pyfer was elected Chair, 8-7.

Vice Chair Crandall opened the floor for nominations for Vice Chair. Members David Thomas and David Crandall were nominated. Their names were added to the ballot, along with Member Jennifer Johnson who was previously nominated. Member Johnson made a statement to the Board.

Votes for vice chairs were taken by ballot, and counted immediately afterward by Member Michael Jensen and Board Secretary Lorraine Austin.

Member Crandall was elected 1st Vice Chair, and Member Thomas 2nd Vice Chair, with the voting as follows: Crandall–11; Thomas–10; Johnson–8.

Instruction, Assessment and Technology Committee Report

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

R277-503 Licensing Routes

R277-518 Career and Technical Education Licenses

Board rule R277-518 details licensure routes primarily for Career and Technical (CTE) teachers that do not hold a bachelor's degree. R277-503 details the various routes to initial licensure, including the Alternative Routes to Licensure (ARL) program. Most CTE teachers licensed under R277-518 are currently required to simultaneously take the same six pedagogy classes required by most ARL plans and complete the Entry Years Enhancement (EYE) program requirements in their first three years of teaching.

The Committee reviewed proposed changes to the rules that would place CTE teachers under the ARL program where they would be allowed up to three years to earn their initial license, and then up to three years to complete the EYE requirements for upgrade to a Level 2 license.

The Committee approved amendments to R277-518 and R277-503 on first reading, and moved that the Board approve the rules, as amended, on second reading. Information was distributed regarding the routes and how they have been streamlined.

Motion carried unanimously.

R277-528 Use of Public Education Job Enhancement Program (PEJEP) Funds

Senate Bill 28 *Boards and Commission Amendments*, passed during the 2013 Legislative Session, moved the Public Education Job Enhancement Program (PEJEP) Committee's rulemaking authority from the PEJEP Committee (which was repealed) to the State Board of Education. New rule R277-528 provides procedures and criteria for remaining PEJEP funds, consistent with the intent of the Program.

The Committee approved new rule R277-528 *Use of Public Education Job Enhancement Program (PEJEP) Funds* on first reading, and moved that the Board approve R277-528 on second reading.

Motion carried unanimously.

R690-100 Public Education Job Enhancement Program Participant Eligibility and Requirements

Since the statute authorizing the PEJEP Committee was repealed and rulemaking authority was moved to the Board, it is necessary that R690-100 be repealed.

The Committee approved the repeal of R690-100 *Public Education Job Enhancement Program Participant Eligibility and Requirements* on first reading, and moved that the Board repeal R690-100 on second reading.

Motion carried unanimously.

Executive Session

Motion was made by Member Dixie Allen and seconded by Member Michael Jensen that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of individuals.

A voice vote was taken, and upon unanimous consent of those present, the Board moved

into Executive Session at 12:54 p.m. Members Allen, Belnap, Burningham, Buswell, Castle, Corry, Crandall, Griffiths, Groom, Michael Jensen, Johnson, Moss, Olsen, Openshaw, Pyfer, Roberts, Spencer, Theurer, and Thomas were present, as well as Martell Menlove, Brenda Hales, Lorraine Austin, Kristina Kindl and Heidi Alder.

Motion was made by Member Dixie Allen and seconded by Member Mark Openshaw that the Board come out of Executive Session.

Motion carried. The Board reconvened in open meeting at 1:38 p.m.

Executive Session Items

School and Institutional Trust Lands Board of Trustees Nominating Committee Appointments

Motion was made by Member Dan Griffiths that the Board appoint Members David Crandall, Jennifer Johnson, and Jefferson Moss to the School and Institutional Trust Lands Board of Trustees Nominating Committee for four-year terms, beginning in January 2014.

Motion carried unanimously.

Report from Attorney General's Office

Assistant Attorney General David Jones was welcomed to the meeting. Mr. Jones reported that the Attorney General's office has the responsibility and authority to provide legal counsel and advice to the Utah State Board of Education under the Utah Constitution, Article 16. In accordance with this responsibility, the A.G.'s office has provided an assistant attorney general to provide legal services to the Board and the entities thereunder, including nineteen Utah State Office of Education sections, the State Office of Rehabilitation, the Utah Schools for the Deaf and the Blind, and the State Charter School Board. In the event that any of the entities are sued, attorneys in the litigation division handle those matters.

