

UTAH STATE BOARD OF EDUCATION
MEETING MINUTES

May 4-5, 2017

STUDY SESSION - May 4, 2017

A study session of the Utah State Board of Education was held May 4, 2017 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided. The meeting commenced at 1:20 p.m.

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

Others present included: Sydnee Dickson, Scott Jones, Angie Stallings, Emilie Wheeler, Debbie Davis, Lorraine Austin, Randy Raphael, Lisa Wisham, Max Lang, Jeff Ojeda–USBE staff; Bryan Quesenberry, David Thomas–Assistant Attorneys General; Jan Ferre–Legislative Coalition of People with Disabilities; Tim Evancich–American Preparatory Academy; Christine Cooke–Sutherland Institute.

Call to Order

Chair Mark Huntsman called the meeting to order at 1:20 p.m.

Board Communications

Chair Huntsman referenced the protocol set for Board members regarding requesting information from staff, and Board members discussed how it is working.

Dr. Dickson stated that staff want to serve and support the board; however, the line gets blurred if an individual Board member gives specific direction or asks for an employee to engage in a project or gather data. Requests to give direction to staff members should go to Board leadership. Chair Huntsman noted that most of those requests will come through the Board committees.

The Board discussed getting items on the agenda. It was requested that Board leadership follow up on requests from Board members by acknowledging the request and notifying the Board member as to the disposition of the request.

Chair Huntsman reminded that the Chair and Board leadership set the agenda for Board meetings. Board members wanting an item on the agenda should approach a member of leadership, and it is helpful if two or more members are making the request. Once a request is received leadership will review the request and determine whether to place it on an agenda and when, or whether there are other resources or data that would satisfy the request.

Vice Chair Cummins referred to Board Policy 1002, the Board's rulemaking policy, and noted that the intent of the policy was for a concept discussion to come to the Board first before staff is directed to draft a rule. Vice Chair Ellis indicated it is not clear whether the policy also covers amendments or repeal.

Member Belnap expressed that everything should go through the Board's elected leadership whom the Board has empowered.

Chair Huntsman shared that Board leadership cares about all Board members and appreciates their contributions.

Legislative Follow Up

Superintendent Sydnee Dickson, Deputy Superintendent Angie Stallings, and Policy Analyst Tiffany Stanley gave an overview of some bills from the 2017 Legislative Session.

Ms. Stanley gave an overview of S.B. 220 *Student Assessment and School Accountability Amendments* and S.B. 234 *School Turnaround Amendments*.

Deputy Superintendent Stallings reviewed H.B. 168 *Kindergarten Supplemental Enrichment Program*. She explained that an issue has been identified that because of language in the bill, if a school receives TANF (Temporary Assistance to Needy Families) funds the school cannot also received funds for the state-funded enhanced kindergarten program. This greatly reduces the number of schools that can receive TANF funds. It would have been preferable to have language that prohibits supplanting the funds.

Superintendent Dickson noted that staff is working with the bill sponsor and Governor's office to work out the problem. Member L. Cummins expressed concern that Utah is moving more towards federal support and away from state support.

Superintendent Stallings gave an overview of H.B. 239 *Juvenile Justice Amendments*. The bill prohibits schools from making referrals to Juvenile Justice for habitually truant students, habitually disruptive students, or other low-level offenses. The school may refer them to other restorative justice programs.

Member Lear commented that she supports the concept, but expressed this is a tragic example of something that should never have passed without funding for schools.

Superintendent Dickson discussed H.B. 231 *Educator Evaluation Amendments* that removed language that was very prescriptive for districts.

Strategic Plan

Vice Chair B. Cummins presented an idea of how to move forward with the Board's strategic plan in order to inform the Board's budget recommendations to the legislature and other work. She proposed that each month the Board review a portion of the plan and receive detailed information about specific strategic initiatives, including inviting people to inform the Board and looking at the cost-benefit analysis. The Board would then consider whether something in the plan needs to be updated or completely overhauled. In November and December the information received would be used to help the Board finalize its legislative priorities.

Board members were supportive of the concept. Chair Huntsman directed that the strategic plan will be a standing item in the Board's study session each month.

Every Student Succeeds Act (ESSA)

Deputy Superintendent Rich Nye and Assistant Superintendent Patty Norman reviewed the federal Every Student Succeeds Act plan requirements. Dr. Nye explained that the format of the required ESSA plan has been broken out into how funds for the actual title parts and programs are being used.

