

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

July 13-15, 2017

STUDY SESSION - July 13, 2017

A study session of the Utah State Board of Education was held July 13, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Board members present included Chair Mark Huntsman, 1st Vice Chair Terryl Warner, 2nd Vice Chair Brittney Cummins, Laura Belnap, Janet Cannon, Lisa Cummins, Jennifer Gravier, Carol Barlow Lear, Scott Neilson, Kathleen Riebe, Spencer Stokes, and Joel Wright.

Members absent included Michelle Boulter, Alisa Ellis and Linda Hansen.

Others present included Sydnee Dickson, Scott Jones, Patty Norman, Angie Stallings, Natalie Grange, Lorraine Austin, Emilie Wheeler, Debbie Davis, Jerry Record–USBE staff; Ben Wood–Salt Lake Tribune; David Thomas, Bryan Quesenberry, Michael Bell–Assistant Attorneys General; Tami Pyfer–Governor’s Office; Lisa Nenti-Bloom, Tracey Watson, Jay Blain, Sara Jones–Utah Education Association; Royce Van Tassell–Utah Association of Public Charter Schools; Brandon Baca.

Call to Order

Chair Mark Huntsman called the meeting to order at 1:04 p.m.

Department of Dine Education School Accountability Plan

Dr. Calvin White from the Navajo Nation Department of Dine Education was welcomed to the meeting. USBE Indian Education Specialist Dr. Harold Foster was also acknowledged. Dr. White reported that the Navajo Nation has been doing some very diligent work with the Board’s office for the past ten years and are excited to share the Department of Dine Education School Accountability Plan. They have also met with Superintendent Dickson and staff from the Governor’s office regarding the plan.

Dr. White gave a presentation outlining the types of Navajo education schools and how they are governed and funded. He informed that schools under the Department of the Interior Bureau of Indian Education (BIE) can waive the right to be under the Department and become tribally-controlled schools, which go with the state in which they are located. There are two BIE schools in San Juan County, and one is tribally controlled. He indicated the Diné School Accountability Plan will help create a Navajo educational system and noted that the Navajo plan differs from the Utah accountability plan because it includes Navajo language and culture in the classroom setting. He further shared that the Bureau of Indian Education does not have a plan.

Dr. White asked for a resolution from the Board in support of the Accountability Plan. Chair Huntsman committed that this will be an action item on an upcoming agenda.

USBE Strategic Plan

Deputy Superintendent Scott Jones reviewed the process for determining budget priorities for the Board's legislative request. He discussed precision funding which helps determine whether funding is aligned to support the Board's strategic plan and what will have the greatest potential or demonstrated impact on the plan's imperatives or objectives.

Member Stokes asked for information showing the amount of funding that is appropriated for public education minus the money in the weighted pupil unit (WPU) and money appropriated for legislative priorities. He questioned what programs the Board had influence upon this year.

Superintendent Jones responded that he will provide that information. He also indicated that the budget process in which the Board is engaging now will make it easier to identify whether programs align with Board goals and imperatives and whether new programs are needed or current programs should be discontinued. Dr. Dickson added that the Board and staff have been working with legislators earlier in the year to provide information that might help drive or postpone some projects.

Member L. Cummins reminded the Board that it has created an Eliminating Barriers to Educational Excellence Task Force to look at programs over the next year and provide

recommendations for changes.

Chair Huntsman reiterated that there is much work to be done as the Board develops its priorities, and that the work done with the legislature last year was important and not in vain.

Superintendent Jones showed a performance measure table from the Public Education Appropriations Subcommittee showing how legislation from the last session aligned to targets—some of them from the Board.

Procurement and Contracting Process

USBE Purchasing Agent Brad Cummings and Assistant Attorney Michael Bell gave a presentation regarding the new process for procurement and contracting since the Board was given independent authority during the last legislative session. AAG Bell indicated there is some question on whether there any limitations on the Board's discretion to approve or withhold approval for contracts that have gone through a source selection process. They provided a summary of what those limitations could be.

Mr. Cummings informed that the Board has to follow Utah Procurement Code, but are no longer under the authority of State Purchasing. He went over the purchasing process, including Board review versus Board approval of agreements.

AAG Bell reported that once a procurement has gone through the process and a tentative awardee has been selected, at that point the award, along with the results of the process, will be brought before the Board and the Board can withhold its approval. However, if the Board arbitrarily withholds approval, the Board could become liable for the bid and proposal costs of the offeror. The offeror could submit a protest to Mr. Cummings, and if not satisfied with Mr. Cummings' decision, an appeal would then go to the state policy board. Mr. Cummings clarified that the Board cannot be part of the process prior to the award being given.

Government Records Access and Management Act (GRAMA) Requests Process

USBE Records Officer Ben Rasmussen gave an overview of the GRAMA request process.

He informed that when a records request is received the assumption is that a record will be made available unless it falls under an exception. He reviewed the State Archives email guidelines.

Assistant Attorney General David Thomas informed that if Board members use a private server email address rather than a Board-issued email address the consequence is that all emails on the private server could be subject to review under GRAMA. He recommended that to simplify the process Board members only do Board business using a Board email address.

