

# UTAH STATE BOARD OF EDUCATION MEETING MINUTES

April 4-5, 2019

## **BOARD MEETING**

A regular meeting of the Utah State Board of Education was held April 4, 2019 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  
Vice Chair Brittney Cummins  
Member Laura Belnap  
Member Michelle Boulter  
Member Janet A. Cannon  
Member Lisa Cummins  
Member Cindy Davis  
Member Jennie Earl

Member Alisa Ellis (by phone)  
Member Jennifer Graviet  
Member Linda B. Hansen (by phone)  
Member Scott L. Hansen  
Member Carol Barlow Lear  
Member Scott B. Neilson  
Member Shawn E. Newell

### **Executive Staff Present:**

Sydnee Dickson, State Superintendent  
Scott Jones, Deputy Supt.  
Angie Stallings, Deputy Supt.

### **Minutes taken by:**

Lorraine Austin, Board Secretary

### **Others Present:**

Ellie Bodily—Utah School Nurses Association; Jay Blain—Utah Education Association; McKinlee Thacker, Tim Miller, Stephanie Carter—Uintah Basin Technical College; LeAnn Wood—Utah PTA; Holley Ezzell; Nikki Lake—Get Healthy Utah; Esmerelda Gaeta—Salt Lake Community College student; Barbara Ferris—Cache School District; Tami Pyfer—Governor’s Office; Rich Young—Pearson; Elizabeth Hinkson—Utah Department of Health; Bryan Quesenberry, Michelle Beus—Attorney General’s Office; Blaine Hansen—AG intern; Darin Nielsen, Leah Voorhies, Emilie Wheeler, Jerry Record, Keith Lawrence, Darin Nielsen, Zac Christensen—USBE staff

### **Opening Business**

Chair Mark Huntsman called the meeting to order at 10:03 a.m. Member Scott Hansen led those present in the Pledge of Allegiance.

### Board Member Message

Member Scott Neilson informed that as a part of his military experience he has been many places in the world and though every experience has been a good one, coming back to the United States is very always special. He expressed his love for the American education system where people come from all over the world to develop and patent their talents. He related that when he gives soldiers tasks, he doesn't tell them how to do the tasks, but let's them decide. He suggested that teachers in the classroom should be treated in the same way. Member Neilson expressed that Utah teachers are the very best and they love the work and need to be given all the tools necessary to be more successful.

### Employee Recognition

Superintendent Sydnee Dickson announced the Employees of the Month from March and April—Krystal Carfaro and Tracy Gooley, respectively. She also presented new employees who introduced themselves: Norma Trujillo, Alisha Steed, Kelsey Gressmen, Christi Meyer, Lola Shipp, and Judi Peterson.

### Acknowledgement of Student Art Work

Educational Specialist Cathy Jensen informed the Board about the student art work hanging in the Board Room from Jean Massieu School, Robert Frost Elementary and Elk Run Elementary.

### Education Highlight

Superintendent Dickson introduced McKinlee Thacker, a student from Altamont High School in Duchesne School District, who is also enrolled in the Automotive Maintenance and Light Repair program at Uintah Basin Technical College. McKinlee won the UBTech automotive competition and was named the UBTech Student of the Year.

Ms. Thacker gave a slide presentation about herself and her accomplishments, ending with, "Experience the power of technical education." McKinlee informed that her technical education was only possible because of how options for classes worked for her and that she was not locked into a single pathway. She shared that her technical education classes

developed her love for learning. Technical education also made going to a university possible, because that education will help pay for her university experience. She thanked all those who were advocates for her, and thanked her counselor who told her to keep her options open.

#### School and Institutional Trust Lands Administration (SITLA)

Chair Huntsman invited Dave Ure, SITLA Director, to speak to the Board. Mr. Ure reported that the organization is facing changes as several people with a great deal of experience have retired. SITLA is currently engaging in P.R. work and job fairs, and is working on development, including renewable resources. He invited Board members to contact him with any questions and welcomed their attendance at SITLA board meetings.

#### **Public Comment**

LeAnn Wood, Utah PTA – expressed PTA’s support of the proposed Health Standards. PTA is grateful for the parent input opportunities and changes made to accommodate public concerns. What will be proposed today is a wonderful blend to help the physical and mental health of students, and PTA encourages the Board’s support to finalize the changes.

Holly Ezzel, parent – informed that she has a deaf child enrolled at Utah Schools for the Deaf and the Blind program located at the KBS location in Ogden. She learned recently about a decision to move junior high and high school students who are currently attending KBS from their current setting in Weber School District to Ogden School District. She understands per the law that USDB may move their program anywhere they see fit, but she questioned the move. Students have been successful in the Weber District setting for the last decade. She expressed concern the KBS staff were told by USDB administration not to share the information about the move with parents, that the school districts were hesitant to share the information, and that the USDB Advisory Council was unaware of the change. She voiced that parents need to be involved with decisions that affect their children.

Nikki Lake, Get Healthy Utah Program Coordinator – urged the Board to support the updates to the Health Standards. There are many positive updates in all the strands and throughout the standards students will learn to cope with stress and peer pressure, how to manage their thoughts, feelings and behaviors, and protect themselves from disease and injury.

They will learn the benefits of a substance-free lifestyle, how to care for and protect their bodies, and what a healthy relationship looks like. Get Healthy Utah is especially supportive of the nutrition updates. She expressed hope that the Board passes the standards today.