Superintendent Nye indicated the initial consideration for the plan is what needs to be added to the title program response to support the Board's priorities. He stressed that ESSA doesn't drive the things Utah does in education, but that ESSA is in service of the Board's priorities. By June 2 the Board needs to provide assurances that the Board will do what is required to receive the funding for each of the title programs.

Superintendent Norman reviewed a stakeholder flowchart staff has developed at the request of the Board.

Member Riebe asked how increased input from parent and community leaders can be obtained and how Board members can help. Dr. Nye indicated staff will send the plan out to as many people as they can, but any Board member collaboration with local school boards, social media, community councils, etc. would be helpful.

Adjournment

The study session adjourned at 4:00 p.m.

UTAH STATE BOARD OF EDUCATION MEETING - May 5, 2017

A regular meeting of the Utah State Board of Education was held May 5, 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 Lisa Cummins
1 st Vice Chair Terry Warner	Member Jennifer Graviet
2 nd Vice Chair Brittney Cummins	Member Linda B. Hansen
3 rd Vice Chair Alisa Ellis	Member Carol Barlow Lear
Member Laura Belnap	Member Scott B. Neilson
Member Michelle Boulter	Member Kathleen Riebe
Member Janet A. Cannon	Member Joel Wright

Members Excused:

Member Spencer F. Stokes

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:

Jay Blain, Sara Jones, Heidi Matthews, Lisa Nenti-Bloom–Utah Education Association; Lydia Nuttall; Cade Douglas–Sevier School District; Natalie Grange, Deborah Jacobson, Diana Suddreth, Holly Todd, Lillian Tsosie Jensen, Kim Herrera–USBE staff; Clifford Rosky–Equality Utah; Valerie Valencia, David Wolf, Bryan Quesenberry, David Thomas, Michael Bell–Attorney General’s Office; Addy Wilson–student artist; Christy Wilson–parent; Cate Kundt–Utah Association of Public Charter Schools; Lori Gardner–Utah Schools to Watch; Selena Terry, McKenzie Christensen–Red Hills Middle School; Tracy Gruber–Division of Workforce Services.

Call to Order

Chair Mark Huntsman called the meeting to order at 8:07 a.m.

Executive Session

MOTION was made by Member Belnap and seconded by Member Riebe that the Board

go into executive session for the purpose of discussing pending or reasonably imminent litigation, the purchase, exchange, lease or sale of real property, and the character, professional competence, and physical or mental health of individuals.

Upon affirmative voice vote of members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Gravier, Hansen, Huntsman, Neilson, Riebe and Warner the Board moved into executive session at 8:09 a.m.

Members present in executive session included Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Gravier, Hansen, Huntsman, Lear, Neilson, Riebe, Warner and Wright, and Sydney Dickson, Angie Stallings, Bryan Quesenberry, David Thomas, Michael Bell, Ben Rasmussen, Emilie Wheeler, Lorraine Austin and Tim Donaldson.

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 10:15. A.M.

Opening Business

Member Lisa Cummins led those present in the Pledge of Allegiance.

Board Member Welcome Message

Member Scott Neilson welcomed the Board and quoted from President Trump's inaugural speech: "Education is the civil rights issue of our time." Member Neilson stated it is his belief that every Utah child should grow up and attend a great school and a school that can provide the best opportunity to help all children reach their full potential. He views it as the Board's sacred duty to secure those education rights for all Utah children. He encouraged that to fulfill that duty the Board must build a bridge of cooperation and trust and ultimately look at its role to protect the life, liberty and happiness of the beautiful young people of the state.

Introduction of New Employees

Human Resources staff member Jennifer Fitzgerald introduced the following new employees: Jerome Straseski, Kim Herrera, and Catharine Reeder.

Acknowledgment of Student Art Work

Fine Arts Specialist Cathy Jensen pointed out the art work in the Board room from Granite School District and from partners at Weber State University who oversee the Beverley Taylor Sorenson arts program in Davis School District.

Ms. Jensen reported that the Board had the privilege to purchase four pieces of art from the Utah High School Art Show. She noted that two of the artists are here today and the other two are taking the AP art exam this morning.

Sarah Hawks, Viewmont High School, presented her painting, *Illumination*. She explained that she was trying to explore the moment you understand something and it becomes clear.

Addie Wilson, Morgan High School, presented her piece, *Mercedes*. She indicated that she grew up in a more ethnically diverse neighborhood in Arkansas than where she currently goes to school, and just loved a picture of the little girl in the painting.

