

UTAH STATE BOARD OF EDUCATION MEETING MINUTES
February 6-7, 2020

BOARD MEETING – February 6

A regular meeting of the Utah State Board of Education was held February 6, 2020 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members Present:

Chair Mark Huntsman	Member Jennifer Graviet
Vice Chair Brittney Cummins	Member Scott L. Hansen
Member Laura Belnap	Member Mike Haynes
Member Michelle Boulter (by phone)	Member Carol Barlow Lear
Member Janet A. Cannon	Member Scott B. Neilson
Member Cindy Davis	Member Shawn E. Newell
Member Jennie Earl	

Members Absent:

Member Mark R. Marsh

Executive Staff Present:

Sydnee Dickson, State Superintendent
Scott Jones, Deputy Superintendent
Patty Norman, Deputy Superintendent
Angie Stallings, Deputy Superintendent

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

Rachel Lankford—Beverley Taylor Sorenson Arts Learning Program; Ann Kane, Millcreek Elementary; Todd Hauber—Utah Association of School Business Officials; Kip Motta—North Rich Elementary; Dale Lamborn—Rich School District; Jo Sanford—Murray School District; Joylin Lincoln—Utah Association of Public Charter Schools; Steve Hirase—Utah PTA; P. Walker—Tooele School District; Camille Knudson—Tooele School District Board; Jennifer Lambert—State Charter School Board staff; Bryan Quesenberry, Michelle Beus—Assistant Attorneys General; Zac Christensen, Travis Rawlings, Dale Frost, Deborah Jacobsen, Darin Nielsen, Leah Voorhies, Tamra Dayley, Megan Russell, Tiffany Stanley, Adam Herd—USBE staff

Opening Business

Chair Mark Huntsman called the meeting to order at 9:18 a.m. and led those present in the Pledge of Allegiance.

Employee Recognition

Superintendent Sydnee Dickson introduced the employee of the month, Adam Herd. New employees Neil Harvey, Tanya Albornoz, Carol Ruddell, Katrina Cole, Patrick Lee, Cecelia Bahena, Dan Sifuentes, and Cuong Nguyen introduced themselves.

Acknowledgment of Student Artwork

Cathy Jensen, Education Specialist, informed the Board about the artwork hanging in the Board Room from Mill Creek Elementary, Bennion Elementary, and Fox Hollow Elementary.

Education Highlight – Blue Ribbon Schools

Superintendent Dickson informed that Blue Ribbon Schools are designated by the U.S. Department of Education for being either “exemplary high performing” or “exemplary achievement gap closing.” She reported that the four Utah schools that received this honor in 2019 are Crimson View Elementary, Juan Diego Catholic High School, McMillan Elementary and North Rich Elementary. All the schools were in the “exemplary high performing” category.

The following representatives of the schools spoke to the Board about things that set their schools apart and helped them achieve this honor: Principal Adam Baker—Crimson View; Principal Galey Colosimo and two students—Juan Diego; Principal Jo Sanford—McMillan; and Principal Kip Motta—North Rich.

Public Comment

Allison Cook, parent from Park City – expressed concerns about the political nature of the Welcoming Schools program listed on the core guide. Though the Human Rights Campaign parent organization of Welcoming Schools has done some great work, it is a partisan, political,

lobbying organization and much of what they do is extremely one sided. She voiced concern with Welcoming Schools training teachers to implement an anti-bullying program.

Jimmy May, parent from Park City – shared his opinion that the Board’s current rule, R277-613, appears to be unconstitutional and does not align to state law. The current rule and draft begin considered transcends state law and references many federal offenses. He voiced concern with conflating bullying with other forms of discrimination and making federal cases out of juvenile behavior. He suggested that eliminating the carve outs in the rule would be consistent with data in the SHARP survey and the carve outs aren’t needed.

Superintendent’s Report

Superintendent Dickson highlighted the following:

- Recognized that this is School Counselors Week and thanked Utah school counselors for their great work.
- Shared that on a recent National Council on Teacher Quality (NCTQ) report, Utah received an “A” grade for its university preparation programs that are leading out on the science of reading.
- Informed that the State Educational Technology Directors Association (SEDTA) highlighted Utah as exemplary for having a review process of instructional materials and then allowing local choice.
- Shared that the Utah Department of Public Safety Division of Emergency Management recognized the Board for completion of the 2019 Continuity of Operations Plan. The plan provides essential functions in the face of a disaster. The Utah Schools for the Deaf and the Blind also received this recognition.