Member L. Cummins expressed concern over one person having the ability to differentiate what is private. Mr. Rasmussen indicated he consults with the Board's attorneys if he has a question.

AAG Thomas reminded the Board that texts are also subject to GRAMA.

Chair Huntsman noted that matters of the Board are best discussed in committee meetings and open meetings and other matters that are appropriate for executive session are best discussed there. Everything outside of that creates a risk.

Audit Reports

Vice Chair Terryl Warner and Internal Audit Director Debbie Davis gave an overview of internal audits and an example of what the Board's audit staff looks at to determine whether an audit is needed.

Vice Chair Warner indicated that audits that have been performed will now be sent to Board standing committees for follow up. She reviewed a list of the audits and their committee assignments.

Adjournment

The meeting adjourned at 4:07 p.m.

UTAH STATE BOARD OF EDUCATION MEETING - July 14, 2017

A meeting of the Utah State Board of Education was held July 14, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Board Members Present:

Chair Mark Huntsman	Member Jennifer Graviet
1 st Vice Chair Terry Warner	Member Linda B. Hansen
2 nd Vice Chair Brittney Cummins	Member Carol Barlow Lear
3 rd Vice Chair Alisa Ellis	Member Scott B. Neilson
Member Laura Belnap	Member Kathleen Riebe
Member Janet A. Cannon	Member Spencer F. Stokes
Member Lisa Cummins	Member Joel Wright

Members Excused:

Member Michelle Boulter

Executive Staff Present:

Sydnee Dickson, State Superintendent	Lorraine Austin, Board Secretary
Scott Jones, Deputy Superintendent	Emilie Wheeler, Communications Specialist
Rich Nye, Deputy Superintendent	
Angie Stallings, Deputy Superintendent	

Others Present:

Terry Shoemaker–Utah School Superintendents Association/Utah School Boards Association; Cassie Walker–Canyons School District; Dallin Walker–Boy Scouts of America; Jennifer Moulder–Utah Association of Public Charter Schools; Renee Seegmiller, Amy Kinder, Karen Feld, Amanda Cangelosi–Utah Council of Teachers of Mathematics; Lydia Nuttall; Eric Irvine; Hannah Mosher; Sera Hunter; Emma Ipson; Christine Ipsen; Kim Irvine, Wendy Hunter, Jason Hunter–Weber School District; Michael Syndergaard, Elmer Seeley, Bob Van Brocklin–Mountain State Schoolbook Depository; Lois Graviet; Jill Larkin; Tracey Watson, Lisa Nenti-Bloom, Jay Blain, Sara Jones–Utah Education Association; Dori Mosher; Sonya Spackman, Hallie Kunzler, Melissa Morris, Terry Jackson–Box Elder School District; Korey Klein–United Way of Salt Lake; Jenny Kellis–Granite School District; Ben Wood–Salt Lake Tribune; Cydnee Carter, Christelle Estrada, Sheryl Ellsworth, Kim Augustin, Sandra Grant, Lisa Wisham, Robert Palmer, Stephanie Patton, Deborah Jacobson, Jerry Record, Keith Lawrence–USBE staff

Call to Order

Chair Mark Huntsman called the meeting to order at 8:12 a.m.

Executive Session

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

Upon voice vote of Members Belnap, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Riebe, Warner and Wright, the Board moved into Executive Session at 8:14 a.m.

Those present in Executive Session included Board members Belnap, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Stokes, Warner and Wright; and Scott Jones, Angie Stallings, Michael Bell, Bryan Quesenberry, David Thomas, Debbie Davis, Lillian Tsosie Jensen, Momi Tu'ua, Christelle Estrada, 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 9:40 a.m.

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

Upon voice vote of Board members Belnap, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Stokes, Warner and Wright, the Board moved back into Executive Session at 9:40 a.m.

Those present included the Board members above and Sydnee Dickson, Scott Jones and Michelle Watts.

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

Motion carried. The Board reconvened in open meeting at 10:05 a.m.

Opening Business

Chair Huntsman called the meeting to order. Member Alisa Ellis led those present in

the Pledge of Allegiance.

Board Member Message

Member Jennifer Graviet welcomed the Board. She reported on a literacy night she attended recently at H. Guy Child Elementary School in Ogden with the theme, "Believe there is good in the world, and the secret message, BE THE GOOD. Member Graviet spotlighted five instances in schools worthy of celebration. She invited Heather Hales, a 2nd grade teacher at H. Guy Child Elementary, and student Kaymon, to share an assignment for 2nd graders to write a five-paragraph essay. Kaymon shared his report on snakes.

Ms. Graviet encouraged Board members as they strive to "Be the Good" to celebrate the many good things Utah students and teachers are doing.

Introduction of New Employees

H.R. staff member Michelle Watts introduced the following new employees: Kelsey Eller, Kathleen Maag, Heather Gross, Corby Eason, Victoria Heaps, Chandler Briggs, John Palmer, and Jodi Kaufman.

Acknowledgment of Student Art Works

Educational Specialist Cathy Jensen reported on the art work hanging in the Board room from Indian Hills Elementary School students.