Ms. Jensen acknowledged the other works: *Anna Emerging*, by Kelsey Perkins from Herriman High school. The artist indicated that the painting represents solitude and vulnerability and the youthful and counterintuitive wisdom to look at our doubts and fears in the face; though Anna is half submerged in the water she is still calmly breathing.

The fourth piece, *Heaven's Reach*, is by Dallin Wilkes from Timpanogos High School. The medium is digital photography, showing a 20-minute exposure. Quoting the artist, "As we become increasingly receptive to light we experience more clarity, more joy, and more hope. Heaven is closer than we think—just look up."

Education Highlight - Schools to Watch

Cathy Jensen informed that the National Forum to Accelerate Middle Grades Reform is an organization which supports the national Schools to Watch Program based on practices, policies and implementation that meet the needs of early adolescent learners. By meeting a very strict criteria, Red Hills Middle School in Sevier School District has been recognized as the newest Utah School to Watch and will be recognized at the National Forum next month in Washington D.C.

Sevier District Superintendent Cade Douglas, principal SelenaTerry, and several students were present. Lori Gardner, Utah Schools to Watch Director, was also acknowledged.

Principal Terry reported that this initiative has been basically school driven and staff attended a Utah Schools to Watch Leadership Academy which changed their way of thinking.

Students Garrett Beard, Dallin Stewart, Sam Torgerson, Mercedes Rashon, Brinkley Douglas, and Brynn Byers gave comments about the program.

Public Comment

Lydia Nuttall - has attended the State Board of Education meetings since 2011. She was inspired by the Board's Promises to Keep vision statement which stated that the vision for Utah's public education is to secure and perpetuate freedom. As a mother she saw a void in our textbooks that principles of freedom that the youth need to know are very rarely taught. Working with the Board and office she has developed *Forgotten American Stories*, which she has sent out nationwide. Ms. Nuttall asked for the Board's help in getting the curriculum approved by the Utah Instructional Materials Commission so districts will feel comfortable using it.

Heidi Matthews, Utah Education Association - requested that as the Board looks at ESSA, the Board considers it an opportunity to address needs, and also consider the importance of authentic stakeholder input. She noted that in the law stakeholder input is to come from representatives of organizations.

Clifford Rosky, University of Utah law professor - indicated he is here on behalf of Equality Utah to discuss changes to R277-484. He thanked and applauded the Board for supporting S.B. 196 *Health Education Amendments*, stating that it was an act of creativity and courage. He thanked the Board for contemplating similar changes to Board rule and is thrilled to see all are working toward the protection and equal treatment of all Utah students. Since the law was passed lawyers on both sides have been working to make sure the legislative intent is made clear to all school districts, since thirty districts still have policies in line with the old law.

Executive Session

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

Upon affirmative voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Huntsman, Lear, Neilson, Riebe, Warner and Wright the Board moved into Executive Session at 10:50 a.m.

Those present included all Board members above, Sydnee Dickson, Scott Jones, Angie Stallings, Emilie Wheeler, Lorraine Austin, Bryan Quesenberry, Dave Thomas, Michael Bell, Ben Rasmussen, Dana Powers, and Michelle Watts.

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

Motion carried. The Board reconvened in open meeting at 12:00 p.m.

General Consent Calendar

At the request of Board members, items 5.7 - CCSSO FY18 Membership Renewal, 5.9 - Absenteeism Summit, and 5.12 - Eliminating Barriers to Educational Excellence Task Force, were removed from the Consent Calendar for further discussion.

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

Motion carried.

General Consent Calendar

- 5.1 The Board approved the minutes of its February 9-10, March 9, and March 13, 2017 meetings.
- 5.2 The Board approved contracts and contract amendments with the following: Lea(R)n, Inc.; Division of Administrative Services - Division of Facilities and Construction Management; Utah Association of Public Charter Schools; American Institutes for Research (SAGE License Agreement amendment); American Institutes for Research (contract year 2017-2018 items). Information on contracts and agreements under \$100,000 was provided for Board review.

- 5.3 The Board gave consent to renew or apply for the following grants: State Personnel Development Grant; IDEA Part B; Art Works for Kids.
- 5.4 The Board approved temporary authorizations for educator licenses as requested by the local education agencies (LEAs).
- 5.5 The Board approved the following LEA applicants to receive the High Quality School Readiness Grant funds: Grand School District, Wasatch School District, Alpine School District.
- 5.6 The Board approved sending a letter of support for the federal Hatch-Stewart National Suicide Hotline Improvement Act of 2017.
- 5.8 The Board approved the use of its logo in the second edition of the school counseling model documents.
- 5.10 An updated version of the External Research Data Sharing Agreement and Application assurances that meet the requirements of the Student Data Protection Act was provided for Board information.
- 5.11 A report of six external educational research proposals was provided for Board information.
- 5.13 A report of educator licenses process in February and March 2017 was provided for Board information.