Ellie Bodily, Alpine School District nurse and health and public nursing teacher at UVU and BYU – sees the benefits of the updated Health Standards for all. When she teaches health at Utah Valley University she is shocked that those students don't have basic knowledge about health and mental health issues. She also works with nursing students at Brigham Young University who do research on the childbearing family in Utah County to identify top health issues and trends, and mental health issues are always at the top. The Health Standards Writing Committee has looked at evidence-based practice, and she asked the Board to support the updates. She distributed a handout to Board members. [For additional details, see General Exhibit No. 19-113.]

Heidi Matthews, President, Utah Education Association – talked about the upcoming tax restructuring in which the legislature will be engaging. She voiced the need for a strong, united education community coming together to make sure there is a commitment to ongoing and increasing investments in public education. UEA also looks forward to being a partner with the Board as the Board engages in rulemaking.

Josh Vineyard, Academic Director for Youth Care Treatment Center and Highland Ridge Hospital – talked about the residential treatment rule coming before the Board today and thanked the Board for joining with the centers to address some issues. Utah is home to some of the best residential treatment facilities in the country, and those facilities are regularly audited by education institutions from other states. The centers provide intensive treatment coupled with high quality education. Illinois, California and others are requiring, in addition to the oversight to which the centers have been subject, an additional layer of state educational certification. He expressed confidence that the Board will find the industry has highly qualified schools and looks forward to partnering with the Board.

Barbara Ferris, Cache School District health education teacher and Health Standards writing committee member - believes the new Health Standards and strands will guide health teachers in Utah with the skills and knowledge to help students become healthy students and

then healthy adults. Parents of her students are overwhelmingly supportive of the curriculum. She asked for the Board to vote in favor of the standards.

### **General Consent Calendar**

At the request of Member Earl, item 3.4, R277-707, was pulled from the Consent Calendar.

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

Motion carried; Member Ellis absent.

### **General Consent Calendar**

#### 3.1 Approval of Meeting Minutes

The Board approved the minutes of its February 21, February 28, and March 7-8, 2019 meetings. [For additional details, see General Exhibit No. 19-114.]

#### 3.2 Contracts/Agreements for Approval

The Board approved contracts, agreements, and contract amendments over \$100,000 with the following entities: Guidesoft dba Knowledge Services; Heidi M. Mucha, Ph.D.; WIDA Consortium; Questar Assessment Inc. [For additional details, see General Exhibit No. 19-115.]

#### 3.3 Contracts/Agreements for Review

The Board was provided with contracts, agreements, and contract amendments under \$100,000 with the following entities for review: Affect Effect Industries; Central Utah Education Services (CUES); Northeastern Utah Education Services (NUES); Cassidy Giggey; CivicsPlus; Utah Education Policy Center (2); Utah Department of Health; Innovations Educational Consulting; Tetra Analytix; Utah Highway Patrol; Imagine Learning; Academic and Behavior Support Services. [For additional details, see General Exhibit No. 19-116.]

#### 3.4 R277-707 Enhancement for Accelerated Students Program

This item was pulled for further discussion.

### 3.5 R277-480 Charter School Revolving Account

The Board approved R277-480 *Charter School Revolving Account*, Draft 1, on final reading. [For additional details, see General Exhibit No. 19-117.]

### 3.6 R277-463 Class Size Average and Pupil Teacher Ratio

The Board approved R277-463 *Class Size Average and Pupil Teacher Ratio*, Draft 2, on final reading. [For additional details, see General Exhibit No. 19-118.]

### 3.7 Requests for Temporary Authorizations

The Board approved temporary authorizations for educator licenses as requested by local education agencies (LEAs). [For additional details, see General Exhibit No. 19-119.]

### 3.8 School Fees Certificate of Compliance Forms

The Board approved updated School Fees Certificate of Compliance forms for LEAs. [For additional details, see General Exhibit No. 19-120.]

### 3.9 Educator Licenses Processed

The Board was provided with a list of educator licenses processed in February 2019. [For additional details, see General Exhibit No. 19-121.]

### 3.10 Co-sponsorships

The Board was provided with information about Board co-sponsorship of the Utah IT Student Competition and the Computer Science for All Summit. [For additional details, see General Exhibit No. 19-122.]

### R277-707 Enhancement for Accelerated Students Program

Member Earl questioned why in lines 128-130 of Draft 4, the criteria chosen is for the number of students receiving at least a two on the AP exam instead of students receiving a three and above.

Nathan Auck, Early College and STEM Education responded that it is hoped the change will increase underrepresented students taking AP courses; in addition, the College Board defines students receiving a 1.8 as college ready.

**MOTION** from the Finance Committee that the Board approve R277-707, Draft 4, on second and final reading.

Members voiced opposition to Draft 4 because it requires passing the exam, not just taking the course, and many students choose not to take the AP test. The change could actually discourage the students that the Board wants to encourage from taking these courses. Others felt that providing funding for everyone enrolled provides incentive for enrollment rather than finishing the course.

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

**MOTION** was made by Member B. Cummins and seconded that the Board direct staff to have R277-707, Draft 3, be made effective.

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

**MOTION** was made by Member Boulter and seconded that the Board reconsider its action on R277-707, Draft 4.

Motion to reconsider carried, with Members B. Cummins and L. Hansen opposed.