Education Highlight

Educational Specialist Christelle Estrada introduced the Young Authors Program. The program, started three years ago with the goal of writing for a purpose, provides an opportunity for high school students to write for the audience of elementary school students. Their books are published and are also in digital format, available on the Utah Education Network. Each Board member received a copy of one of the books, *Freddie the Penguin*, written by Isabella Hill and illustrated by Lauren Crest.

Ms. Estrada introduced Kim Irvine, a teacher involved in the program. Ms. Irvine shared

some experiences and a letter from a student who related how this experience changed her life. Students Hannah Mosher, Sera Hunter, and Emma Ipsen shared their experiences in writing their books.

Public Comment

Melissa Morris and Hallie Kunzler, Box Elder School District - spoke about the waiver request to allow Park Valley School to go on a four-day school week. They indicated Park Valley is an extremely rural community that is exclusively agriculturally based. The four-day week will increase attendance as all the students live on family ranches and a good majority of students miss 15-20 days per trimester to help with their family ranches. There is parental support for this change.

Lydia Nuttall - reminded the Board that two months ago she shared with them the instructional material she developed, *Forgotten American Stories, Celebrating America's Constitution*, along with Utah Code section 53A-13-109 concerning teaching civic and character education. Last month she emailed the Board that she wrote the material as a supplement to texts that are diluting or distorting information about the Constitution. She showed texts that went to the Utah Instructional Materials Commission that don't have correct definitions of a republic and expressed the need for the information in her material. She indicated if the Board wants this information taught it needs to be approved.

Member Warner questioned whether local education associations (LEAs) can use material that doesn't have the Board's stamp of approval. Superintendent Dickson responded that they can. Ms. Nuttall replied that LEAs are hesitant to use material without that approval.

Karen Feld, President of the Utah Council of Teachers of Mathematics (UCTM) - read a statement that UCTM is concerned about the planned replacement of the SAGE assessment with ACT, as ACT is not well aligned to the Utah core content. UCTM is confident a third-party alignment study would produce different results than the one done by ACT. Ms. Feld reported that teachers in Utah have worked to build a robust math program and recently received reports from local universities that students are much better prepared than ever and the need for remedial instruction is greatly reduced.

Member L. Cummins requested that Ms. Feld send the letter from the universities to the Board.

Lisa Nentl-Bloom, Executive Director, Utah Education Association - expressed concerns from UEA regarding Board rule R277-700 that the rule is coming across swiftly and there is a lack of clarity on some definitions, such as student mastery of core standards. She voiced that adopting changes before the pilot is complete is premature. She also questioned what will happen to schools that do not offer world language and how schools and district will handle mastery if a student moves out of the school or district. UEA is requesting the process be slowed down.

Michael Syndergaard, Mountain States Schoolbook Depository - spoke about Board rule R277-469-11 which includes the requirement for a schoolbook depository Utah. He indicated that because of some of the nuances of textbook sales, the depository adds competitiveness. He encouraged the Board to speak with districts and charters to determine the benefit of a depository.

Sonia Spackman, parent, Park Valley School - discussed Box Elder District's petition to allow a four-day school week for Park Valley. She shared that parents of this ranching and farming community depend on their children immensely, and sometimes they need to take their children out of school to keep their businesses going. Parents and children both hate that students are missing school. Ms. Spackman indicated the community is very supportive of the change; 80 percent of the parents attended a recent meeting regarding the schedule and all were supportive of the four-day week. She stated that parents are committed to scheduling things at home on Fridays so their children won't miss school.

General Consent Calendar

MOTION was made by Member Hansen and seconded by Member Stokes that the Master Data Sharing Agreement between the State Board of Education, Utah Department of Health, and the University of Utah Department of Psychiatry (URAD), and the Memorandum of Understanding with the State of Utah One-Stop Partners (WIOA) on item 4.3 be pulled from the Consent Calendar and brought back at a future meeting.

MOTION TO AMEND was made by Member Ellis and seconded by Member Stokes that all but the Interagency Funding Agreement between the Utah Juvenile Court, Utah State Board of Education and Utah Department of Human Services (IAADHS) on item 4.3 be pulled from the Consent Calendar and that staff be directed to continue working on the agreements and bring them back next month.

Member L. Cummins spoke in support of the amendment and voiced the need for the Board to understand what data points are being shared and for what vendors will be using the data.

Deputy Superintendent Angie Stallings suggested that in the future data-sharing agreements be listed on the Consent Calendar separately and staff will provide more information.

Vice Chair Ellis and Member Stokes supported having those agreements where vendors are explicitly asking for student personally identifiable information to be listed on the agenda separately to provide more transparency.

The amendment carried.

Motion, as amended, carried.

Member Ellis requested that item 4.9, R277-489 *Early Intervention Program*, be removed and voted on separately. The item was removed.

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

Motion carried.

MOTION was made by Member B. Cummins and seconded by Member Stokes that the Board approve R277-489 *Early Intervention Program* on third and final reading.

Member B. Cummins commented that the assessment referred to in the rule only applies to the schools who are using the grant money for early intervention programs and is not a required kindergarten assessment.