Mr. Jones drew attention to the many extra hours that Kristina Kindl, the attorney assigned to the Board, has worked on behalf of the Board and its entities. In the past year, the A.G.'s office has provided assistance on such items as contracts, charter school issues, school trust issues, state and federal laws and regulations unique to public education, administrative

rulemaking policy issues, and given advice and counsel to the Board and State Superintendent.

Mr. Jones indicated that in order to continue to provide all the services needed, there is a need for additional legal counsel. The workload of one attorney to cover the entities under the auspices of the Board is not sustainable as currently in place. He made the following recommendations: 1) add additional legal counsel dedicated to public education issues; 2) continue to provide advice to the Board as a whole, with all directives coming through a central point rather than from individual Board members.

Mr. Jones indicated that an additional attorney would probably have to be funded by the Board, as the A.G.'s office does not currently have the resources.

It was suggested that a letter from the Board be sent to the Attorney General requesting that an additional attorney be assigned to public education. The Board Executive Committee will discuss the matter in its next meeting.

Superintendent's Report

Superintendent Martell Menlove reported on the following:

- A draft of the Board's budget priorities compared with the Governor's budget was reviewed.
- The document, *Key Factors Contributing to High Student Achievement*, was reviewed by the legislative Education Task Force. The Task Force did not adopt the document, but it was highly received.
- H.R. Director David Rodemack introduced new employees Betsy Sutherland, Darrell Sorenson, David Sweat, and Spencer Shiotani.
- U.S. Secretary of Education Arne Duncan spent several hours in Salt Lake yesterday at Northwest Middle School. A videotape of a panel that met during the visit is available on the USOE Website.
- A copy of the issue of Utah Business Magazine for which the Board gave its support was passed around.

Legislative Update

Funding Priorities

Superintendent Menlove distributed the State Charter School Board's legislative funding request for the Board's information. The Charter Board's priorities are not included in the Board's funding request.

Dr. Menlove reviewed the Board's budget priorities and suggested some changes.

Motion was made by Member David Crandall and seconded by Member Kim Burningham that the Board make the following changes to its Funding Priorities:

- Eliminate priority #7 for a new State Office of Education building from the one-time priorities.
- Change the amount for fulling funding of actual growth to \$64 million.

It was suggested that a notation be made as to why the change was made in the amount for full funding of growth.

Motion carried unanimously.

Legislation

Superintendent Menlove referred to a copy of Representative Eliason's bill on suicide prevention revisions.

Motion was made by Member Kim Burningham and seconded by Member Dixie Allen that the Board support Representative Eliason's Suicide Prevention Revisions bill.

Motion carried unanimously.

Dr. Menlove noted that Senator Stuart Reid has a protected bill to extend educational opportunities for students, particularly children affected by intergenerational poverty. Member Thomas indicated that he has had a conversation with Senator Reid, and feels the legislation would dovetail into the Board's early intervention request.

Motion was made by Member David Thomas and seconded by Member Kim Burningham that the Board support the concept of extended educational opportunities in Senator Reid's bill, and invite Senator Reid to talk with the Board in more detail.

Motion carried unanimously.

Chair's Report

Chair Debra Roberts reported on the following:

- Proposed legislation on the Utah Data Alliance would change the makeup of the Alliance to include only one education member and six business members.
- Recommendations of the Governor's Vision and Mission Committee, of which she is a member, were adopted by the Governor's Education Excellence Commission.
- Budget priorities of the Board of Regents and Utah College of Applied Technology were distributed.
- The Board Executive Committee will be meeting with the Governor on a quarterly basis.
- A summary of the Board's Strategic Plan was distributed.
- A synopsis of what the Board has accomplished in the last five years was distributed and reviewed. Chair Roberts thanked Board members for their contributions during her chairmanship. She was acknowledged by the Board for her service.

Adjournment

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the meeting adjourn.

Motion carried. The meeting adjourned at 3:42 p.m.

Lorraine Austin, Board Secretary
Minutes approved January 9, 2014