Item 5.12 - Eliminating Barriers to Educational Excellence

Vice Chair Ellis reported that during an Executive Committee meeting Chair Huntsman suggested creating this task force to evaluate barriers that are preventing local districts from being able to educate students in their area to full capacity, and to look at laws that are conflicting and unfunded mandates. Chair Huntsman asked her to chair the task force; proposed members are Jennifer Gravier, Brittney Cummins, Lisa Cummins, and Michelle Boulter. The intent is for the Task Force to meet over the next year. Member Riebe indicated she would also like to be involved.

Chair Huntsman indicated that part of the reason for the Task Force is to respond to legislators who have asked the Board to tell them what changes are needed, what the burdens are, and what is not relevant.

Vice Chair Ellis noted that she intends to reach out to a broad spectrum with the caveat that they understand there is no promise the Board can eliminate everything that individuals or groups don't like, and that ultimately, everything must be voted on by the Board.

MOTION was made by Member Belnap and seconded by Member Riebe that the Board approve the formation of the Eliminating Barriers to Educational Excellence Task Force.

Motion carried.

Item 5.9 - Absenteeism Summit and Use of USBE Logo

Vice Chair Ellis asked for more information about the Summit including the intent of the partnership and the Board's support for the objective. Lillian Tsosie-Jensen reported that as we look at chronic absenteeism we are also looking at reasons students are absent—bullying, health and mental health issues. Data sets, not individuals, are being looked at and no security data has been breached. The intent of the collaboration is about a growing need to support our students, and absenteeism affects the academic piece. Collaboration provides partnerships for the community to build up students.

Member Ellis expressed a concern that both truancy and excused absences are lumped into one as chronic absenteeism and suggested that if specific data is isolated there could be different results. She questioned whether the idea is to shape policy and influence legislators.

Assistant Superintendent Norman referenced research that does isolate the differences in absenteeism.

MOTION was made by Member Lear and seconded by Member Gravier that the Board approve collaboration on the Absenteeism Summit and use of the Board logo.

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

5.7 - Council of Chief State School Officers (CCSSO) FY18 Membership Renewal

Member Boulter asked for an itemized list the benefits of CCSSO membership. She suggested that not paying the dues won't prevent the Board from collaborating with CCSSO and the money could be better spent elsewhere.

Superintendent Dickson explained that this organization is very important to staff work. CCSSO is a statewide membership where 52 chiefs meet together, deputies meet together, and communications staff meet together. The organization provides a great deal of non-partisan services where they cull research, and it is the convening that allows staff to work on projects. The CCSSO Board of Directors is appointed by the state education chiefs and the chiefs inform and direct the focus of the work. The group meets with the Secretary of Education and other education leaders nationally, and each state can advocate for what is needed. Dr. Dickson also noted that it is her place for professional development.

Member Boulter commented that the CCSSO structure is set up to hold the superintendents as the lawmaking body, but in Utah the State Board is the rulemaking body, and some policies they push circumvent the Board.

MOTION was made by Member B. Cummins and seconded by Member Cannon that the Board approve payment of the CCSSO FY18 membership dues.

Vice Chair B. Cummins stated that there are money thresholds set that have to be approved by the Board and this falls far below the threshold needing approval. She expressed that if the superintendent feels it has value it is under her jurisdiction.

Member L. Cummins voiced that in 2010 with the introduction of the Common Core, CCSSO, Achieve and the National Governors Association all came forward to meet and in the process CCSSO initiated the Common Core on a national basis. The spreading of the initiative went over the heads of parents, teachers, shareholders and citizens, and policies were enacted prior to public input. She also expressed concern that CCSSO is not transparent and there is an accountability issue since taxpayer money is being used.

Member Lear stated that the superintendent needs resources that she has explored that are of her choosing, and expressed that she doesn't think it is wise of the Board to limit her choice; letting her choose what she thinks benefits the staff most shows respect for her and her judgment.

Vice Chair Ellis reported that she has studied the financials of CCSSO and has run into a wall. The organization takes federal, private and taxpayer funding and lobbies at the national and state levels.

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

Executive Session Action Items

Educator Licensing Actions

MOTION was made by Member Belnap and seconded by Member Cannon that in Case No. 15-1310 the Board accept recommendation of the Utah Professional Practices Advisory Commission (UPPAC) to suspend the educator's Level 2 Secondary Education License for no less than three years from the date of Board action.

