

## UTAH STATE BOARD OF EDUCATION MEETING MINUTES

January 12-13, 2017

### **STUDY SESSION - January 12, 2017**

A study session of the Utah State Board of Education was held January 12, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman conducted.

Board members present included Chair Mark Huntsman, 1<sup>st</sup> Vice Chair Terryl Warner, 2<sup>nd</sup> Vice Chair Brittney Cummins, 3<sup>rd</sup> Vice Chair Alisa Ellis, Laura Belnap, Michelle Boulter, Lisa Cummins, Janet Cannon, Jennifer Graviet, Linda Hansen, Carol Lear, Scott Neilson, and Kathleen Riebe.

Members absent: Spencer Stokes, Joel Wright.

Others present included Sydney Dickson, Scott Jones, Angie Stallings–USBE staff; David Thomas, Bryan Quesenberry–Assistant Attorney General’s Office; Alan Shino–Monticello Academy; Wendi Baggaley; Heidi Nichols-Payne; Chase Clyde, Jay Blain–Utah Education Association; Caren Burns; Brad Asay–American Federation of Teachers.

Chair Mark Huntsman called the meeting to order at 2:07 p.m.

### **Swearing In of New Board Members**

Lt. Governor Spencer Cox was introduced by Vice Chair Terryl Warner. Lt. Governor Cox administered the Oath of Office individually to Board members Jennifer Graviet, Alisa Ellis, Carol Barlow Lear, Janet Cannon, Kathleen Riebe, Lisa Cummins, Scott Neilson, and Michelle Boulter.

The new members introduced family and friends. Lt. Governor Cox acknowledged that families that are part of this journey will sacrifice much, and expressed appreciation to them for their support.

**Minimum School Program**

Scott Jones, Deputy Superintendent of Operations, introduced Natalie Grange, Assistant Superintendent of Operations, and Jaime Barrett, MSP Coordinator. They gave a presentation on the Minimum School Program (MSP). Assistant Superintendent Grange reviewed the way the Weighted Pupil Unit (WPU) is estimated and Ms. Barrett reviewed Voted and Board Local Levy Programs. [For complete details see General Exhibit No. 17-1.]

**Board Business**

Chair Huntsman reviewed with Board members a proposed communication protocol for Board members to communicate with staff. [For complete details see General Exhibit No. 17-2.]

Chair Huntsman reminded Board members about the Conflict of Interest and Ethics Statements they will need to submit in accordance with statute and Board Bylaw.

Member Warner reported that the Utah High School Activities Association has requested a public hearing on administrative rule R277-409 *Public School Membership in Associations*. The hearing was scheduled for January 19 at 5:30 p.m.

**Adjournment**

The meeting adjourned at 4:05 p.m.

**UTAH STATE BOARD OF EDUCATION MEETING - January 13, 2017**

A regular meeting of the Utah State Board of Education was held January 13, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman conducted. The meeting commenced at 8:13 a.m.

**Board Members Present:**

Chair Mark Huntsman

1<sup>st</sup> Vice Chair Terryl Warner2<sup>nd</sup> Vice Chair Brittney Cummins3<sup>rd</sup> Vice Chair Alisa Ellis

Member Laura Belnap

Member Michelle Boulter

Member Janet Cannon

Member Lisa Cummins

Member Jennifer Graviet

Member Linda B. Hansen

Member Carol Barlow Lear

Member Scott B. Neilson

Member Kathleen Riebe

Member Spencer F. Stokes

Member Joel Wright

**Executive Staff Present:**

Sydnee Dickson, State Superintendent

Scott Jones, Deputy Superintendent

Rich Nye, Deputy Superintendent

Angie Stallings, Deputy Superintendent

**Minutes taken by:**

Lorraine Austin, Board Secretary

**Others Present:**

Jay Blain—Utah Education Association; Melva Sine—Utah Restaurant Association; Bruce Northcott—Daggett School District; Chris Godfrey—Utah School Employees Association; Brad Asay—AFT Utah; Debby Llewelyn—Utah Association of Public Charter Schools; Eliot Wilcox—Timpanogos Storytelling; Rita Wright—Springville Museum of Art; Kevin Nakatami, Pam Gee—Utah Festival Opera and Musical Theater; April Stevenson—Granite School District; Melodie Garcia, Diane Wilson—Family and Consumer Sciences Education, Teen Living; Hillary Hahn—Utah Symphony/Utah Opera; Kasandra Verbrugghen, Jana Davis—Spy Hop; Mariah Mellus—Utah Film Center; Laura Decker, Annie Burbidge Ream—Utah Museum of Fine Arts; Jennifer Mayer-Glenn, Rozanna Benally-Sagg—Advisory Committee for Equity of Educational Services for Students; Duke Mossman—Northeast Utah Educational Services; Rich Young—Pearson; Jan Ferré—Legislative Coalition for People with Disabilities; Nancy Tingey—Utah School Boards Association; Emilie Wheeler—USBE staff

**Open and Public Meetings Act Training**

Assistant Attorney General (AAG) David Thomas provided training to the Board on the Open and Public Meetings Act as required by statute. [For complete information see General Exhibit No. 17-50.]

**Executive Session**

**MOTION** was made by Member Belnap and seconded by Member Riebe that the Board move into Executive Session for the purpose of discussing pending or reasonably imminent litigation.