Deputy Superintendent Stallings clarified that this version of R277-489 removes language regarding the K-3 reading software which has been put in R277-496. The Board passed on final reading last month the version of the rule that inserted the requirement to take

the kindergarten assessment. The kindergarten assessment is required if a district receives early intervention funding, and every district receives that funding. Charter schools that do not receive the funding are not required to comply with the assessment.

Motion carried, with Members L. Cummins and Ellis opposed.

General Consent Calendar

4.1 Approval of Minutes

The Board approved the minutes of its June 1-2, 2017 meeting.

4.2 Contracts/Agreements over \$100,000

The Board approved contracts/agreements as presented with the following: Old Dominion Freight; Lexia Learning System LLC; Utah Education Policy Center.

4.3 Contracts/Agreements under \$100,000

The Board approved an interagency agreement between the Board of Education/Department of Health Service/Utah Juvenile court.

The Board requested that contracts/agreements with the following be removed and referred to staff for additional work: Utah Department of Health/University of Utah Department of Psychiatry; Utah System of Higher Education; Utah Department of Corrections; State of Utah One-Stop Partners; CREDO at Stanford University; United Way of Salt Lake; Department of Workforce Services/Department of Health; UTECH.

4.4 R277-112 Prohibiting Discrimination in the Public Schools

The Board approved repeal of R277-112 on third and final reading.

4.5 R277-401 Child Abuse-Neglect Reporting by Education Personnel

The Board approved and continued R277-401, as amended, on third and final reading.

4.6 R277-407 School Fees

The Board approved and continued R277-407, as amended, on third and final reading.

4.7 R277-433 Disposal of Textbooks in the Public Schools

The Board approved and continued R277-433, as amended, on third and final reading.

4.8 R277-445 Classifying Small Schools as Necessarily Existent

The Board approved and continued R277-445, as amended, on third and final reading.

4.9 R277-489 Early Intervention Program

This item was removed for further discussion.

4.10 R277-496 K-3 Reading Software Licenses

The Board approved new rule R277-496 on third and final reading.

4.11 R277-502 Educator Licensing and Data Retention

The Board continued R277-445 on third and final reading.

4.12 R277-516 Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members

The Board approved and continued R277-516, as amended, on third and final reading.

4.13 R277-608 Prohibition of Corporal Punishment in Utah's Public Schools

The Board approved and continued R277-608, as amended, on third and final reading.

4.14 R277-713 Concurrent Enrollment of High School Students in College Courses

The Board continued R277-713 on third and final reading.

4.15 R277-800 Utah Schools for the Deaf and the Blind

The Board approved and continued R277-800, as amended, on third and final reading.

4.16 R277-801 Services of Students with Sensory Impairments

The Board approved R277-801, as amended, on third and final reading.

4.17 R277-925 Effective Teachers in High Poverty Schools Incentive

The Board approved new rule R277-925 on third and final reading.

4.18 National Board SEED Grant Support

The Board approved a letter of support for the National Board for Professional Teaching Standards' application for a SEED grant.

4.19 List of Educator Licenses Processed

The Board was provided with a list of educators licenses and license areas processed in May 2017.

Monthly Budget Report

Deputy Superintendent Scott Jones indicated there would be no monthly budget report because the new fiscal year has just begun. The June report will be included in the year-end closing report next month.

Superintendent Jones indicated some questions have been asked about the office's transition to the Finet financial system. He explained that Finet is the financial system that is managed by State Finance. The Board goal was to get into a system that is congruent with the Enterprise Grants Management System to be more transparent with financial dollars.

Superintendent Jones noted that the FY18 budgets which were approved by the Board have been loaded into Finet. When the closing package is signed off on those budgets will likely change because there will be carryforward amounts.

Finance Director Deborah Jacobsen informed that most transactions have now been successfully moved out of the Base system.

Assistant Superintendent Natalie Grange reported that budget controls are in place and budgets that cannot be altered by staff without proper approval. Budgets and expenditures are now able to be monitored in real time.

Superintendent Jones provided a list of budget categories and cost codes to the Board. Board members acknowledged that this transition has been a long process and lauded

staff for their hard work.

Fiscal Year 2019 Budget Proposal

Deputy Superintendent Jones continued the discussion from the study session regarding the process of aligning funding with the strategic plan. The Board is currently in the time frame from now to September to work on budget formulation for FY2019.

Superintendent Jones presented a chart of FY17 Appropriations to Public Education and demonstrated how to drill down to get an overview, issues, background and financials for those appropriations. He reported that new and updated business case forms for specific programs will also be provided to the Board as part of the process.

Superintendent's Report

Superintendent Dickson reported that the Board has not participated in the Milken Educator Awards since 2008. Through the awards the Milken Family Foundation recognizes teachers and administrators with an unrestricted financial award of \$25,000. She proposed working with the Foundation to participate again.

Dr. Dickson reported that there is a lot of synergy happening right now in the organization and staff are taking new opportunities to lead projects and take on different roles. She thanked staff for their flexibility and willingness to engage.

Audit Committee Report

Audit Committee Chair Terry Warner reported on the work of the Audit Committee.