Motion to approve R277-707, Draft 4, carried, with Members Belnap, Boulter, Cannon, Davis, Earl, Gravier, Lear, L. Hansen, S. Hansen, Huntsman and Neilson in favor, and Members B. Cummins and Newell opposed; Member Ellis absent.

[For additional details, see General Exhibit No. 19-123.]

### Monthly Budget Report

Deputy Superintendent Scott Jones presented the monthly budget and discretionary fund report. The Board is in good order with its fiscal responsibilities and fiduciary duties. [For additional details, see General Exhibit No. 19-124.]

**Audit Committee Report**

Committee Chair Brittney Cummins reported on the March 21 Audit Committee meeting.

**School Children's Trust Compliance Review**

Board rule R277-477 requires School Children's Trust Section (SCT) staff to report to the Board via the Audit Committee regarding LEA corrective action related to compliance reviews. At the Committee's direction, SCT staff made recommendations for a corrective action plan policy and procedures for follow up on compliance reviews and monitoring.

**MOTION** from Committee that the Board approve the School Children's Trust Section work with applicable local education agencies (LEAs) to establish corrective action plans for outstanding issues identified in their FY2017 School LAND Trust Program compliance reviews.

Motion carried.

**Standards and Assessment Committee Report**

Committee Chair Jennifer Gravier reported on the following items from the March 8, 2019 Committee meeting. [Details on items not reported to the Board will be included in the exhibits to the meeting summary.]

[For additional details, see General Exhibit No. 19-125.]

**STEM School Designations 2019**

The STEM (Science, Technology, Engineering, Math) School Designation 2019 application and review process was completed in February 2019 and resulted in the recommendation of the following schools for STEM School Designation awards: Bonneville Academy, Canyon Creek Elementary, Cedar North Elementary, Eastwood Elementary, Horizon Elementary, Jennie P. Stewart Elementary, Vae View Elementary, Valley View Elementary, and Vanguard Academy.

**MOTION** from Committee that the Board approve the schools for STEM school designation at the level recommended by the stakeholder review team.

Motion carried; Member Ellis absent. [For additional details, see General Exhibit No. 19-126.]

R277-709 Education Programs Serving Youth in Custody

Amendments to R277-709 were proposed that will allow for more appropriate budgeting by LEAs for long-term needs and personnel obligations. The Committee approved Draft 2 of the rule, with amendments.

**MOTION** from Committee that the Board approve R277-709 *Education Programs Serving Youth in Custody*, Draft 3, on second and final reading.

**MOTION** to amend was made by Member S. Hansen and seconded that the word “may” be changed to “shall” on line 183.

Motion to amend carried.

Motion, as amended, carried. [For additional details, see General Exhibit No. 19-127.]

R277-926 Certification of Residential Treatment Center Special Education Program

New rule R277-926 was created to provide a certification process for special education programs provided by residential treatment centers (RTC). An LEA in any state may send a special education student to an RTC in Utah or other states for the purposes of fulfilling the Individualized Education Plan (IEP) of a student.

The Committee made amendments to the rule and approved R277-926, Draft 1 as amended, on first reading.

**MOTION** from Committee that the Board approve R277-926, Draft 2, on second and final reading.

**MOTION** was made by Member Lear and seconded that the rule be amended as outlined in Lear Amendment #1: Line 37 - (1) An RTC shall have the RTC’s special needs program certified by the Superintendent before providing services for a free and appropriate public education to in-state or out-of-state students with special education needs and a ~~an~~ current IEP from an LEA.

Motion to amend carried.

**MOTION** was made by Member Lear and seconded that the rule be amended as outlined in Lear Amendment #2: Line 58 - (b) evidence, including educator licenses or employee resumes, of qualified personnel for each subject area including: (i) English language arts; (ii) Math; and (iii) Science;

Amendment failed, with Members Cannon, Davis, Graviet, S. Hansen, Lear and Newell in favor, and all others opposed.

**MOTION** was made by Member Lear and seconded that the rule be amended as outlined in Lear Amendment #3: Line 83 - (h) documentation showing all staff at the RTC have been fingerprinted and have passed ~~[, or are in the process of passing,]~~ state and federal criminal background checks before being allowed to have contact with any student;

Motion to amend carried, with Member Belnap opposed.

**MOTION** was made by Member Lear and seconded that the rule be amended as outlined in Lear Amendment #4: Lines 90-95 - (4) An RTC may apply for an initial certification and receive notification of certification approval or denial within ~~[45]~~60 days. (5) An RTC shall apply for certification renewal no later than June 1 for the upcoming school year. (6) The Superintendent shall provide the RTC notice of the Superintendent's approval or denial of the RTC's application for certification within ~~[45]~~60 days of receipt of the RTC's application.

**MOTION** to amend the amendment was made by Member Belnap and seconded to add a start date for beginning applications of January 1, 2020.

Staff were given authorization to reword for clarity if necessary.

Amendment to the amendment carried.

Amendment, as amended, carried.

**MOTION** was made by Member Lear and seconded that the rule be amended as outlined in Lear Amendment #5: Line 109 - (2) An RTC shall ~~[To]~~ ensure general compliance with the requirements of this rule, State of Utah law, and federal law by providing the Superintendent with: ~~[may request]~~ (i) documentation including: (A) all student and program records; and (B) information for which the Board is responsible; ~~[or]~~ (ii) access to an on-site visit at any time; or (iii) any combination of subsection (i) and (ii).