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Warner and Wright, the Board moved into closed Executive Session at 8:45 a.m.

Those present included all Board members with the exception of Spencer Stokes; and Sydnee Dickson, Scott Jones, Angie Stallings, Lorraine Austin, Emilie Wheeler, David Thomas, Bryan Quesenberry, and Michael Bell.

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

Motion carried. The Board moved into open session at 9:27 a.m.

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

Upon voice vote of members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Warner and Wright, the Board moved into Executive Session at 9:27 a.m.

Those present included Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Stokes, Warner and Wright; and Sydnee Dickson, Scott Jones, Angie Stallings, Emilie Wheeler, Michael Bell, Bryan Quesenberry, David Thomas, Emilie Wheeler, Lorraine Austin, Ben Rasmussen, and Whitney Phillips.

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

Motion carried. The Board reconvened in open meeting at 10:07 a.m.

**Opening Business**

Chair Huntsman called the meeting to order at 10:15 a.m. Member Carol Lear led those present in the Pledge of Allegiance.

### Recognition of Stan Lockhart

Former Board member Stan Lockhart was recognized for his service on the Board. He was given the traditional bell and original children's art work.

### Board Member Message

Member Linda Hansen welcomed the board. She related an experience when she was Granite District PTA Director and was helped by someone despite the fact it would make him late for a board meeting. What she learned is that a person should never be too busy to be kind. She gave the message to the Board that in the end it's not going to matter what rules the Board passes, but how the Board treats each other along the way.

### Introduction of New Employees

H.R. staff member Jennifer Fitzgerald introduced new staff members Shannon Ference, Robert Palmer, Brad Cummings and Amber Hellstrom. It was also noted that the H.R. staff has changed to include Dana Powers as the H.R. Director, Michelle Watts, Corrie Steeves, David Salazar, and Melanie Butters. Ms. Fitzgerald noted she will still be on the team, but will not be located at the office.

### Acknowledgment of Student Art Work

Fine Arts Specialist Cathy Jensen noted that there is now art work from students in the Iron County School District on display in the main hall. She also informed about the art in the Board room from Franklin Elementary, Fiddler's Canyon Elementary, Cedar South Elementary and Sunset Ridge Middle School.

### **Public Comment**

Pamela Gee, Director of Utah Festival Opera and Musical Theater - spoke as part of the ten organizations that are in the Professional Outreach Program in the Schools (POPS) that provide services to Utah public schools. She introduced the organizations present—Ballet West, Tanner Dance, Repertory Dance Theater, Ririe Woodbury Dance Company, Springville Museum of Art, Utah Museum of Fine Arts, Utah Shakespeare Festival, Utah Opera and Utah

Symphony. She expressed gratitude for the decades of support they have received through the fine arts outreach program. She also acknowledged three provisional organizations that participate in the program—Spy Hop, Utah Film Center, and Utah Timpanogos Storytelling, and indicated the long-term goal is for these provisional organizations to gain statewide sustainability. For this year the goal is to help these organizations garner the state funding they need to become full POPS members.

Rita Wright, Director, Springville Museum of Art - spoke of the commitment the POPS organizations have to Utah young people. The POPS organizations are asked to match state funds on a one-to-one basis, and most organizations double that. They offer programs to each district on a three-year rotation, maintain statewide programming, adhere to professional standards, and engage in ongoing peer evaluation. They design programs that align with the Utah core standards and annually evaluate for cost effectiveness, procedural efficiency, collaborative practices, educational soundness and professional excellence. They serve over 431,000 total students; over 2300 teachers; and 2500 schools. The groups will be requesting from the legislature maintenance of funds and increased funding for the provisional groups.

Kasandra Verbrugghen, Executive Director, Spy Hop Productions - talked about the three provisional organizations in the POPS program. The three organizations offer a unique and relevant addition to the POPS program. Two years ago the Public Education Appropriations Subcommittee appropriated one-time funding of \$250,000 to support the RFP provisional groups. Last year they were granted \$125,000—a 50 percent cut to their programs. This year they are requesting \$750,000 in ongoing POPS funding that will be used by the provisional organizations to move them out of provisional status. On behalf of all the POPS organizations she thanked the Board for the opportunity for sharing the information.

Sarah Jones, Utah Education Association - speaking on behalf of UEA President Heidi Matthews and Executive Director Lisa Nentl-Bloom she extended UEA's welcome to the new Board members and new Board leadership. UEA recognizes the amount of time it takes and appreciates their commitment to Utah students. UEA asks for continued commitment to frequent stakeholder input, especially for the next two months during the legislative session. Ms. Jones indicated UEA stands ready to partner with the Board on developing good education policy.

Melody Garcia, teacher, Eisenhower Jr. High - expressed a concern she has regarding incorporating the Health curriculum with the Teen Living curriculum. She stated that in looking at a crosswalk of the two standards, very few topics in Health that her students listed as topics they remembered, are covered in the Teen Living class. In the Health curriculum there is no mention of the development of the teenager, which is the basis of Teen Living. She asked the Board to consider Teen Living staying as a family consumer science.