Release of Audits

Internal Audit Director Debbie Davis reported that the Internal Audit Department performed an audit of the use of funds for state fiscal year 2016 at a selection of three local education agencies, based on risk.

MOTION from the Committee that the Board approve the release of the audit reports for East Hollywood High School and Fast Forward Charter High School to the public.

Motion carried; Member Joel Wright abstained due to a conflict of interest.

Audit Follow Up

Member Warner reported that after audits are completed they will be assigned to Board standing committees for follow up on corrective action, if needed.

Executive Session

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

Upon voice vote of all members present the Board moved into Executive Session at 12:20 p.m.

Those present in Executive Session included Members Belnap, Cannon, B. Cummins, L. Cummins, Ellis, Gravier, Hansen, Huntsman, Lear, Neilson, Riebe, Stokes, Warner and Wright, and Sydnee Dickson, Angie Stallings, Ben Rasmussen, Emilie Wheeler and Lorraine Austin.

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

Motion carried. The Board reconvened in open session at 1:58 p.m.

Executive Session Action Items

Chair Huntsman temporarily left the meeting and 1st Vice Chair Terry Warner assumed the Chair Pro Tem.

Pending Litigation

MOTION was made by Member Belnap and seconded by Member Stokes that with regard to the Court of Appeals Case 20170278-CA, Kohler v. Board of Education, the Board reject Kohler's request for a stay of his discipline pending the outcome of his appeal, stating the following reasons: 1) Mr. Kohler is unlikely to succeed on the merits of his appeal because, among other things, he has agreed his conduct was sexually related and is defiant of the

administrator's directive; the discipline issued by the Board was not arbitrary, nor capricious; the Board's factual determinations were supported by ample evidence; and the Board properly applied its rule regarding discipline presumptions; 2) Mr. Kohler will not suffer irreparable injury if he is denied a stay; 3) substantial harm will occur to interested parties such as, among other things, future students he might be exposed to if he was allowed back in the classroom; and 4) a stay would harm the public interest because, among other things, it would undermine the public's trust in the Board protecting students, families, and schools from educators subject to discipline.

Motion carried; Chair Huntsman absent.

Educator Licenses

MOTION was made by Member Belnap and seconded by Member Hansen that the Board approve the Utah Professional Practices Advisory Commission (UPPAC) recommendation in Case No. 17-EH11 and issue a letter of reprimand.

MOTION TO AMEND was made by Member Lear and seconded by Member Cannon that the Board change the approval to issue a letter of warning.

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

Amended motion carried, with Members Belnap, Stokes and Wright opposed; Chair Huntsman absent.

MOTION was made by Member Belnap and seconded by Member Hansen that the Board accept the UPPAC recommendation in Case No. 16-1340 to suspend the educator's license for a period of no less than five years.

Motion carried; Chair Huntsman absent.

MOTION was made by Member Belnap and seconded by Member Huntsman that the Board accept the UPPAC recommendation in Case No. 15-1300 to revoke the educator's license.

Motion carried unanimously.

MOTION was made by Member Belnap and seconded by Member Huntsman that the Board accept the UPPAC recommendation in Case No. 16-1364 to issue a letter of reprimand.

Motion carried unanimously.

Trust Advisory Committee Appointment

MOTION was made by Member Belnap and seconded by Member Hansen that the Board appoint Derek Anderson, representing school business officials, to the Trust Advisory Committee.

Motion carried unanimously.

UPPAC Consent Calendar

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

Motion carried unanimously.

Standing Committee Reports

Chair Huntsman returned to the meeting and assumed the Chair.

LAW AND LICENSING COMMITTEE

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

Approval of Previous Meeting Minutes

The Committee approved the minutes of its June 1, 2017 meeting.

Box Elder School District Request for Waiver

The Committee reviewed a request from Box Elder School District for a waiver of Board rule R277-419.

MOTION from Committee that the Board approve Box Elder District's request for a waiver from the 180-day requirement in R277-419 for Park Valley School in order for the school to transition to a four-day instructional week schedule.

Member Belnap questioned if the school will maintain 990 hours of instruction, and was informed that it will.

Member Cannon asked that the yearly report come before the full Board.

Motion carried; Member Lear abstained as she has a conflict of interest.

Instructional Materials Depositories

The Committee received information about the requirement in R277-469-11 for publishers to house instructional materials in an in-state depository. The Committee directed staff to solicit feedback from local education agencies and bring the feedback to the Committee.

Board Bylaws

The Committee reviewed Sections I, II and III of the Board Bylaws and directed staff to prepare amendments.

Board Policy 2001, Board Member Compensation

The Committee reviewed proposed amendments to Board Policy 2001 to add additional meetings for which Board members will be compensated and provide clarification.

MOTION from Committee that the Board approve Board Policy 2001, Board Member Compensation, Revision 2.

Motion carried.

R277-515 Utah Educator Professional Standards

The Committee reviewed options proposed by staff for amendments to R277-515 to eliminate ambiguity concerning who should submit an educator's required assurance that the

educator has read R277-515 and R277-516. The Committee gave direction to staff to amend the rule and bring back for Board approval.