Discussion with Representative Mike Winder

Representative Winder reviewed his bill, H.B. 107, 2nd Substitute, Effective Teachers in High Poverty Schools Incentive Program Amendments. The bill expands the incentive program to K-3. He asked the Board to consider supporting the bill.

General Consent Calendar

Item 4.9, Approval of Satellite Requests for Existing Charter Local Education Agencies, was pulled.

MOTION was made by Member Cummins and seconded that the Board approve the General Consent Calendar, as amended.

Motion carried unanimously.

GENERAL CONSENT CALENDAR

4.1 Approval of Meeting Minutes

The Board approved the minutes of its January 8-9 and January 30, 2020 meetings.

4.2 Contracts/Agreements for Approval

The Board approved contracts/agreements with the following entities: National Center for the Improvement of Educational Assessment, Inc.; Rebecca Peterson/MCKB Brigham University EIME Program; Knowledge Services/ Guidesoft (2).

4.3 School Fee Waiver Notifications and Applications

The Board approved the fee waiver documents as presented to be distributed to students and their families by each local education agency (LEA) that charges school fees.

4.4 Requests for Temporary Authorizations

The Board approved temporary authorizations for educator licenses as requested by LEAs.

4.5 Taxing Entity Committee Representation

The Board appointed Brett Baltazar, USBE Audit and Finance Specialist, as its voting representative to taxing entity committees, and appointed Deputy Superintendent Scott Jones as the alternate.

4.6 External Data Requests (from June 2019)

Through an oversight, the external data requests approved by the Law and Licensing Committee in June 2019 were not placed on the Consent Calendar for approval by the Board in its August 2019 meeting.

The Board approved the external data sharing agreements with the following: Kelly Garcia, Utah Department of Health; Michael D. Call, Civicus Consulting Group on behalf of United Way of Utah County; Hannan Mohamud, Salt Lake Center for Science Education; and Jen Molloy, University of Utah.

4.7 Amendment to Meeting Minutes

The Board approved amendments to its August 1, 2019 meeting minutes.

4.8 R277-459 Teacher Supplies and Materials Appropriation

The Board approved and continued R277-459, Draft 1, on second and final reading.

4.9 Satellite Requests for Existing Charter Local Education Agencies (LEAs)

This item was pulled from the Consent Calendar.

4.10 Early Learning Standards Update

An update of the Early Learning Standards Ages 3-5 was provided.

4.11 Contracts for Review

Contracts under \$100,000 were provide for Board information.

4.12 Lakeview Academy Report on Waiver for a Delayed Opening

Lakeview Academy provided an annual report on its waiver for a delayed opening for its Eagle Mountain campus.

Monthly Budget Report

Deputy Superintendent Scott Jones provided the monthly budget report and reviewed the discretionary fund.

USBE Budget Requests for FY 2021

Dale Frost, USBE Fiscal Analyst, reported on the updated information showing the Board's top ten budget priorities and how they align to the Board's strategic plan. He noted that there are new business cases from the State Charter School Board (SCSB) that the Board has not considered.

Deputy Superintendent Jones reviewed the budget prioritization process. He reported that the state Legislative Fiscal Analyst has proposed a 4.5 percent WPU increase, which is less than the Board's 6 percent request. He noted that the Public Education Appropriations Subcommittee received all the Board's business cases by the committee's deadline.

Superintendent Dickson mentioned that there will most likely be more requests than normal this year for use of Education Fund money to fund things that have come from the General Fund in the past.

State Charter School Board Vice Chair Delaina Tonks, SCSB Board Member James Moss, and SCSB Executive Director Jennifer Lambert presented the Charter Board business cases for new staff positions and a Charter School Innovative Student Improvement Program Grant.

MOTION was made by Member Cummins and seconded that the State Charter School Board business cases be added to the Board's priorities list, and that the SCSB clarify the business cases to include more information on the positions requested.

Motion carried, with Members Belnap, Boulter, Cannon, Cummins, Davis, Earl, Haynes, Huntsman, Neilson and Newell in favor, and Members Graviet, Lear and Hansen opposed.

Audit Committee Report

Committee Chair Brittney Cummins reported that there were no action items forwarded from the January Audit Committee meeting.

2020 General Session Legislation

Deputy Superintendent Angie Stallings and Policy Analyst Jeffrey Van Hulten reviewed H.B. 10 Boards and Commissions Amendments and indicated they are working with the sponsor to remove the Utah Instructional Materials Commission and the Utah Professional Practices

Advisory Commission from the bill; it was requested they also work on getting the Utah Schools for the Deaf and the Blind Advisory Council removed.