Diane Wilson, Family and Consumer Science Specialist, Granite School District - expressed concerns regarding the elimination of Career and Technical Education (CTE) courses. In light of the Standards and Assessment Committee's decision last night to reverse the previous month's decision to eliminate several CTE courses and give them another year, she asked if the funding that was previously with those classes makes it possible for them to be taught in the coming year. Without funding, bringing those classes back is somewhat of a hollow promise, and she encouraged the Board to look into it and provide answers to districts quickly. The Teen Living and Life Management courses—two that were cancelled— should be considered as foundational courses for every CTE pathway. She expressed her sincere hope that if the Board rolls back and allows these courses, funding will come with them.

### **Executive Session Action Items**

Member Lear stated her concern about letters of reprimand sent to educators for misconduct. Rule R277-512 was made effective on January 10, providing that letters of reprimand to educators for misconduct will be accessible on a Board website. She felt that individuals who will receive letters of reprimand by agreement should be notified going forward that if they accept that letter of reprimand, contradictory to the previous rule of the letter only being available through a GRAMA request, the letter will now be accessible on a website.

**MOTION** was made by Member Lear and seconded by Member Cannon that this item be placed on the Law and Licensing Committee agenda next month.

Motion carried, with Member Belnap opposed.

Licensing Actions

**MOTION** was made by Member Belnap and seconded by Member Hansen that the Board adopt the remand order in Utah Professional Practices Advisory Commission (UPPAC) Case No. 16-1337 and remand the case back to UPPAC.

Motion carried unanimously.

**MOTION** was made by Member Belnap and seconded by Member Hansen that the Board accept the UPPAC recommendation in Case No. 15-1292 to revoke the individual's Level 1 Secondary Education License.

Motion carried unanimously.

**MOTION** was made by Member Belnap and seconded by Member Hansen that the Board approve the UPPAC Consent Calendar, with cases 13-1153 and 17-7 removed for discussion at a future meeting.

Motion carried unanimously.

[For complete details see General Exhibit No. 17-3.]

Appointments

**MOTION** was made by Member Stokes and seconded by Member Ellis that the Board appoint the following individuals to the Student Data Policy Advisory Committee: Senator Jacob Anderegg, representing legislators; Carol Lear and Joel Wright, representing the State Board of Education; Douglas Larsen, Jeremy Cox, Christine Marriott, Emily Bejarano, Wendy Hart, and Julie King, representing local education agencies; Deputy Superintendent Angie Stallings; Chief Privacy Officer Whitney Phillips; and USBE IT Director Brent Page.

Motion carried, with Member Belnap opposed.

**MOTION** was made by Member Stokes and seconded by Member Hansen that one appointment slot on the Student Data Policy Advisory Committee be kept open for an LEA representative from rural Utah.

Motion carried unanimously.

**General Consent Calendar**

**MOTION** was made by Member B. Cummins and seconded by Member Hansen that the Board approve the General Consent Calendar.

**MOTION TO AMEND** was made by Member Wright and seconded by Member B. Cummins that R277-417 be pulled for further discussion and R277-702 be pulled for a minor correction.

Motion carried.

**MOTION TO AMEND** was made by Member Hansen and seconded by Member Cannon that the School to Counselor Ratio Report be pulled for further discussion.

Motion carried.

**MOTION TO AMEND** was made by Member Cannon and seconded by Member Warner that the Board meeting calendar be pulled for further discussion.

Motion carried.

**MOTION TO AMEND** was made by Member B. Cummins and seconded by Member Lear that R277-118 be pulled for further discussion.

Motion carried.

**MOTION TO AMEND** was made by Member Belnap and seconded by Member Graviet that the Medicaid MOU Amendment and Direct Certification (SNAP/TANF) MOU Amendment be pulled for further legal review and brought back next month.

Motion carried.

Motion to approve the Consent Calendar as amended carried.

General Consent Calendar5.1. Approval of Minutes

The Board approved the minutes of the December 8-9 and December 21, 2016 meetings. [For complete details see General Exhibit No. 17-4.]

5.2. Contracts

The Board received a report of contracts under \$100,000 with the following entities: Brigham Young University, Utah Education Policy Center, American

Institutes for Research, Megan Hennessy, Katherine Pickett, Kaydee Phillips, and Sarah Pecht. [For complete details see General Exhibit No. 17-5.]

- 5.3. Medicaid MOU Amendment - was pulled for further legal review.
- 5.4. Direct Certification (SNAP/TANF) MOU Amendment - was pulled for further legal review.
- 5.5. Contract Attachment C to FERPA

The Board approved amendments to contract Attachment C to FERPA–Student Level Data Protection Standards and Terms or Required Attachment. [For complete details see General Exhibit No. 17-6.]

- 5.6. R277-118 Board of Education Revolving Door Restrictions - was pulled for further discussion.
- 5.7. R277-417 Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation - was pulled for further discussion.
- 5.8. R277-702 Procedures for the Utah High School Completion Diploma - was pulled for further discussion.
- 5.9. R277-717 High School Course Grading Requirements

The Board approved R277-717, as amended, on third and final reading. [For complete details see General Exhibit No. 17-7.]

- 5.10. R277-801 Services for Students with Sensory Impairments

The Board approved R277-801, as amended, on third and final reading. [For complete details see General Exhibit No. 17-8.]

- 5.11. Temporary Authorizations for Licenses

The Board approved temporary authorizations for licenses as submitted by school districts, charter schools, and accredited private schools. [For complete details see General Exhibit No. 17-9.]

- 5.12. Educator Licenses Processed

The Board was provided with information on the educator licenses processed in November 2016. [For complete details see General Exhibit No. 17-10.]