**MOTION** to amend the amendment was made by Member Belnap and seconded to change the wording under line 109(2)(A) to read: "applicable student and program records."

Amendment to the amendment carried.

Amendment, as amended, carried.

Motion to approve R277-926, Draft 2 as amended, carried, with Members Belnap, Cannon, B. Cummins, Gravier, L. Hansen, S. Hansen, Huntsman, Neilson and Newell in favor, and Members Boulter, L. Cummins, Davis, Earl and Lear opposed; Member Ellis absent.

[For additional details, see General Exhibit No. 19-128.]

### College & Career Awareness Course Standards

**MOTION** from Committee that the Board release the updated College & Career Awareness Course Standards for 30-day public comment.

Motion carried. [For additional details, see General Exhibit No. 19-129.]

### **Health Standards Revisions**

Standards and Assessment Committee Chair Gravier reported on the Health Standards revision process. Darin Nielsen, Assistant Superintendent, Jodi Kaufman, Health Specialist, Jennifer Thronsen, Director of Teaching and Learning, and Corby Eason, Student Support and Prevention Specialist, were introduced to answer questions.

**MOTION** from Committee that the Board approve the Health Education Standards, as amended.

**MOTION** was made by Member Earl and seconded to amend the Standards as outlined in Earl Amendment #1: Reinsert parents as the primary responsible party regarding the care of their child; throughout the document whenever “trusted adult” is used change it to read, “parent or trusted adult.” [Detailed wording is in the backup documentation.]

Amendment #1 failed, with Members Belnap, Boulter, Davis, L. Cummins, Earl, Ellis and Neilson in favor, and Members Cannon, B. Cummins, Gravier, L. Hansen, S. Hansen, Huntsman, Lear and Newell opposed.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #2: That when creating safety plans or

discussing the effects of technology, parents be included with educators. [Detailed wording is in the backup documentation.]

Amendment #2 failed, with Members Belnap, Boulter, L. Cummins, Earl, Ellis, Neilson, and Newell in favor, and Members Cannon, B. Cummins, Davis, Gravier, L. Hansen, S. Hansen, Huntsman, Lear and Neilson opposed.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #3: To include parents as the reinforcing person for the content discussed in the Utah Core Health Standards in Standard 2.HF.1, Standard 2.HF.4, and Standard 3.HF.1. [Detailed wording is in the backup documentation.]

**MOTION** was made by Member B. Cummins and seconded that the motion on Amendment #3 be postponed.

Motion to postpone carried.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #4: That parents are the primary reference for medical information with standards adhering to family and common community values in Standard 1.SAP.2, Standard 2.HD.1, Standard HI.SDP.7, Standard HII.SAP.6, and Standard HII.HD.7. [Detailed wording is in the backup documentation.]

Amendment #4 failed, with Members Boulter, L. Cummins, Earl and Ellis in favor, and all others opposed; Member Neilson absent.

**MOTION** was made by Member Davis and seconded that the Standards be amended to add at the end of each grade introduction, before strand one, the wording: "In implementation of the Health Education Core Standards educators will encourage students to engage with parents and families as part of achieving the knowledge, skills, and dispositions in these standards."

Terry Shoemaker, Executive Director of the Utah School Boards Association, was invited to make comment. Mr. Shoemaker responded that the Health Core Standards are the ones that take the most time and he appreciates the time the Board has taken to get them right. At this point, the LEAs need them to be finished so they know what

they are expected to teach. He acknowledged that parents are very engaged in this area, but the school also plays a very important role for many students.

**MOTION** was made by Member Davis and seconded that the amendment be amended to read: “Students should be encouraged to involve parents and families in the skills and lessons they learn.”

Amendment to the amendment carried unanimously.

Amendment, as amended, carried unanimously.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #5: Add the following standards that support and strengthen home relationships:

Standard 4. HD.4 Discuss the importance of supporting and strengthening family relationships throughout childhood and adolescence.

Standard 6.HD.4 Describe how parent-child connectedness can help adolescents make healthy choices as they mature, including friend relationships and risk-avoidance behaviors.

Amendment #5 failed, with Members Boulter, L. Cummins Davis, Earl, Ellis and Neilson in favor, and all others opposed.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #6: That the Success Sequence be included in Utah Core Health standards. [Detailed wording is in the backup documentation.]

Amendment #6 failed, with Members Boulter, L. Cummins, Earl, Ellis and Neilson in favor, and all others opposed.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #7: Replace “advocate” with “influence” and support positivity throughout the document as outlined at each grade level, to read: “Mental and Emotional Health (MEH) teaches students how to influence and support positive mental and emotional health of self and others.”

Amendment #7 failed, with Members Belnap, Boulter, L. Cummins, Earl and Ellis in favor, and all others opposed; Member Neilson absent.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #8: Change the wording in Standard 5.SDP.1 to: “Standard 5.SDP.1: ~~Explain personal responsibility to~~ Develop strategies on how to help others and demonstrate how to help or contact the appropriate emergency resources (e.g., first aid, CPR, poison control, 911, mental health crisis lines, animal control, non-emergency lines) for different situations.”

It was clarified that Standard 5.SDP.2 is not included Amendment #8.