MOTION from Committee that the Board approve R277-515, as amended, on second and final reading.

MOTION TO AMEND was made by Member Hansen and seconded by Member Ellis that the Board approve R277-515 with the additional amendment to add in line 326, "and R277-516."

Without objection the motion was amended.

Motion carried.

The Committee directed staff to consider creating a training module to share with LEAs and bring back options for a training module to the September Board meeting.

Advisory Group Resolutions for Student Data Protection Act

In February 2017 the Board approved three student data protection advisory groups as required in Utah's Student Data Protection Act. The Committee reviewed draft resolutions officially establishing all three groups.

MOTION from Committee that the Board approve the Board Resolution Establishing the Student Data Policy Advisory Group.

Motion carried; Member Ellis absent.

MOTION from Committee that the Board approve the Board Resolution Establishing the Student Data User Advisory Group.

Motion carried; Member Ellis absent.

MOTION from Committee that the Board approve the Board Resolution Establishing the Student Data Governance Advisory Group.

Motion carried; Member Ellis absent.

FINANCE COMMITTEE

Committee Vice Chair Joel Wright reported on the following items from the Committee.

Approval of Meeting Minutes

The Committee approved the minutes of its June 1, 2017 meeting.

Murray City Proposed Ore Sampling Mill Community Reinvestment Area

The Committee received a presentation from Murray City and reviewed information regarding the Murray City Taxing Entity Committee request for approval of a blighted Community Reinvestment Area in and around the Ore Sampling Mill. It was noted that the Murray City School District is in favor this CRA.

MOTION from Committee that the Board instruct its representative to the Taxing Entity Committee to vote consistent with the local school board.

Motion carried, with Member Wright opposed; Member Ellis absent.

Charter School Revolving Loan

The Committee reviewed information presented on applications for charter school revolving loans. It was noted that the State Charter School Board supports the loans.

Board Members Wright and B. Cummins declared conflicts of interest for this item.

MOTION from Committee that the Board approve issuing the revolving loans, as recommended, and approve making a single disbursement of the loan to Endeavor Hall for \$175,000, instead of paying the disbursement in three separate installments.

Motion carried, with Members B. Cummins and Wright abstaining; Member Ellis absent.

Loans will be made to the following charter schools: Advantage Arts Academy - \$300,000; Endeavor Hall – \$175,000; Leadership Academy of Utah – \$275,700; and Leadership Learning Academy - \$299,971.

School Building Loan

The Committee reviewed information regarding interest rates on school building loans and building loan applications.

MOTION from Committee that the Board approve the school building loan applications for Duchesne and South Sanpete School Districts with an annual interest rate of two percent.

Motion carried, with Member Wright opposed; Member Ellis absent.

R277-110 Legislative Supplemental Salary Adjustment

The Committee reviewed R277-110 in accordance with the five-year review requirement in the Utah Administrative Rulemaking Act. The Committee approved and continued the rule, as amended, on first and second reading.

MOTION from Committee that the Board approve and continue R277-110, as amended, on third and final reading.

Motion carried unanimously.

R277-113-6 LEA Fiscal and Auditing Policies—Required LEA Fiscal Policies

The Committee reviewed proposed amendments to R277-113-6 including direction for compliance with appropriate program accounting. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-113-6 *LEA Fiscal and Auditing Policies—Required LEA Fiscal Policies*, as amended, on second reading.

Member Belnap questioned what impact the amendments and time constraints will have on districts and schools. Assistant Superintendent Grange responded that the rule will provide a reference for LEAs for the need to report expenditures in a certain way.

Motion carried, with Member Belnap opposed.

Non-LEA Monitoring for Fiscal Year 2016

The Committee reviewed a memorandum related to monitoring on non-LEA grant recipients. The Committee referred the report to the Board for information.

Kairos Academy Potential Closure

The State Charter School Board (SCSB) voted unanimously to propose termination of Kairos Academy's charter as an option for the school, and an informal hearing is scheduled for July 19. Following the hearing the SCSB will vote on whether to terminate the charter.

Staff outlined for the Committee potential risks if the Board continues to fund any LEA in a similar situation as Kairos, including co-mingling of restricted and unrestricted funds.

MOTION from Committee that the Board instruct staff to pay Minimum School Program (MSP) funds to Kairos as scheduled, and to pay one twelfth (1/12) of the School LAND Trust Program funds. The 1/12 distribution will continue until further notice, unless the SCSB or USBE closes Kairos Academy.

AAG David Thomas explained the process if the SCSB votes to terminate the charter. The school would have fourteen days in which to file an appeal to the State Superintendent, and the Superintendent would then review the appeal, in consultation with Board Leadership, to determine if it addresses an administrative decision outlined in rule. If the appeal is appropriate, a hearing panel of three to five Board members and other non-board members will be convened to hear the appeal.

Motion carried, with Members Belnap, Huntsman, and Neilson opposed.

STANDARDS AND ASSESSMENT COMMITTEE

Committee Chair Laura Belnap reported on the following items from the Committee.

Approval of Meeting Minutes

The Committee approved the minutes of its June 1, 2017 meeting.