- 5.13 Annual School Counselor to Student Ratios Report - was pulled for further discussion.
- 5.14 2017 Board Meeting Calendar - was pulled for further discussion.

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

Deputy Superintendent Angie Stallings referred the Board to an updated rule. The proposed changes were in response to additional feedback received by the parties affected. The term “reimbursement” is changed to “disbursement,” and the word “exclusively” is included in lines 58 and 59. [For complete details see General Exhibit No. 17-11.]

**MOTION** was made by Member Hansen and seconded by Member Ellis that the Board approve R277-417 Revision 2 on third and final reading.

Motion carried unanimously.

R277-702 Procedures for Utah High School Completion Diploma

Deputy Superintendent Stallings advised that an error was identified on line 64 and the rule has been updated to replace “GED” with “HSE Exam.” [For complete details see General Exhibit No. 17-12.]

**MOTION** was made by Member Belnap and seconded that the Board approve R277-702 Revision 1 on third and final reading.

Motion carried unanimously.

Annual School Counselor Report

Education Coordinator Lillian Tsosie-Jensen answered questions about the report, *Counselor to Student Ratios: Grades Seven through Twelve*. [For complete details see General Exhibit No. 17-13.]

**MOTION** was made by Member Hansen and seconded by Member L. Cummins that the Board accept the report.

Motion carried.

2017 Board Meeting Calendar

The Board considered a proposed calendar of Board meetings through January 2018.

[For complete details see General Exhibit No. 17-14.]

**MOTION** was made by Member B. Cummins and seconded by Member Stokes that the default for the Board meeting schedule be the second week of every month.

Motion failed, with Members Belnap, Graviet, Neilson and Stokes in favor and all others opposed.

**MOTION** was made by Member Stokes and seconded by Member Belnap that the Board meetings be held on the first Wednesday and Thursday of each month, with the exception of the April and October meetings

Motion failed, with Members Belnap, Neilson, Stokes and Warner in favor and all others opposed.

**MOTION** was made by Member Hansen and seconded by Member Cannon that the January 2018 meeting be held January 3 and 4.

Motion carried unanimously.

**MOTION** was made by Member Ellis and seconded by Member Stokes that Board meetings be held the third week of the month.

Motion failed, with Member L. Cummins in favor.

**MOTION** was made by Member Stokes and seconded by Member Neilson that Board meetings be held the first week the month with the exception of the October meeting on October 12 and 13.

Motion carried, with Member Cannon opposed.

**MOTION** was made by Member Belnap and seconded by Member Stokes that the March meeting be moved to March 23 and 24, and that no meeting be held in April.

**MOTION TO AMEND** was made by Member B. Cummins and seconded that meetings be added on July 13 and 14.

Motion to amend carried, with Members Belnap, Boulter, B. Cummins, L. Cummins, Ellis, Graviet, Huntsman, Neilson, Riebe, Stokes, and Warner in favor, and Members Cannon, Hansen, Lear and Wright opposed.

**MOTION** was made by Member Hansen and seconded by Member Ellis that the March meeting be moved to March 16 and 17.

Motion carried.

R277-118 Revolving Door Restrictions

Deputy Superintendent Stallings reported that the Finance Committee discussed the rule last night and proposed additional amendments. [For complete details see General Exhibit No. 17-15.]

**MOTION** was made by Member Lear and seconded by Member Riebe that the rule be referred to the Law and Licensing Committee for further discussion.

Motion failed, with Members Cannon, Graviet, Lear and Riebe in favor and all others opposed.

**MOTION** was made by Member Hansen and seconded by Member Boulter that the Board approve R277-118 Revision 3 on third and final reading.

Motion carried, with Members Belnap, Boulter, B. Cummins, L. Cummins, Ellis, Hansen, Huntsman, Neilson, Stokes, Warner and Wright in favor, and Members Cannon, Graviet, Lear, and Riebe opposed.

**Annual Reports of the School Children's Trust, School and Institutional Trust Fund Office, and School and Institutional Trust Lands Administration / Discussion of Bears Ears Monument**

Tim Donaldson, USBE School Children's Trust Section Director, introduced David Damschen, State Treasurer, Dave Ure, School and Institutional Trust Lands Administration (SITLA) Director, and Peter Madsen, School and Institutional Trust Funds Office (SITFO) Director. All entities have a requirement to report annually to the Board on the prudent and profitable management of the school trust lands and funds. [For complete details see General Exhibit No. 17-16.]

Mr. Donaldson gave an overview of the Trust.

Mr. Madsen reviewed the FY 2016 Annual Report of School and Institutional Trust Funds Office.

Treasurer Damschen discussed the roles of the School Children's Trust Section, SITLA and SITFO.

Mr. Ure discussed the difficulty in dealing with the Bears Ears Monument issue as different entities have varying agendas. Mr. Donaldson informed that in the past the State Board of Education has consistently taken a position that the Board is not for or against monument creation, but has taken the overall position that the school children need to be held harmless.

Mr. Ure reported that SITLA held an emergency board meeting last Friday and passed a motion at the end of the meeting that SITLA will not make any decisions regarding Bears Ears until it receives more information about the monument.

Member Cannon asked for an update on the Trust given the huge downturn in oil and gas. Mr. Donaldson reported that in the last two years profits have come down, but the permanent fund has continued to do well. Mr. Ure reported that revenues are down sixty percent over the last two years. He is working on finding new revenues.