**MOTION** was made by Member S. Hansen to amend the amendment to replace “develop” with “explain.”

Amendment to the amendment carried, with Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Davis, Earl, Ellis, L. Hansen, S. Hansen, Huntsman and Newell in favor, and Members Graviet and Lear opposed.

In response to Board member concerns about students taking on responsibilities that aren't theirs, Mark Watterson from the Health Standards writing committee was invited respond to the proposed amendment. Mr. Watterson indicated that the word, “explain,” was used as part of the development sequence for learning. He also expressed his feeling that it is important for students to demonstrate how they can help.

**MOTION** was made by Member S. Hansen and seconded to amend the amendment to keep the words, “help or,” that are stricken in the amendment.

Without objection the amendment to the amendment was made.

Amendment #8 carried unanimously.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #9: In the Safety and Disease Prevention section, replace the wording, “their role in protecting themselves and others,” with “Safety and Disease Prevention (SDP) helps students understand their role in setting a positive example for themselves and others by avoiding unintentional danger, risk, injury, or disease. Students will learn and adopt behaviors which will maintain and enhance health.”

Amendment #9 failed, with Members Boulter, L. Cummins, Earl and Ellis in favor, and all others opposed; Member Neilson absent.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #10: Rephrase Standard 1.MEH.1, Standard 4.HF.4, Standard 4.MEH.2 and Standard .SAP.1 to focus on a positive message. [Detailed wording is in the backup documentation.]

**MOTION** was made by Member B. Cummins and seconded that in Standard 4.HF.4, the word “friendships” be replaced with “relationships.”

Amendment to the amendment carried, with Members Graviet and Lear opposed; Member Neilson absent.

Amendment #10, as amended, failed, with Members Belnap, Boulter, L. Cummins, Davis, Earl and Ellis in favor and all others opposed.

**MOTION** was made by Member Earl and seconded that the Board amend the Standards as outlined in Earl Amendment #11: Include “emphasizing the value of face-to-face relationships” when teaching teens about technology in the following standards:

Standard HII.SDP.3: Practice responsible ways to communicate online, via text, or through other electronic means and how to respond to inappropriate contact or sexual advances online, via text, or through other electronic means, emphasizing the value of face-to-face relationships.

Standard HII.HD.8: d. Evaluate the potentially positive and negative impacts of technology and social media in relationships and strategies to use technology and social media safely emphasizing the value of face-to-face communication.

**MOTION** was made by Member Davis and seconded that the question be divided to vote on each standard separately.

Motion to divide carried.

Amendment #11 to amend Standard HII.SDP.3 failed unanimously.

Amendment #11 to amend Standard HII.HD.8 carried unanimously.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #12: Describe characteristics of a good friend

including kindness, honesty, respect, trust, cooperation and forgiveness in Standard 2.HF.5 and Standard 3.HF.4. [Detailed wording is in the backup documentation.]

Amendment #12 failed, with Members Boulter, Earl, Ellis, and L. Cummins in favor, and all others opposed; Member Neilson absent.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #14: Make the wording more clear in Standard HI.HD.9 and Standard HII.HF.2. Without objection, the proposed wording, “religious beliefs,” was removed. [Detailed wording is in the backup documentation.]

Amendment #14 failed, with Members Belnap, Boulter, L. Cummins, Davis, Earl, Ellis, and Neilson in favor, and all others opposed.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #15: Add the following section to Standard HII.HF.4: Develop resiliency skills: d. List benefits of practicing self-control, such as delaying immediate gratification, resisting negative peer pressure and avoiding risks of impulsive behavior.

**MOTION** was made by Member Davis to amend the amendment to move HII.HF.4.d to be the second sentence under HII.HF.3, and replace “List benefits of” with “Discuss.”

Amendment to amendment #15 carried, with Members Graviet, Lear and Newell opposed.

Amendment #15, as amended, carried, with Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Davis, Earl, Ellis, Huntsman, and Neilson in favor, and Members Graviet, L. Hansen, S. Hansen, Lear and Newell opposed.

**MOTION** was made by Member Earl and seconded that the Standards be amended as outlined in Earl Amendment #16: Move Standard HII.HD.8.d. to Standard HII.HD.9.f.

Amendment #16 carried, with Members Belnap, Boulter, B. Cummins, L. Cummins, Davis, Earl, Ellis, L. Hansen, S. Hansen, Huntsman, Neilson and Newell in favor, and Members Cannon, Graviet, and Lear opposed.

**MOTION** was made by Member Davis and seconded to amend 1.HD.4 to read:  
“Discuss how to clearly say no, leave a situation or interaction, and identify and talk with a trusted adult when feeling unsafe, afraid or being touched in a way that makes one feel uncomfortable.”

Motion to amend failed, with Members Belnap, Cannon, Davis, Ellis and Neilson in favor, and all others opposed.

Motion to approve the Health Education Standards, as amended, carried, with Members Belnap, Cannon, B. Cummins, Davis, Earl, Graviat, L. Hansen, S. Hansen, Huntsman, Lear, Neilson and Newell in favor, and Members Boulter, L. Cummins and Ellis opposed.

All Board Members expressed appreciation to those who worked on the Standards.

[For additional details, see General Exhibit No. 19-130.]

### **Finance Committee Report**

Committee Chair Laura Belnap reported that all action items from the March 8, 2019 meeting were handled on the Consent Calendar. [Details on items not reported to the Board will be included in the exhibits to the meeting summary.]

[For additional details, see General Exhibit No. 19-131.]