Deputy Superintendent Stallings also discussed H.J.R. 13 Proposal to Amend Constitution – Education Amendments, and H.B. 242 Charter Schools Operations Amendments, which covers most of the recommendations from the Board’s Charter Schools Task Force.

Discussion with Representative Marie Poulsen

Representative Poulsen reviewed her bill, H.B. 175, 1st Substitute, Education Accountability Amendments. The bill removes the requirement to use a single letter grade when assigning an overall rating to a school.

2020 General Session Legislation – continued

MOTION was made by Member Davis and seconded that the Board support H.B. 242 Charter Schools Operations Amendments.

MOTION to amend was made by Member Cummins and seconded that staff request that the bill sponsor consider the ramifications of the last few lines of the bill regarding enrollment.

Motion to amend carried unanimously.

It was requested that staff, with the Board’s attorneys, determine whether to request the addition of “State Board of Education” in sections (1) through (6).

Motion, as amended, carried unanimously.

MOTION was made by Member Cannon and seconded that the Board support H.B. 107 Effective Teachers in High Poverty Schools Incentive Program Amendments.

Motion carried, with Members Belnap, Boulter, Cannon, Cummins, Davis, Earl, Haynes, Huntsman, Neilson and Newell in favor, and Members Gravier, Hansen and Lear opposed.

MOTION was made by Member Hansen and seconded that the Board support H.B. 58 Electronic Cigarettes in Schools Amendments and direct staff to seek changes to add “marijuana” where appropriate.

MOTION to amend was made by Member Hansen and seconded to include a board preference to receive funding for the program from a specific tax.

Without objection the amendment was added.

Motion, as amended, carried unanimously.

MOTION was made by Member Lear and seconded that the Board support H.B. 175, 1st Substitute, Education Accountability Amendments.

Motion carried unanimously.

MOTION was made by Member Lear and seconded that the Board support S.B. 79 Regional Education Service Agency.

Motion carried unanimously.

Finance Committee Report/Recommendations

Committee Chair Laura Belnap reported on the following items from the January 9, 2020 committee meeting. Items not reported will be included as part of the meeting exhibits.

USB E Carryforward Balances

The Committee reviewed a request from the Assessment Section to retain carryforward funds due to requests for proposals that are higher than anticipated.

MOTION from Committee that the Board approve the Assessment Section retaining \$569,862 carryforward funds in its budget for the current fiscal year.

Motion carried unanimously.

R277-553 Charter School Oversight, Monitoring and Appeals

Amendments to R277-553 were presented to the Committee that broadened the language for identified deficiencies. The Committee approved Draft 3 of the rule on first reading.

MOTION from Committee that the Board approve R277-553 *Charter School Oversight, Monitoring and Appeals*, Draft 3, on second and final reading.

Motion carried.

Student Transportation Standards

The Committee reviewed proposed updates to the transportation standards for students set by the Board in 2019.

MOTION from Committee that the Board approve the changes to the Utah School Buses and Operations Standards for 2020 as outlined in the summary of changes.

Motion carried unanimously.

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reported on the following items from the January 9, 2020 committee meeting. Items not reported will be included in the meeting exhibits.

R277-121 Board Waiver of Administrative Rules

The Committee reviewed proposed amendments to R277-121 and approved Draft 3 on first reading.

MOTION from Committee that the Board approve R277-121 *Board Waiver of Administrative Rules*, Draft 3, on second and final reading.

Motion carried unanimously.

LEA Third Party Provider Contracted Services

Over the course of several months the Committee has discussed risks associated with externally provided public education services provided to or on behalf of local education agencies and considered whether staff have the information they need to fulfill the Board's monitoring responsibilities.

The recommendation from the Committee was not forwarded as it was noted that the Board has already taken positions to request a legislative appropriation for additional resources to support USB E's monitoring and auditing responsibilities and to request changes to Code where needed.

Charter School Entity Structure Provisions

The Committee reviewed the recommendation from the USB E Charter Schools Task Force concerning charter schools remaining as nonprofit 501(c)(3) entities with specific statutory or administrative rule changes.

The Committee recommendation was not forwarded as it was noted that Board staff were already directed to seek clarifying legislation.

Request from Tooele District Board for Waiver from R277-419-4

The Committee reviewed a request from the Tooele School District Board of Education for a waiver from the 180-day requirement in R277-419-4 for Wendover High School and Anna Smith Elementary School to allow the schools to move to a four-day week.

MOTION from Committee that the Board approve the request for waiver from R277-419-4 for Wendover High School and Anna Smith Elementary School as requested by the Tooele School District Board of Education.