Chair Huntsman requested that the Board be provided with a chart of trust lands and a breakout of the Trust portfolio.

### **Title IX Update**

Lillian Tsosie-Jensen and Momi Tu'ua from the USBE Student Advocacy Services Section and John Golom from the Department of Administrative Services gave a report on Title IX issues as they relate to local education agencies.

Ms. Tu'ua explained that Title IX requires that for any institution receiving financial assistance, no person in the U.S. shall on the basis of sex be excluded from participation in and be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance. Currently there are six Board rules that include Title IX prohibiting discrimination in public schools and three other rules that require Title IX training for educator licensing and for paraprofessionals. Title IX is also required in LEA policies regarding bullying.

Mr. Golom reported that the Division of Risk Management functions as the insurance provider for Utah colleges and universities and all state agencies. School districts and charters

can opt in or opt out of that insurance program. Currently, all districts in Utah have opted in as have sixty of the charter schools. Along with coverage, Risk Management provides consultative services. In the last five years Risk Management has paid out more than \$2.6 million in civil rights claims and is seeing an increase in the number of those claims. The federal Office of Civil Rights has been emphasizing that Title IX applies to school districts and K-12 environments. Risk Management is working with Board staff to provide services to LEAs including training at no cost, with the priority to ensure a healthy and safe environment for students.

### **Accountability Update**

Vice Chair Brittney Cummins reported that as part of the legislative discussion last month and over the last year the Board has been working on accountability recommendations that have been passed on to the legislature. A bill is being prepared according to the Board's recommendations. An option has been suggested that would allow the Board time to do some standard setting for assessment. Member Cummins invited Scott Marion from the Centers for Assessment to speak. She informed that Mr. Marion has been working with the Board as a consultant on the technical aspects of accountability, and is prepared to discuss a deliberative standard setting process for determining grades.

Mr. Marion informed the Board about how grades are currently figured and what would be different in a new process. Member Cummins asked whether a change in the process is something the Board would consider as part of discussions concerning the legislation.

[For complete details see General Exhibit No. 17-17.]

### **Monthly Budget Report**

Deputy Superintendent Scott Jones reported on the budget for the month ending November 30, 2016.

Assistant Superintendent Natalie Grange explained to the Board how through the transition to FINET Finance staff are making sure things are tracked correctly.

Superintendent Dickson reported that staff are getting down to granular level where each dollar is being spent. She indicated Deputy Superintendent Jones and the Finance team

have done a remarkable job of getting things aligned, while at the same time the section directors have looked at their budgets and are becoming more aware and fiscally responsible.

Ms. Grange also reported that State Finance has been phenomenal in helping staff create the reports and with the transition and expressed appreciation for their support. She perceives that Board members within the next six month will have access to FINET.

Superintendent Jones indicated there are significant budget stressors, and sources of funding, particularly for the Indirect Cost Pool, need to be found. In addition, there has been a significant loss of federal mineral lease dollars.

[For complete details see General Exhibit No. 17-18.]

### **Legislative Priorities**

Deputy Superintendent Stallings reported that during the legislative session the Board's weekly legislative meetings will be held from 12:00 to 1:30 p.m. at the State Capitol Complex in the Senate Building, Room E210. A shuttle from the office to the Capitol will be provided. She reviewed how to track bills and provided information about legislative meetings.

Deputy Superintendent Jones reviewed the Board's legislative priorities.

**MOTION** was made by Member B. Cummins and seconded by Member Hansen that the Board add to its priority list a request for the Board to repurpose the \$500,000 it received for the Pupil Transportation Hazardous Route Grant program.

Motion carried unanimously.

Superintendent Jones noted that last month the Board took action to prioritize the USDB Utah County building first on the one-time list and indicated the change will be made.

**MOTION** was made by Member Belnap and seconded by Member B. Cummins that the Board add \$800,000 ongoing funding for Student Data Privacy to the list.

Motion carried unanimously.

[For complete details see General Exhibit No. 17-19.]

**Waivers from R277-419-4 Pupil Accounting–Minimum School Days, LEA Records, and Audits**

The Board reviewed requests from Logan School District and Viewmont Elementary in Murray District for a waiver to the minimum school days provision in R277-419. [For complete details see General Exhibit No. 17-20.]

It was noted that the Law and Licensing Committee also considered a request for a waiver from American Leadership Academy in order for the school to go on a four-day week schedule.

Member Warner reviewed the severe weather situation in northern Utah. Logan District will have hit its 990-hour requirement without making up the two days it missed due to weather. Superintendent Dickson informed that in the past waivers have not necessarily been granted due to snow, and the practice is for LEAs to build extra days into their calendars. Member Warner clarified that Logan High school is going through a three-year reconstruction that is about halfway through. The school has suffered damage due to the snow and the district is trying to get school closed as soon as possible. To delay the construction would cause an added cost.

**MOTION** was made by Member Belnap and seconded by Member Hansen that the Board direct staff to create a rubric for circumstances whereby waivers would be granted and bring the rubric back next month; and that unless there is a reasonable circumstance, all requests all for waivers come back next month as well.

Member Warner requested that Logan High School be considered this month as the school administration needs to know immediately if they will need to make up the days.