#### R277-707 Enhancement for Accelerated Students Program

This rule was referred to the Consent Calendar for action.

#### R277-480 Charter School Revolving Account

This rule was referred to the Consent Calendar for action.

#### R277-463 Class Size Average and Pupil-Teacher Ratio Reporting

This rule was referred to the Consent Calendar for action.

## Law and Licensing Committee Report

Committee Vice Chair Carol Lear reported on the following items from the March 8 and March 19, 2019 committee meetings. [Details of items not reported will be included in the exhibits to the meeting summaries.]

[For additional details, see General Exhibit No. 19-132.]

### Vanguard Academy Request for Waiver from R277-419-4

The Committee reviewed a request from Vanguard Academy Charter School for a waiver of the 180-day requirement in R277-419-4, Pupil Accounting—Minimum School Days, to begin the 2019-2020 school year.

**MOTION** from Committee that the Board approve the request from Vanguard Academy for a waiver from the 180-day requirement in R277-419-4 *Pupil Accounting Minimum School Days*.

Some Members debated that aligning to the associated college for concurrent enrollment is not a compelling enough reason to waive the 180-day requirement, that there is not an exact alignment, and there is value in the 180 days. Others expressed support for the flexibility and indicated that the waiver would alleviate a budget issue with hiring teachers when the college is not in session.

Motion failed, with Members Boulter, B. Cummins, L. Cummins, Davis, Earl and L. Hansen in favor, and Members Belnap, Cannon, Davis, Gravier, S. Hansen, Huntsman, Lear and Newell opposed; Members Ellis and Neilson absent.

[For additional details, see General Exhibit No. 19-133.]

This item was reconsidered later in the meeting.

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

In its March meeting, the Committee approved moving Section 4 of R277-417 regarding LEA supervision and monitoring of contracts to provide assurance regarding compliance to its own rule and approved R277-115. Due to that change, R277-417 was amended. The Committee passed R277-417, Draft 1, on first reading.

**MOTION** from Committee that the Board approve R277-417 *Prohibiting LEAs and Third Party Providers from Offering Incentives or Disbursement for Enrollment or Participation*, Draft 1, on second and final reading.

Motion carried; Member Neilson absent. [For additional details, see General Exhibit No. 19-134.]

#### Utah LEA Data Privacy Agreement

USBE Student Data Privacy program staff have developed a Data Privacy Agreement (DPA) that meets all FERPA and Utah state privacy laws and recommend encouraging LEAs to use this agreement as the de facto privacy agreement for public education in Utah. Vendors may additionally choose to sign the General Offer of Privacy Terms, Exhibit E, which will assist LEAs in determining which vendors meet both FERPA and Utah state privacy laws. A DPA badge has been developed for use by those vendors that have signed the DPA.

**MOTION** from Committee that the Board approve the Utah Data Privacy Badge and that the final agreement and marketing material be submitted to the Board for approval.

Motion carried, with Member Belnap opposed; Member Neilson absent. [For additional details, see General Exhibit No. 19-135.]

#### External Data Requests

**MOTION** from Committee that the Board approve external data sharing agreements with JT Stroder—Montana State University, and Jim Jensen.

Motion carried; Member Neilson absent. [For additional details, see General Exhibit No. 19-136.]

#### R277-714 Dissemination of Information About Juvenile Offenders

Staff reviewed R277-714 and determined that the provisions in the rule are necessary, but should be included in R277-487. The Committee approved repeal of R277-714 on first reading.

**MOTION** from Committee that the Board repeal R277-714 *Dissemination of Information About Juvenile Offenders* on second and final reading.

Motion carried; Member Neilson absent. [For additional details, see General Exhibit No. 19-137.]

R277-472 Charter School Student Enrollment and Transfers and School Districts

Capacity Information

The Committee approved continuation of R277-472 on first reading and instructed staff to bring the rule back to committee for amendment.

**MOTION** from Committee that the Board approve continuation of R277-472 *Charter School Student Enrollment and Transfers and School Districts Capacity Information* on final reading.

Motion carried; Member Neilson absent. [For additional details, see General Exhibit No. 19-138.]

R277-406 Early Literacy Program and Benchmark Reading Assessment

Amendments to R277-406 were proposed to update references to tests and the process for submission of Early Literacy Plans. The Committee approved Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-406 *Early Literacy Program and Benchmark Reading Assessment*, Draft 1, on second and final reading.

Motion carried; Member Neilson absent. [For additional details, see General Exhibit No. 19-139.]

R277-493 Kindergarten Supplemental Enrichment Program

The Committee reviewed amendments to R277-493 to clarify the criteria by which an LEA receiving funding through the kindergarten supplemental enrichment program will be judged. The Committee approved Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-493 *Kindergarten Supplemental Enrichment Program*, Draft 1, on second and final reading.

Motion carried, with Member Earl opposed; Member Neilson absent. [For additional details, see General Exhibit No. 19-140.]

R277-511 Academic Pathway to Teaching (APT) Level 1 License

The Committee reviewed amendments to R277-511 to add a sunset date for the rule and establish a transition procedure for educators who may be in the APT pipeline when the rule sunsets. The Committee approved Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-511 *Academic Pathway to Teaching (APT) Level 1 License*, Draft 1, on second and final reading.

**MOTION** was made by Member Lear and seconded that the motion be amended to approve Draft 2 of the rule on final reading.