Motion carried unanimously.

Standards and Assessment Committee Report/Recommendations

Committee Chair Jennifer Gravier reported on the following items from the January 9, 2020 committee meeting. Items not reported will be included in the meeting exhibits.

R277-733 Adult Education Programs

The Committee reviewed amendments to R277-733 that will allow for more appropriate budgeting by LEAs for long-term needs and personnel obligations. The Committee approve Draft 2 of the rule on first reading.

MOTION from Committee that the Board approve R277-733 *Adult Education Programs*, Draft 2, on second and final reading.

Brian Olmsted, Coordinator of Student Support, addressed questions on the need for flexibility of the allocation.

Motion carried unanimously.

R277-735 Corrections Education Programs

The Committee approved repeal of R277-735 on first reading, as the rule is no longer necessary.

MOTION from Committee that the Board repeal *R277-735 Corrections Education Programs* on second and final reading.

Motion carried unanimously.

R277-702 Procedures for the Utah High School Completion Diploma

As a result of changes to *R277-733 Adult Education Program*, amendments to R277-702 were made to provide alignment of the rules. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve *R277-702 Procedures for the Utah High School Completion Diploma*, Draft 1, on second and final reading.

Motion carried unanimously.

Utah Perkins V State Plan

In May 2019 the Board approved a one-year transition plan for federal program year 2019 for the Utah Perkins Plan; a four-year plan is now required and was presented to the Committee as the Perkins V State Plan.

MOTION from Committee that the Board approve the Utah Perkins V State Plan.

Motion carried unanimously.

R277-108 Annual Assurance of Compliance by Local School Boards

The Committee reviewed Draft 1 of R277-108 and made an additional change to include the January 2020 updated list of assurances. It was noted that an additional year will be given for staff to work with stakeholders on needed changes to the assurances. The Committee approved Draft 1, as amended, on first reading.

MOTION from Committee that the Board approve R277-108 *Annual Assurance of Compliance by Local School Boards, Draft 2*, on second and final reading.

Motion carried unanimously.

School Turnaround Statutory Changes

State and federal law require the Board to identify low-performing schools that are then required to take certain actions to improve student performance. The Committee considered possible changes to the primary governing statute—The State Turnaround and Leadership Development Act.

MOTION from Committee that the Board authorize staff to seek legislation to amend the School Turnaround provisions to exiting the lowest performing 15 percent of all schools after four years.

Max Lang, Educational Specialist, explained that for schools in Turnaround the exit status is currently that a school must perform above the bottom three percent for two consecutive years.

MOTION to amend was made by Member Graviet and seconded that the Board direct staff to seek legislation to amend the exit criteria for Turnaround and engage with the Board's Assessment and Accountability Policy Advisory Committee and other stakeholders to identify the threshold for exit.

Motion to amend carried, with Member Hansen opposed.

Motion, as amended, carried unanimously.

Elementary Social Studies Standards Review Committee Recommendations

In accordance with the USBE Standards Revision Process, the Committee heard a report from the K-6 Social Studies Standards Review Committee and accepted the Review Committee's recommendation that the current social studies standards should be revised.

It was questioned whether the Committee has the authority to accept that recommendation. Staff clarified that the revision is on Step 5 of the Board-approved Revision Process, which states, "If Standards Review Committee and Assessment Committee agree that

a revision is not warranted, then the process ends here. If there is cause for a revision, then the following steps would be executed.” The Board was also reminded that in its August 1, 2019 meeting the Board approved, as part of its Consent Calendar, staff beginning the standards revision process for the Elementary Social Studies Standards using the USB E-approved procedure.

MOTION was made by Member Earl and seconded that the Social Studies Standards Revision be brought to the March Board meeting to include a dialogue about national standards.

Motion failed, with Members Belnap, Boulter, Davis, Earl, Huntsman and Neilson in favor, and Members Cannon, Cummins, Gravier, Hansen, Haynes, Lear and Newell opposed.

It was suggested that further consideration of the Standards Revision Process may be needed.

Executive Session

MOTION was made by Member Hansen and seconded that the Board go into executive session for the purpose of discussing the character, professional competence, or physical or mental health of individuals.

Upon voice vote of Members Belnap, Cannon, Cummins, Davis, Earl, Gravier, Hansen, Haynes, Huntsman, Lear, Neilson and Newell, the Board went into closed executive session at 3:48 p.m.

Those present include the Members above and Sydnee Dickson, Ben Rasmussen, Lorraine Austin, Bryan Quesenberry and Michelle Beus.