**MOTION TO AMEND** was made by Member Ellis and seconded by Member Hansen that Logan High School and American Leadership Academy be exempted from the motion.

Motion to amend carried, with Members Boulter, B. Cummins, L. Cummins, Ellis, Huntsman, Neilson, Stokes, Warner, and Wright in favor, and Members Belnap, Cannon, Graviet, Hansen, Lear, and Riebe opposed.

Murray District Superintendent Steve Hirase was invited to speak to the district's waiver request. He reported that Viewmont Elementary had a main water line break on December 14 and school had to be cancelled due to health regulations. It would be challenging to add a day

to spring break for just one school. Without the additional day the school will have over 990 hours of instruction.

**MOTION TO AMEND** was made by Member B. Cummins and seconded by Member Stokes that instead of a matrix the Board bring back R277-419 for review and exempt the Murray District request from the motion.

Motion to amend carried.

Motion carried, with Member Cannon opposed.

**MOTION** was made by Member B. Cummins and seconded by Member Ellis that the Board instruct the Superintendent to grant the requested waiver to Murray School District.

Motion carried unanimously.

**MOTION** was made by Member Ellis and seconded by Member Warner that the Board direct the Superintendent to grant the requested waiver to Logan School District.

**MOTION TO AMEND** was made by Member Cannon and seconded by Member Riebe that the Board give the Superintendent discretion to grant the requested waiver to Logan High School only.

Motion to amend carried.

Motion as amended carried unanimously.

Deputy Superintendent Stallings reported that the Law and Licensing Committee considered American Leadership Academy's request for a waiver from R277-419-4 to go on a four-day week schedule. Committee Chair Linda Hansen reported that the committee voted to table the request until a written agreement was provided. Superintendent Stallings informed that since last night's committee meeting an agreement has been submitted from the ALA and reviewed by Assistant Attorney General David Thomas. The agreement is for three years as outlined in rule. [For complete details see General Exhibit No. 17-21.]

**MOTION** was made by Member Boulter and seconded by Member Gravier that the Board approve a waiver from R277-419-4 as requested by American Leadership Academy.

Member Cannon expressed concerns with granting the waiver because ALA's test scores are not good.

Motion carried, with Members Belnap and Cannon opposed.

**Audit Committee Report**

Committee Chair Terryl Warner reported on the Audit Committee meeting held December 15, 2016.

**MOTION** from Committee that the Board release the LEA Audit reports for Duchesne County School District, Provo City School District, Gateway Preparatory Academy, and Granite School District to the public, with the directive that each LEA board provide a corrective action plan with a timeline within sixty days of the release of the report, and a letter one year from the audit release date outlining the status of the corrective action.

Motion carried; Members Neilson and Stokes absent.

**MOTION** from Committee that the Board direct that criteria regarding guidance on allowable costs and activities be developed and the Board move ahead with or without the assistance of the Office of the State Auditor.

Motion carried; Member Stokes absent.

**Standing Committee Reports****FINANCE COMMITTEE**

Committee Vice Chair Joel Wright reported on the following items from the Committee. [For complete details see General Exhibit No. 17-22.]

Approval of Previous Meeting Minutes

The Committee approved the minutes of its December 8, 2016 meeting. [For complete details see General Exhibit No. 17-23.]

Volkswagen Settlement Legislative Concurrent Resolution

It was reported that Representative Stephen Handy presented a concurrent resolution he plans to run during the legislative session. [For complete details see General Exhibit No. 17-24.]

**MOTION** from Committee that the Board support HCR 5 Concurrent Resolution on Clean Fuel School Buses.

Motion carried unanimously.

Taxing Entity Committee to the Bluffdale Redevelopment Agency of the City of Bluffdale for the Eastern Bluffdale Economic Development Agency Request

The Bluffdale Redevelopment Agency is seeking approval from the Taxing Entity Committee to utilize approximately \$3.5 million of tax increment funding from the Eastern Bluffdale Economic Development Area to construct a fire station in the project area. It was noted that Jordan School District is in full support of the redevelopment request. [For complete details see General Exhibit No. 17-25.]

**MOTION** from Committee that the Board direct its representative to the TEC to vote consistent with the Jordan School District representative.

Motion carried.

SFY 17 Section Budget Reviews

The Committee received updates on the Special Education and Indirect Cost Pool budgets. [For complete details see General Exhibit No. 17-26.]

Review of State Audit Report

State Auditor Jon Dougall and Audit Director Van Christensen reviewed Analysis Report No. AR 16-03, "The Cost of Yesterday's Pension Promises to Public Education" with the Committee. [For complete details see General Exhibit No. 17-27.]

CTE Add-on Formula Review

Jaime Barrett, MSP Coordinator, and Thalea Longhurst, CTE Director, reviewed the FY 2017 Career and Technical Education add-on funding report with the Committee.

The Committee received the report. [For complete details see General Exhibit No. 17-28.]

Emery District Request to Receive Funds under R277-485 *Loss of Enrollment*

The Committee reviewed a request from Emery County School District for additional funding under the provisions of R277-485. Staff provided two courses of action to the Committee, and after discussion, additional information was requested. [For complete details see General Exhibit No. 17-29.]

Chair Huntsman requested that staff find out the history of the rule by speaking with business administrators who may have received these funds in the past.

**MOTION** was made by Member Belnap and seconded that staff research who has historically created formulas and who approves the formulas and bring that information back to the Finance Committee.