Development of Alternate Science Standards for Students with Significant Cognitive Disabilities

The Committee discussed information concerning how the grade 6-8 Science Standards will be aligned to accommodate students with special needs.

R277-404-7 Parental Exclusion from Testing and Safe Harbor Provisions

The Committee reviewed information regarding inconsistencies in R277-404 and the Testing Ethics Manual. The Committee directed staff to bring the rule and the Testing Ethics Manual back for more clarity and discussion.

Driver Education Standards Revision

The Committee reviewed the draft revised Driver Education Standards along with a crosswalk showing specific changes to the standards.

MOTION from Committee that the Board approve the release of the Driver Education Standards for a 90-day public review period.

Motion carried; Member Warner absent.

Intergenerational Poverty Interventions Grant Competition

The Board reviewed recommendations for grant awards for the Intergenerational Poverty Interventions Grant. The purpose of the grant is to provide additional educational opportunities, outside of the regular school day, for students affected by intergenerational poverty.

MOTION from Committee that the Board approve the eight applicants as recommended to receive the funds appropriated for the Intergenerational Poverty Interventions Grant (Utah Code 53A-17a-171).

Motion carried; Member Warner absent.

The following LEAs will receive a grant: American Preparatory Academy—\$100,000; Canyons School District—\$200,000; Entheos Academy—\$50,000; Grand County School District—\$50,000; Guadalupe School—\$40,000; Logan City School District—\$100,000; Ogden City School District—\$250,000; Provo City School District—\$160,000.

School Resource Officers/School Principals Curriculum

The Committee reviewed the School Resource Officers/School Principals Curriculum and heard concerns.

MOTION from Committee that the Board approve the creation of a discussion group to evaluate the curriculum and look at the scenarios and bring recommendations back for review.

Motion carried unanimously.

R277-700 *The Elementary and Secondary School General Core*

The Committee reviewed proposed amendments to R277-700 that reflect the flexibility options for the junior high/middle school course requirements that the Board previously approved, including removing the credit unit requirements.

MOTION from Committee that the Board approve and continue R277-700, as amended, on second reading.

Member Belnap noted that geography needs to be removed from the Student/District Shared Responsibility Requirements in the chart provided for backup.

Deputy Superintendent Angie Stallings clarified that the rule allows LEAs flexibility to require additional courses.

Member B. Cummins expressed concern that the rule requires every LEA to use this model for 7th and 8th grade, and very small LEAs would have difficulty hiring teachers to teach all the course offerings. She indicated she is supportive of the concept, but feels it needs more work.

Member Ellis suggested that small LEAs could partner with larger LEAs to offer courses. She voiced her support as she likes the flexibility it would give for parents to chart the course for their children.

Member Graviet voiced concern that the rule doesn't consider educational equity for students to be exposed to a variety of disciplines such as the arts.

Member L. Cummins indicated LEAs are already doing this and the rule would make them compliant. She also expressed support for the opportunity for parents to have a choice and suggested that counselor guidance could bring in more options for students.

Terry Shoemaker, Executive Director of the Utah School Superintendents Association, was invited to give input. He commented that counselors exist to make sure students take the required courses and to counsel with students using tools to evaluate their interests.

Member Lear expressed concerns as well that for junior high students whose parents are not engaged, those students may miss out on classes that are important. She requested more discussion before passing the rule.

Member Belnap responded that these courses are already required and the rule provides opportunities for students to excel as well as those that need more time.

MOTION from Committee that the Board approve and continue R277-700 *The Elementary and Secondary School General Core*, as amended, on second reading.

Member Belnap asked if the district superintendents have discussed the rule. Terry Shoemaker responded that an issue of major concern the superintendents have discussed is the capacity to provide world language options in very rural areas; even if students are taking the courses remotely, the school would have to hire someone to monitor the students. Also, as long as many of these things are optional and districts can opt in, that doesn't seem to be much of a problem for districts.

Member L. Cummins voiced that she would hope if the Board makes this change that the legislature will feel the need to provide more funding for counselors.

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

Ninth and Tenth Grade Test Administration

MOTION was made by Member Belnap and seconded by Member Neilson that because of new information brought to light since the Committee discussion, this item come back to Committee next month to hear that information.

Motion carried unanimously.

Digital Teaching and Learning Qualified Grant

The Committee received an update on the Digital Teaching and Learning Qualified Grant.

Health Standards

The Health Standards were last updated in August 2009. Staff presented a proposed timeline and estimated costs for revising the standards.

MOTION from Committee that the Board open the Health Standards for revision.

Member Wright voiced support for the motion, citing new issues such as sexting, and

new information about nutrition, that need to be addressed.

Member L. Cummins stated that there is a major force in Alberta, Canada and some states regarding teaching comprehensive sex education, which is a concern for her as that would be contrary to community values and principles.

Member Ellis concurred and voiced that until she sees a willingness to create Utah standards she cannot support a revision.

Member Riebe expressed support for the motion, expressing that the Board can move cautiously and have a very thoughtful curriculum that would prevent children from learning from information that is exaggerated and incorrect.

Member Hansen reminded Board members that the Board is in charge of the standards. Utah is very conservative and it doesn't make sense that the Board would include liberal thinking in the standards. There are issues such as bullying and drugs that need to be updated.