Motion carried with Member Lear opposed; Member Hansen absent.

MOTION was made by Member Belnap and seconded by Member Neilson that the Board accept the UPPAC recommendation in Case No. 16-1361 and revoke the individual's Level 1 Secondary Education License.

Motion carried; Member Hansen absent.

MOTION was made by Member Belnap and seconded by Member Neilson that the Board approve issuing a letter of warning in Case No. 17-EH8, which is different than the UPPAC recommendation of a letter of reprimand.

Motion carried, with Member Belnap opposed; Member Hansen absent.

MOTION was made by Member Belnap and seconded by Member Boulter that the Board accept the UPPAC recommendation in Case No. 16-1346 to suspend the educator's Level 1 Secondary Education License for no less than two years from the date of Board action.

Motion carried; Member Hansen absent.

MOTION was made by Member Belnap and seconded by Member Riebe that the Board accept the UPPAC recommendation in Case No. 16-1368 to suspend the educator's license for a period of no less than six months from the date of Board action.

Member Wright indicated he will not be voting in favor of the motion as he thinks this is a critical moment in the fight against pornography and believes accepting the recommendation sends the wrong message. He felt UPPAC made the recommendation because they felt bound by the Board's guidelines. Member Neilson concurred. Member Cannon suggested that a letter of reprimand would be a more appropriate action. Member Lear also agreed and noted that the presumptions can vary based on the circumstances of the case.

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

MOTION was made by Member Lear and seconded by Member Cannon that in Case No. 16-1368 the Board direct staff to renegotiate the consent to discipline for a letter of reprimand to be in place for an appropriate time.

UPPAC Executive Secretary Ben Rasmussen indicated the usual amount of time would be two years.

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

MOTION was made by Member Belnap and seconded by Member Riebe that the Board accept the UPPAC recommendation in Case No. 17-1395 to issue of letter of reprimand.

Motion carried, with Member Lear abstaining; Member Hansen absent.

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

MOTION TO AMEND was made by Member Belnap and seconded by Member Boulter that Case No. 17-76 be removed from the UPPAC Consent Calendar.

Motion to amend carried.

Motion carried; Member Hansen absent.

Utah Special Education Panel (USEAP) Appointments

MOTION was made by Member Belnap and seconded by Member Cannon that the Board appoint the following to USEAP for three-year terms: Allyson White, representing charter schools; Mary Ann Nielson, representing homeless education administration; Deanne Shields, Laura Lee Gillespie, Amanda Longwell, Karen Lancaster, Karla Stirling, Summer Gunn, Amy Nicholson and Amanda Powell—representing individuals with disabilities/parents of students with disabilities; Mallory Poole, Emma Borrman, JoAnn Plant— representing teachers of students with disabilities.

Motion carried; Member Hansen absent.

Trust Advisory Committee Appointments

MOTION was made by Member Belnap and seconded by Member Cannon that the Board appoint the following the Board's Trust Advisory Committee for two-year terms: Jennifer Mayer-Glenn, representing the Advisory Committee for Equity of Educational Services for Students; Steven C. Davis, representing the charter school community.

Motion carried; Member Hansen absent.

Advisory Committee for Equity of Educational Services for Students (ACEESS) Appointment

MOTION was made by Member Belnap and seconded by Member Cannon that the Board appoint Emilie Martinson, representing Pacific Islander Americans, to a second term, ending August 2019.

Motion carried; Member Hansen absent.

Utah High School Activities Association (UHSAA) Appeals Panel

MOTION was made by Member Belnap and seconded by Member Cannon that the Board appoint the following to the UHSAA Appeals Panel: Chris Anderson, representing a judge or attorney, for a three-year term; Martell Menlove, representing a retired educator, principal or superintendent, for a two-year term; Mae Miya, representing a retired athletic director or coach, for a three-year term.

Motion carried; Member Hansen absent.

Monthly Budget Report

Deputy Superintendent Scott Jones and Finance Director Deborah Jacobsen gave a budget report for the month ending March 2017. Superintendent Jones indicated that overall the office remains in a great financial position, with 83 percent of the budget expended. He noted that there is a higher expenditure rate in some budgets due to reimbursement of federal dollars to local education agencies in the fourth quarter. He also reported on the discretionary fund.

Superintendent Jones gave an update on the physical relocation of the all areas under School Finance into one area. He expressed that the change has provided for better understanding of policies and procedures, more collaboration and effective training, and better policy directions and guidance, especially in establishing the budgets.