Motion carried.

**MOTION** from Committee that the Board approve revisiting this item after the legislative session and after staff have had time to research the history of the rule.

Motion carried.

Local Education Agency (LEA) Chart of Accounts

The committee received a report of how staff has been working with local education agencies to update the LEA Chart of Accounts. [For complete details see General Exhibit No. 17-30.]

Indirect Cost Pool (ICP) Status Update

The Committee received information about the ICP and potential shortfalls. [For complete details see General Exhibit No. 17-31.]

**MOTION** from Committee that the Board direct the Superintendent to work with the sections in the office to make up the budget shortfall.

Motion carried.

Hazardous Route Grant Program Award Recommendations

The Committee received information about the Hazardous Route Grant Program established by the legislature. The program provides \$500,000 annually for LEAs to apply for

hazardous route funding. The Committee reviewed the applications submitted by the Transportation Advisory Committee and considered a recommendation to approve the applications with the exception of Murray and Ogden School Districts as they did not provide sufficient documentation. [For complete details see General Exhibit No. 17-32.]

**MOTION** from Committee that the Board approve the completed grant applications and authorize staff to utilize the remaining grant funds in the current fiscal year by reopening the application process to more districts.

Motion carried unanimously.

#### School Turnaround Program Budget

The Committee received information that the Board was appropriated approximately \$8 million for the School Turnaround Program and has exceeded that by \$8 million. It was reported that to pay those obligations, funds will need to be taken from the FY 2017 and FY 2018 obligations, and that the RFP for the second cohort has been cancelled until budgetary issues can be addressed. Member Brittney Cummins requested that factual information be provided to the Board. [For complete details see General Exhibit No. 17-33.]

**MOTION** from Committee that the Board approve writing an RFP to provide a list of vendors and the services they provide to allow the LEAs to select the services they need within the budget constraints.

Deputy Superintendent Jones clarified that the program is not over budget, but has obligated the initial funding that came through. The funds have not been overspent, but there is less money available for the following cohorts.

Deputy Superintendent Rich Nye informed that under current statute the LEAs have to partner with turnaround experts and that is where contracts were entered into. It was anticipated given longitudinal data that 5 to 7 schools would be added in the additional cohort; in fact, there are 17 new schools added to the Turnaround program.

Motion carried.

## **LAW AND LICENSING COMMITTEE**

Committee Chair Linda Hansen reported on the following items from the Committee.

[For complete details see General Exhibit No. 17-34.]

### Approval of Previous Meeting Minutes

The Committee approved the minutes of its December 8, 2016 meeting. [For complete details see General Exhibit No. 17-35.]

### Special Education Certificates of Completion Access

The Committee discussed a new option for students with disabilities to receive a special education certificate of completion in lieu of a high school diploma during the Committee's December meeting. It is recommended that a working group of Board members and some members of the special education community, including parents, be created to discuss options for the certificate and bring back recommendations to the Law and Licensing Committee in the spring.

**MOTION** from Committee that the Board approve the creation of a working group to discuss alternatives for a new special certificate of completion access.

Motion carried.

### Utah Juvenile Justice Working Group Final Report

The Committee reviewed and received the report. [For complete details see General Exhibit No. 17-36.]

### R277-507-3 Driver Education Endorsement–Endorsement Requirements

Rule R277-507 received final approval in the Board's November 2016 meeting. The rule was published in the December 1, 2016 *Utah State Bulletin* and was open for public comment during December 2016. As a result of comments received, amendments to Section 3 were proposed. [For complete details see General Exhibit No. 17-37.]

**MOTION** from Committee that the Board approve R277-507-3 *Driver Education Endorsement–Endorsement Requirements*, as amended, on second and final reading and direct staff to file the rule with the Office of Administrative Rules.

Motion carried unanimously.

#### Licensing Task Force Report

The Board formed a Licensing Task Force in September 2016 to discuss the role and impact of licensing upon the recruitment and retention of teachers and the quality of instruction that occurs in the classroom. The Law and Licensing Committee received a report from the Task Force, and voted to forward the report to the Board for further discussion in a future meeting.

#### Process for Communicating Board Rule

The Committee directed staff to create a proposal for a systemic process for improving communication with public education stakeholders related to the Board's rulemaking process. [For complete details see General Exhibit No. 17-38.]

#### Board Conflict of Interest Form

It is required by statute and Board Bylaw that Board members complete a form listing conflicts of interest. A proposed form was presented to the Committee by the Board's legal counsel for review and input. [For complete details see General Exhibit No. 17-39.]

**MOTION** from Committee that the Board approve the Conflict of Interest and Ethics Statement, as presented.

Motion carried.

Chair Huntsman directed Board members to return their statements to the Board Secretary by January 26.

### **STANDARDS AND ASSESSMENT COMMITTEE**

Committee Chair Laura Belnap reported on the following items from the Committee. [For complete details see General Exhibit No. 17-40.]

### Approval of Previous Meeting Minutes

The Committee approved the minutes of its December 8, 2016 meeting. [For complete details see General Exhibit No. 17-41.]

### Kindergarten Entry and Exit Assessments

Staff presented information to the Committee regarding common statewide kindergarten entry and exit assessments. The purpose for the assessments would be to obtain a more thorough analysis of the effectiveness of early childhood programs. [For complete details see General Exhibit No. 17-42.]