Member Lear explained that Draft 2 adds new lines for the purpose of ending the APT in time to allow for the new licensing process to go forward with a minimum of overlap.

Motion to amend carried.

Motion, as amended, carried; Member Neilson absent. [For additional details, see General Exhibit No. 19-141.]

Reconsideration of Vanguard Academy Action

**MOTION** was made by Member Lear and seconded that the Board reconsider its action on the Vanguard Academy waiver request.

Motion to reconsider carried, with Members Boulter, B. Cummins, L. Cummins, Davis, Earl, Ellis, Huntsman, Lear and Neilson in favor, and Members Belnap, Cannon, Gravier, L. Hansen, S. Hansen, Huntsman and Newell opposed.

**MOTION** was made by Member Ellis and seconded that the Board approve the request from Vanguard Academy for a waiver from the 180-day requirement in R277-419-4 *Pupil Accounting Minimum School Days*.

Member Ellis reported that the school has a large percentage of students that are taking concurrent enrollment classes and indicated that the school gave very sound reasoning for the request. She also questioned the requirement of 180 days. Other members in favor of the waiver mentioned that it will make the school more budgetarily sound and is a step towards competency-based education.

Members opposed felt there is a sound basis for the 180 days and rather than waiving rules, the Board needs to reexamine those rules where waivers are requested.

Motion failed, with Members Boulter, B. Cummins, L. Cummins, Davis, Earl, Ellis, and Neilson in favor, and Members Belnap, Cannon, Graviat, L. Hansen, S. Hansen, Huntsman, Lear and Newell opposed.

[For additional details, see General Exhibit No. 19-133.]

Member Ellis noted that she has previously asked for a review of R277-419.

#### URADD External Data Request

Utah Code 53E-9-301 requires that the Board enter into a data sharing agreement with the Utah Registry of Autism and Developmental Disabilities (URADD) program which is a part of the Utah Department of Health and is housed within the University of Utah. The Committee forwarded a recommendation to approve the data-sharing agreement for personally-identifiable student level data in the Board's March meeting. The motion was postponed pending legislation on URADD.

**MOTION** from Committee that the Board approve the URADD External Data Request Agreement.

Board Members emphasized that the letter of notice to parents must be clear that parents can request this data to be expunged for whatever reason they see fit.

Motion carried unanimously. [For additional details, see General Exhibit No. 19-142.]

#### R277-301 Educator Licensing

R277-301 was enacted in December 2018 and in conjunction with legislative statute, establishes a new three-tiered licensing system which formally takes effect on January 1, 2020. It was requested that the Committee revisit R277-301 to address issues related to Board oversight of the licensing process.

The Committee reviewed Draft 1 of the rule and made amendments. The Committee approved R277-301, Draft 1, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-301 *Educator Licensing*, Draft 2, on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-143.]

#### R277-303 Educator Preparation Programs

As above, It was requested that the Committee revisit R277-303 to address issues related to Board oversight of the licensing process. The Committee made changes to the proposed amendments and passed R277-303, Draft 1, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-303 *Educator Preparation Programs*, Draft 2, on second and final reading.

**MOTION** was made by Member Lear and seconded that the motion be amended to approve R277-303, Draft 3, on final reading.

Deputy Superintendent Angie Stallings reviewed the proposed amendment which adds an additional section of Code.

Motion to amend carried.

Motion, as amended, carried. [For additional details, see General Exhibit No. 19-144.]

#### Pedagogical Performance Assessment Standards

As per R277-502-3(4), standards were created to establish criteria for approval of a pedagogical performance assessment that will assess pedagogical competencies of Utah teachers seeking a Professional Educator License. The Committee reviewed the standards in several meetings, including a special meeting to answer questions from Board members and the public.

**MOTION** from Committee that the Board approve the Pedagogical Performance Assessment Standards, Draft 2.

Motion carried; Member Davis abstained due to a conflict of interest. [For additional details, see General Exhibit No. 19-145.]

#### **2020 USBE Meeting Dates**

**MOTION** was made by Member Belnap and seconded that the Board approve the proposed meeting dates for 2020.

**MOTION** was made by Member Belnap and seconded that the proposed schedule be amended as follows: 1) Move the March meeting to March 19-20; 2) move the April meeting to April 16-17; and 3) add a Board Legislative meeting on March 5.

Amendment carried, with Member B. Cummins opposed and Member L. Cummins abstaining; Member Neilson absent.

Motion, as amended, carried, with Member L. Cummins abstaining; Member Neilson absent. [For additional details, see General Exhibit No. 19-146.]

### **Executive Session**

**MOTION** was made by Member Belnap and seconded that the Board to 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, Boulter, B. Cummins, L. Cummins, Davis, Earl, Graviet, S. Hansen, Huntsman, Lear and Newell, the Board went into closed Executive Session at 7:00 p.m.

Those present in Executive Session included the Members above, Member Ellis, and Sydnee Dickson, Michelle Beus, Bryan Quesenberry, Blaine Hansen, Ben Rasmussen, Emilie Wheeler and Lorraine Austin.

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

Motion carried. The Board reconvened in open session at 7:33 p.m.

### **Executive Session Action Items**

#### Action on Educator Licenses

The Board revisited its action on UPPAC Case No. 17-1451 taken in its March 7, 2019 meeting and revised its action, below.