Superintendent Jones announced that for the first time the Board will have the ability before July to see what the proposed budgets for next fiscal year will be. The budgets come back for approval in June. He thanked accounting staff and the section directors for their efforts.

Aspire Student Information System

Deputy Superintendent Jones reported on the process related to Aspire following the release of the Aspire audit from the Office of the Legislative Auditor General. The Finance Committee has asked the Board's attorneys for an opinion on the legality of charging a fee or not for Aspire.

Assistant Attorney General Michael Bell reported that he is currently awaiting an opinion from the anti-trust section of the Attorney General's Office.

Superintendent's Report

Superintendent Dickson voiced appreciation for the Board's discussion yesterday on navigating the strategic plan. She will send a link to the Board to the Intergenerational Poverty Commission's plan, in which education is woven throughout.

Dr. Dickson reported on her plan to bring a name for the Deputy Superintendent position that is being vacated by Deputy Superintendent Rich Nye to the Board in June for ratification.

Dr. Dickson reported that next week is National Teacher Appreciation Week. On May 10 she will be hosting an education chat with teachers and has also written an op-ed on teachers.

The Superintendent announced that four Utah students were recently named as Presidential Scholars, including two for Career and Technical Education. The nominating teacher is also named as a distinguished teacher. Those honored are: Ann Clark, Timpview High School (teacher–Denise Abbott); Raymond Lee, Logan High School (teacher–Jason Sow); Kathy Lu, West High School (teacher–Melissa Anderson); and Marin Murdock, Herriman High (teacher–Julie Anna Wing).

Audit Committee Report

Committee Chair Terryl Warner reported that the Audit Committee has discussed having the audit staff look at some performance based measures and following up on previous audits.

Release of Internal Audit Reports

MOTION from Committee that the Board release the audit reports for Davis School District and Athenian eAcademy publicly and require each of the respective LEA boards to submit a corrective action plan and timeline within sixty days and a letter one year from the audit release date with a corrective action status.

Motion carried; Members Hansen and Wright absent.

Standing Committee Reports/Recommendations from April and May

FINANCE COMMITTEE

Committee Vice Chair Joel Wright reported on the following items from the Committee's April 21 and May 4 meetings.

Approval of Previous Meeting Minutes

The Committee approved the minutes of its February 9 and April 21, 2017 meetings.

Section Budget Reviews

The Committee received budget reports from the Student Advocacy Services, Internal Audit, Assessment and Accountability, and Teaching and Learning sections in April. The Committee received budget reports from the USBE, State Charter School Board, Minimum School Program, Financial Operations, Data and Statistics, and Internal Technology in its May meeting.

R277-479 Charter School Special Education Student Funding Formula

The Committee received information about the 12.8 percent cap for school districts on prevalence rates for special education funding. Charter schools do not have a cap. Districts can serve students over the 12.8 percent cap; however, they will not receive funding for serving those students. It was noted that the Finance Committee requested more information on how the cap was determined.

The Committee approved and continued R277-479, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-479 *Charter School Special Education Funding Formula*, as amended, on second reading.

Motion carried; Member Hansen absent.

Ignite Entrepreneurship Academy Revolving Loan Payment

The Committee reviewed information that Ignite Entrepreneurship Academy has delayed its opening date until August 2018; therefore the school is not entitled to receive funding for students until FY 2019. Currently the school's revolving loan payment is due beginning July 2017 (FY18). The school has requested the payment start date be delayed to

coincide with the start of funding. The school understands that the maturity date of the loan will remain the same as in the original promissory note.

Member Wright disclosed that his law firm represents the school.

MOTION from Committee that the Board approve delaying the revolving loan payment for Ignite Entrepreneurship Academy for one year.

Motion carried, with Member Wright abstaining; Member Hansen absent.

Aspire Student Information System Audit

Staff from the Office of the Legislative Auditor General presented the results of Report Number 2017-03, *A Performance Audit of USBE's Aspire Student Information System* to the Committee.

MOTION from Committee that the Board direct its attorneys to provide an opinion on whether or not it is legal to continue providing Aspire services to LEAs.

Motion carried.

USBE Timeline for Implementation of State Level Grants Management System

The Committee received information regarding the project timelines and milestones for implementation of the grants management system.

Charter School Funding

The Committee received information and comments on the enrollment cap for charter schools. The Committee directed Assistant Superintendent Natalie Grange to work with the Governor's Office of Management and Budget and the Legislative Fiscal Analyst on how budgetary numbers are determined and update the Committee in its June meeting.