Member Ellis suggested that there is nothing that would prohibit a district from adding to the curriculum.

Member Riebe noted that Utah has some of the highest rates of sexual abuse and one of the ways to combat that is education.

Member Neilson stated things have changed so much in the last twenty years that there is risk by not changing the standards to help students understand the dangers and opportunities they face.

Motion carried, with Members L. Cummins and Ellis opposed.

Board Chair's Report

Chair Huntsman thanked the board for their service on committees and complimented them on the regard and respect they have for each other. He also expressed appreciation to staff for their work to prepare for this additional meeting in July.

Board Member Comments

Member Hansen reported on two conferences she attended this month—the Utah Special Education Conference and the Education Commission of the States National Forum.

She thanked staff for their work on the fantastic Special Education Conference. She noted the benefit of networking at the ECS conference and hearing different perspectives.

Member Wright reported on the National Charter Schools Conference which he attended. He observed that not just in Utah, but nationwide, there is tremendous tension between accountability and innovation in the charter world. He also reported he heard Secretary of Education Betsy DeVos, but felt there is no clarity between her rhetoric and what is actually happening.

Superintendent Dickson informed the Board that she is hearing from states that have put in applications for ESSA funding that the feedback has been disingenuous and the Department of Education has been very dictatorial about requirements in accountability systems. Nevada is the only state that has made the recommended changes to get its application passed.

Member Stokes requested information on how much revenue comes into school districts, by district, from fees and donations. It was noted that his request will be taken to Audit Committee.

Executive Session

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

Upon affirmative voice vote of all Board members present, the Board moved into Executive Session at 4:15 p.m.

Those present in Executive Session included Members Belnap, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Stokes, Warner and Wright.

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

Motion carried. The Board reconvened in open meeting at 5:37 p.m.

Information-sharing MOU to Facilitate Free and Reduced Lunch Program

The Board readdressed the Memorandum of Understanding (MOU) between the Board of Education, Department of Workforce Services, and Department of Health that was removed from the Consent Calendar for further review. The intent of the MOU is to facilitate electronic sharing of information for the eligibility of free and reduced meals and to clarify participation in the Medicaid Demonstration Project. The intent of the Demonstration Project is "to determine the potential of direct certification with Medicaid to reach children who are eligible for free and reduced school meals without households supplying an income application form for free and reduced school meals."

Matt Anderson, USBE Child Nutrition Programs, explained that the MOU presented is an extension of the current MOU already in place; the extension will allow the Board to continue in the Medicaid Demonstration Project to which the Board has committed for school years 2017 and 2018.

AAG Michael Bell informed that the federal code of regulations requires notification of parents by letter about the program, which is an opt out program. Vice Chair Ellis expressed concern that parents are not being notified in some areas. Member L. Cummins concurred and voiced that the program should be an opt in.

AAG Bell reported that he has thoroughly reviewed the agreement and the data sharing is only between entities in Utah.

MOTION was made by Member Stokes and seconded by Member Belnap that the Board approve the above-referenced Memorandum of Understanding between the Board of Education, Department of Workforce Services, and Department of Health.

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

Adjournment

MOTION was made by Member Stokes and seconded by Member Graviet that the meeting adjourn.

Motion carried. The meeting adjourned at 5:45 p.m.

BOARD WORKSHOP - July 15, 2017

The Utah State Board of Education held a workshop on July 15, 2017 at the Utah Schools for the Deaf and the Blind C. Mark Openshaw Education Center, 1655 East 3300 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members present included Chair Mark Huntsman, 1st Vice Chair Terryl Warner, 2nd Vice Chair Brittney Cummins, 3rd Vice Chair Alisa Ellis, and Laura Belnap, Janet Cannon, Lisa Cummins, Jennifer Graviet, Linda Hansen, Carol Barlow Lear, Scott Neilson, Kathleen Riebe and Joel Wright.

Members Michelle Boulter and Spencer Stokes were absent.

Others present included Sydnee Dickson, Joel Coleman, Scott Jones, Angie Stallings, Patty Norman, Natalie Grange, Emilie Wheeler and Lorraine Austin.

Call to Order

Chair Mark Huntsman called the meeting to order at 9:21 AM. Utah Schools for the Deaf and the Blind Superintendent Joel Coleman welcomed the Board to the USDB building.

Strategic Plan Review/Education Funding Requests

Vice Chair Brittney Cummins led the Board in an exercise to review the moral imperatives of Equity, Quality Learning, and System Values in the Board's strategic plan. The Board broke into small groups for discussion and to develop recommendations for additional strategies. The Board also discussed its goals outlined in the *Education Elevated* document.

Board Members discussed their role in the process of developing requests for funding and how they can better communicate the Board's requests to the legislature.

Those present also participated in multiple team-building activities.

Chair Huntsman emphasized that the focus over the next few months will be on the budget. He thanked staff for their participation and thanked Superintendent Coleman for his hospitality.

Adjournment

The meeting adjourned at 2:49 p.m.

Lorraine Austin, Board Secretary
Minutes pending approval