**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. 17-1451 to issue a letter of reprimand with a flag on the educator's CACTUS account until the

educator completes a boundary training course and submits proof of completion to UPPAC, subject to Board approval.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded in UPPAC Case No. 18-1490 the Board adopt the Remand Order.

Motion carried, with Members B. Cummins, Davis, Earl, Graviet, Lear, S. Hansen, Huntsman and Newell in favor, and Members Belnap, Boulter and L. Cummins opposed; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that in UPPAC Case No. 17-1456 the Board accept the individual's petition to surrender his license.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1488 to suspend the individual's Level 2 Secondary Education license for a period of no less than three years consistent with the Consent to Discipline.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No 18-1497 to suspend the individual's Level 2 Administrative/Supervisory, Secondary Education license for a period of no less than one year, consistent with the Hearing Report and Addendum.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1504 and revoke the individual's Administrative/Supervisory and Secondary Education license pursuant to the Order of Default and Findings.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1506 to issue a letter of reprimand in accordance with the Consent to Discipline to be in place no less than two years.

Motion carried; Member Lear abstained due to a conflict of interest. Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1525 to issue a letter of reprimand in accordance with the Consent to Discipline, to be in place no less than two years.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

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

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

[For additional details, see General Exhibit No. 19-147.]

### Appointments

**MOTION** was made by Member Belnap and seconded that the Board appoint Tyler Slack to its Trust Advisory Committee, representing parents with expertise in trust lands and school community council issues, for a four-year term ending March 2023.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board appoint Superintendent Sydnee Dickson, as the USBE staff representative, and Terry Shoemaker, as a Utah public school district representative, to WestEd for terms through May 2022.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board appoint Antonio Campbell to the Digital Teaching and Learning Advisory Committee.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board appoint Martell Menlove, as the retired educator representative, to the Utah High School Activities Association Appeals Panel for a two-year term.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

**MOTION** was made by Member Belnap and seconded that the Board appoint Dave Kaufman, representing individuals with expertise or experience in finance, real estate, or charter school administration, to the Charter School Revolving Account Committee for a term through April 2021.

Motion carried; Members Cannon, Ellis, L. Hansen and Neilson absent.

### **Superintendent's Report**

Superintendent Dickson reported that executive staff have been attending the Utah School Boards Association regional meetings along with State Board members. The topics of most interest were the Teacher and Student Success Act (TSSA) and school fees.

Dr. Dickson reported that she met with school district staff in Richfield and Cedar City and spent time in Wayne County schools, where she saw amazing things with high use of technology.

Superintendent Dickson mentioned a presentation that USBE staff member Travis Cook made to the Board last year on the work of Board staff on financial literacy. She reported that Mr. Cook has been invited by the U.S. Department of Education to present Utah's work. In addition, a report just came out that put Utah second in the nation to Virginia for financial literacy.

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

Chair Huntsman thanked Board members for their work and contributions.

### **Board Member Comments**

Member Belnap asked Board Leadership to rethink the start time for Board committee meetings.

Member Earl reported that she has received a number of phone calls and comments about the SHARP survey and she has reminded people that the survey is an option that school districts are choosing and parents can choose whether their children take the survey.

Member Lisa Cummins announced that she will be resigning from the Board, effective June 10, as her family will be moving out of state.

### **Adjournment**

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

Motion carried. The meeting adjourned at 7:54 p.m.

**STUDY SESSION**

A study session of the Utah State Board of Education was held April 5, 2019 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members present included: Chair Mark Huntsman, Vice Chair Brittney Cummins, Laura Belnap, Michelle Boulter, Janet Cannon, Lisa Cummins, Cindy Davis, Alisa Ellis (by phone), Jennie Earl, Jennifer Graviet, Linda Hansen (by phone), Scott Hansen, Carol Lear, and Shawn Newell. (Member Scott Neilson was absent.)

Others present included Sydnee Dickson, Scott Jones, Angie Stallings, Darin Nielsen, Leah Voorhies, Debbie Davis, Emilie Wheeler, Lorraine Austin—USBE staff; Bryan Quesenberry, Michelle Beus, Blaine Hansen—Attorney General’s Office; Jay Blain, Tracey Watson, Sara Jones—Utah Education Association; Royce Van Tassel—Utah Association of Public Charter Schools.

Chair Huntsman called the meeting to order at 9:06 a.m.

**Internal Audit Function**

Debbie Davis, Internal Audit Director, made a presentation about the Internal Audit Department. Internal Audit is independent of management and daily operation. Department staff collaborate daily with other USBE staff, but report directly to the Board, facilitated through the Audit Committee.

Ms. Davis reviewed Internal Audit services, including internal audits, external audit liaison, consultations, risk identification and assessment, and the public education hotline.

[For additional details, see General Exhibit No. 19-148.]

**Legislative Session Report**

Scott Jones, Deputy Superintendent of Operations, gave an overview of appropriations to public education from the 2019 General Session of the Legislature, highlighting that public education received \$335 million in new funding.

Angie Stallings, Deputy Superintendent of Policy, reviewed notable education bills.

Deputy Superintendents Jones and Stallings answered Board Member questions about legislation and appropriations.

Board Members expressed appreciation for the work of staff during the session.

[For additional details, see General Exhibit No. 19-149.]

### **Adjournment**

The Study Session adjourned at 11:02 a.m.

Lorraine Austin, Board Secretary  
Minutes approved May 2, 2019