IDEA Application for Funding Review

Per requirement of the Individuals with Disabilities Education Act, the Part B application for federal funds must be posted for at least 60 days for review and 30 days for public comment. The Committee provided an opportunity for comment, but none was given.

R277-122 Board of Education Procurement

New rule R277-122 was drafted to address one of the provisions of S.B. 127 *State Board of Education Amendments* providing the Board independent procurement authority. The Committee approved the rule on first reading.

MOTION from Committee that the Board approve R277-122 *Board of Education Procurement* on second and final reading and direct staff to file the rule with the Office of Administrative Rules.

Motion carried unanimously.

Taxing Entity Committee (TEC) to the Ogden City Redevelopment Agency for the Trackline Economic Development Project Area – Extension of Existing EDA Time Line and Increase in Tax Increment Revenue

The Committee heard information regarding a request from Ogden City Redevelopment Agency for the Trackline Economic Development Project Area to obtain approval from the TEC to extend the EDA project twelve years and increase the budget by \$8 million dollars.

MOTION from Committee that the Board approve its TEC representative to vote consistent with the local school district.

Motion carried, with Member Wright opposed.

Child Nutrition Program (CNP) Audit and Withholding or Payback of Funds

The Committee received an update on withholdings to charters or requests for payback of funds because of non-compliance for meal reimbursements related to onsite administrative reviews.

R277-110 Legislative Supplemental Salary Adjustment

The Committee reviewed options for potential amendments to R277-110 and recommended that local education agencies maintain compliance for reporting unsuccessful ratings for the educator salary adjustment.

R277-485 Loss of Enrollment

The Committee reviewed proposed amendments to R277-485 to update the procedures for an LEA to apply for loss of enrollment funding. The Committee approved and continued the rule, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-485 *Loss of Enrollment*, as amended, on second reading and direct staff to investigate the intent of the rule and seek legislative change if necessary.

Motion carried unanimously.

R277-753 LEA Reporting Requirements for Section 504 Students

In its April meeting the Committee discussed information concerning collecting data on the number of students who receive 504 services, in order to reimburse LEAs for the costs associated with serving students who qualify for a 504 plan as outlined in S.B. 61 *Students with Disabilities Accommodations Funding* passed in the 2017 Legislative Session.

New rule R277-753 was developed in response to the legislation. The Committee made one amendment to line 67, to change "acquire" to "acquired." The Committee approved the rule on first reading, as amended.

MOTION from Committee that the Board approve new rule R277-753 *LEA Reporting Requirements for Section 504 Students*, as amended, on second reading.

Motion carried unanimously.

R277-460 Distribution of Substance Abuse Prevention Account

The Committee reviewed proposed amendments to R277-460 to change the .5 FTE to a full-time position because of the growing need with substance abuse prevention and costs associated with support staff. The rule was also amended to provide more flexibility to LEAs to create their own substance abuse programs within the guidelines of the rule.

The Committee made additional amendments and approved Revision 1 on first reading.

MOTION from Committee that the Board approve R277-460 Revision 1 *Distribution of Substance Abuse Prevention Account* on second reading.

Motion carried unanimously.

Fiscal Year 2016 Financial and Single Audit Report

The Committee received the report.

STANDARDS AND ASSESSMENT COMMITTEE

Committee Chair Laura Belnap reported on the following items from Committee's April 26 and May 4, 2017 meetings.

Approval of Meeting Minutes

The Committee approved the minutes of its February 9 and April 26, 2017 meetings.

R277-733 Adult Education Programs

The Committee reviewed R277-733 in accordance with the five-year review requirement in the Administrative Rulemaking Act. Proposed amendments included significant definition and procedural changes. The Committee approved the rule for amendment and continuation on first reading.

MOTION from the Committee that the Board approve and continue R277-733 *Adult Education Programs*, as amended, on second reading.

Motion carried.

R277-911 Secondary Career and Technical Education

The Committee reviewed R277-911 in accordance with the five-year review requirement in the Administrative Rulemaking Act. Amendments to definitions and terminology were proposed. The Committee approved the rule for amendment and continuation on first reading.

MOTION from Committee that the Board approve and continue R277-911, as amended, on second reading.

Motion carried.

Utah Special Education Advisory Panel (USEAP) Minutes

The Committee reviewed the February 17, 2017 minutes of USEAP and requested information on how school counselors and psychologists are trained to evaluate students that might need special education services.