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

Motion carried. The Board reconvened in open meeting at 4:15 p.m.

Executive Session Items

Action on Educator Licenses

MOTION was made by Member Belnap and seconded that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 17-1430 to reinstate the individual's Level 1 Elementary Education (K-6) license consistent with the terms of the Hearing Report.

Motion carried; Member Boulter absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1510 to revoke the individual's Level 1 Elementary Education (1-8) license.

Motion carried, with Member Cummins abstaining due to a conflict of interest; Member Boulter absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 19-1620 to issue a letter of reprimand to be in place not less than two years from the date of Board action, in accordance with the Consent to Discipline.

Motion carried; Member Boulter absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 19-1653 to issue a letter of reprimand to be in place not less than two years from the date of Board action, in accordance with the Consent to Discipline.

Motion carried, with Members Cannon, Cummins, Earl, Graviet, Hansen, Huntsman, Lear and Newell in favor, Members Belnap, Davis and Haynes opposed, and Member Neilson abstaining; Member Boulter absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC Consent Calendar.

Motion carried; Member Boulter absent.

Board Chair's Report

Chair Huntsman thanked Board members and USBE staff for their work and participation in the recent breakfast with legislators. He also recognized the work of the staff

with legislative committees. He acknowledged that Board member attendance at legislative meetings is noted and appreciated by legislators and legislators are interested in the positions the Board is taking on bills.

Board Member Comments

Member Earl referenced the performance audit for public education assessment data from November 2019. It was concluded in the audit that opting out of testing had a minimal effect on which schools were identified for improvement, and it isn't the case that higher achieving students were opting out at a higher rate than lower achieving students; in addition, opt out has a minimal threat on test scores—the greater threat is lack of motivation.

Adjournment

The meeting adjourned at 4:31 p.m.

BOARD MEETING – February 7

A regular meeting of the Utah State Board of Education was held February 7, 2020 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members Present:

Chair Mark Huntsman	Member Jennifer Graviet
Vice Chair Brittney Cummins	Member Scott L. Hansen
Member Laura Belnap	Member Mike Haynes
Member Michelle Boulter (by phone)	Member Carol Barlow Lear
Member Janet A. Cannon	Member Mark R. Marsh
Member Cindy Davis	Member Scott B. Neilson
Member Jennie Earl	Member Shawn E. Newell

Executive Staff Present:

Sydnee Dickson, State Superintendent
Patty Norman, Deputy Superintendent
Angie Stallings, Deputy Superintendent

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

Tracey Watson—Utah Education Association; Laurieann Thorpe; Esther Thompson-Blackwell, Xazmin Prons, Mathew Edvik, Sue Talmadge, Brian Storrs—Entheos Magna; Gina James—Utah Association of Public Charter Schools; Jennifer Lambert—State Charter School Board staff; Jeffrey Van Hulten, Jerry Record, Leslie Evans, Max Lang, Darin Nielsen—USBE staff

Opening Business

Chair Huntsman called the meeting to order at 10:04 a.m.

Board Member Message

Member Mark Marsh welcomed the Board. He gave a message about the Utah technology colleges and the opportunities they are affording high school students for obtaining certificates in health care, medical, trades and services that can put them in the workforce quickly, provide a career path, and be a stepping stone to higher education. He noted that the secondary high school students make up 46 percent of the student body. He cited that 99.5 percent of graduating

students graduate debt free and 79 percent graduate with a certificate. He encouraged Board members to visit the technical colleges in their areas.

Utah Open and Public Meetings Act Training

Jeffrey Van Hulten, USBE Policy Advisor, gave the required annual training for the Board on the Open and Public Meetings Act.

Entheos Academy School Turnaround Report

Esther Thompson-Blackwell, Entheos Executive Director, introduced Jaren Gibson, Board Chair, Brian Storrs, Principal of Entheos Magna, and Mat Edvik, Director of Curriculum and Instruction. They gave a presentation on the background of the school's experience with the School Turnaround program and how the school progressed out of Turnaround. They talked about what made the biggest differences in coming out of Turnaround—connecting with the community; selecting high-quality, evidence-based curriculum; effective gathering and use of data; and response to intervention. They also discussed their plan for continuing the success through evidence-based priority practices.

Superintendent Dickson lauded their leadership team and noted they were open to being coached and making the changes necessary and establishing working conditions for success.

Adjournment

The meeting adjourned at 11:44 a.m.

[For additional information on items from the February 6 and 7 meetings, see General Exhibit No. 20-03.]

Lorraine Austin, Board Secretary
Minutes approved March 19, 2020