**MOTION** from Committee that the Board approve the use of a common statewide kindergarten entry and exit assessment.

Concerns were expressed about the funding for the assessment. It was clarified that this assessment was not included in the Board's legislative priorities.

Terry Shoemaker, Executive Director of the Utah School Superintendents Association was invited to speak about the assessment. He reported that school districts have worked together to develop a test and have piloted an entry assessment. He stated, however, that no decision has been made by superintendents to use the test as a single statewide assessment and suggested that more discussion with superintendents and local boards is needed.

**MOTION TO AMEND** was made by Member B. Cummins and seconded by Member Warner that the Board assign its Standards and Assessment Committee to study the proposed kindergarten assessment to make sure there is funding available at the statewide level prior to considering approval.

Motion to amend carried.

Motion as amended carried.

### Digital Teaching and Learning Qualified Grant

Staff presented information regarding the sixty nine Digital Teaching and Learning Plans that are proposed for full approval. [For complete details see General Exhibit No. 17-43.]

**MOTION** from Committee that the Board grant final approval and release funds to the sixty nine Digital Teaching and Learning Plans as presented.

**MOTION TO AMEND** was made by Member Belnap and seconded by Member Warner that Endeavor be removed from the list in order for the school to complete some updates and return in the future for full approval.

Motion to amend carried.

Motion carried, with Members Boulter, Stokes and Wright opposed.

#### Driver Education Standards

Staff provided information to the Committee regarding opening the Driver Education Standards for revision. The standards were last updated in 2011. [For complete details see General Exhibit No. 17-44.]

**MOTION** from Committee that the Board approve the opening of the Driver Education Standards and waive the requirement of a review committee and the one-year timeline.

Motion carried.

#### Alternate Assessment

The Committee reviewed information from staff regarding the alternate assessment, Dynamic Learning Maps (DLM). The assessment was discussed in December and there was some concern about DLM's price structure. Staff reported that DLM has agreed to honor the contract using the current price structure through 2017-2018. [For complete details see General Exhibit No. 17-45.]

#### School Accreditation

The Committee discussed R277-410 *Accreditation of Schools* and the provision in the rule that specifically names AdvanceEd as the accrediting body. The Committee questioned what would be entailed in the Board becoming the accrediting body. [For complete details see General Exhibit No. 17-46.]

**MOTION** from Committee that the Board direct USBE staff to revise R277-410 as directed by the Committee, and that staff create a side-by-side comparison of third party accreditation costs and support versus USBE accreditation costs and support.

Motion carried.

R277-916 Career and Technical Education Introduction and Work-based Learning Programs

The Committee reviewed amendments to R277-916 that remove language on Work-based Learning, as that language is now included in R277-915. The Committee approved amendments to R277-916, and continuation of the rule, on second reading. [For complete details see General Exhibit No. 17-47.]

**MOTION** from Committee that the Board approve R277-916 as amended, and continue the rule, on third and final reading.

Motion carried.

Career and Technical Education (CTE) Courses

The Committee was presented with information regarding the two-year refocusing of Career and Technical Education. Concerns were heard about the CTE course changes, particularly the Teen Living course, the Digital Literacy course, and the Career Awareness course. [For complete details see General Exhibit No. 17-48.]

**MOTION** from Committee that the Board allow districts, when it comes to the College and Career Ready course and Digital Literacy course, to apply for waivers and to continue with the CTE courses that are currently listed as part of the menu from which districts can choose for this year. In addition, that a task force be created to study the CTE courses as well as other required classes, and that the recommendations of the task force be brought to the Board in June 2017.

Motion carried unanimously.

College Entrance Test Requirement

The Committee received information regarding college entrance and the ACT test versus the SAT test. Assessment Director JoEllen Shaeffer reported that the SAT is starting to be more accepted at colleges in Utah, and both are commonly used by Utah colleges. [For complete details see General Exhibit No. 17-49.]

**Superintendent's Report**

Deputy Superintendent Rich Nye gave the report for Superintendent Dickson, who was excused. He indicated that several USBE directors and coordinators have been participating in the Lean Six Sigma program at the University of Utah, which provides an investment into leadership management.

Superintendent Nye reported that staff are working on performance plans and aligning performance goals to the strategic plan.

**Board Chair's Report**

Chair Huntsman stated that without objection he will add a legislative meeting on March 2 to the Board's meeting calendar.

**MOTION** was made by Member Stokes and seconded by Member Ellis that the Board reconsider the 2017 Board meeting schedule.

Motion carried, with Members Belnap, B. Cummins, L. Cummins, Ellis, Graviet, Huntsman, Neilson, Stokes, Warner and Wright in favor, and Members Boulter, Cannon, Hansen, Lear and Riebe opposed.

**MOTION** was made by Member Stokes and seconded by Member Ellis that the March meeting be changed to a two-hour meeting on March 13 to discuss veto requests and that the Chair be given discretion to add other items; that the chairs of each standing committee hold a meeting in April; and that the February meeting be moved to February 9 and 10.

Motion carried, with Members Belnap, Boulter, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Neilson, Stokes, Warner and Wright in favor and Members Cannon, B. Cummins, Lear, and Riebe opposed.

**Adjournment**

**MOTION** was made by Member Hansen and seconded by Member Belnap that the meeting adjourn.

Motion carried. The meeting adjourned at 5:25 p.m.