R277-735 Corrections Education Programs

The Committee reviewed proposed amendments to R277-735 to address procedural changes. The Committee approved and continued the rule on first reading.

MOTION from Committee that the Board approve and continue R277-735 *Corrections Education Programs*, as amended, on second reading.

Motion carried.

R277-489 Early Intervention Program

The Committee reviewed R277-489 in accordance with the five-year review requirement in the Administrative Rulemaking Act, and reviewed proposed changes to the rule to mandate that LEAs use the common kindergarten assessment tool. The Committee approved and continued R277-489, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-489 *Early Intervention Program*, as amended, on second reading.

Member Warner noted that the assessment is not required and expressed concerns with the nearly \$3 million cost, targeting children at four and five years old, and giving unnecessary training to kindergarten teachers.

Member Riebe reported that she has received some input from smaller LEAs and kindergarten teachers and they are concerned about the time the assessment will take.

Member L. Cummins voiced concern over the gathering of social/emotional data.

Vice Chair B. Cummins spoke in favor of the rule, stating that an assessment is required in statute, and the assessment may open doors of opportunity and will inform the Board of the effectiveness of kindergarten.

Chair Huntsman invited Terry Shoemaker, Executive Director of the Utah School Superintendents Association, to respond. Mr. Shoemaker reported that the impetus came initially from the business community interested in obtaining more funding for early childhood programs. As a result of the interest, he gathered individuals to work with Board staff on an assessment.

Member L. Cummins stated that this push is part of the Common Core.

MOTION was made by Member Belnap and seconded by Member Boulter that this item be postponed to later in the day until more information can be gathered.

Motion carried.

Chair Huntsman expressed his disagreement that this assessment is part of the Common Core or an attempt to gather data. He indicated that for that last 12-14 years he has been a strong advocate for all and any early intervention programs because he has seen the benefit. The question is how to measure the benefits.

Superintendent Dickson clarified that this is a screener, which is a formative tool, and has been created by the LEAs.

Vice Chair Ellis asked where the data will be kept. Sydney Carter, Assessment Development Coordinator, indicated the data will be on the Board's Data Gateway. Member Ellis requested Ms. Carter to let the Board know what data points will be gathered and what data was being gathered prior to the assessment.

R277-484 Data Standards

The Committee reviewed proposed amendments to R277-484 to incorporate the new USBE Data Governance Plan by reference. The Committee approved the rule for amendment and continuation on first reading.

MOTION from Committee that the Board approve and continue R277-484 *Data Standards*, as amended, on second reading.

Motion carried.

R277-923 American Indian and Alaskan Native Education State Programs

The Committee reviewed proposed amendments to R277-923 to add reference to a new pilot program to fund stipends, recruitment, retention, and professional development of teachers who teach in American Indian and Alaskan Native concentrated schools. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-923 *American Indian and Alaskan Native Education State Programs* on second reading.

Motion carried.

R277-410 Accreditation of Schools

The Committee reviewed proposed amendments to R277-410 to remove references to specific accrediting bodies. The Committee approved and continued the rule, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-410 *Accreditation of Schools*, as amended, on second reading.

Motion carried.

Funding Professional Outreach of Programs in Schools (POPS)

The Committee received information that the current POPS organizations unanimously recommend full POPS status for Spy Hop, Timpanogos Storytelling, and Utah Film Center. The Committee also discussed the distribution of the additional \$150,000 appropriated by the legislature for the program.

MOTION from Committee that the Board approve the split of the \$150,00 funding appropriated for POPS by the percentages the organizations currently receive, and that the three provisional organizations—Spy Hops, Timpanogos Storytelling, and Utah Film Center— be made full member organizations.

Motion carried.

STEM (Science, Technology, Engineering, Mathematics) School Designation

The Committee reviewed a recommendation for eight schools to be awarded the designation of STEM School as a result of a process outlined in statute and review of the schools' applications.

MOTION from Committee that the Board approve the eight schools presented to receive the STEM School designation.

Motion carried, with Member Neilson opposed. Member Neilson explained that he is not in favor of this kind of differentiation between schools.

The eight schools awarded the STEM School designation are Creekview Elementary, Endeavour Elementary, Foothill Elementary, George Washington Academy, New Bridge Elementary, Utah Virtual Academy, Westridge Elementary and Willow Elementary.

Digital Teaching and Learning Qualified Grant

The Committee received an update of the Digital Teaching and Learning grant.

R277-489 *Early Intervention Program* - continued

Deputy Superintendent Angie Stallings read from Utah Code 53A-17a-167 that the Board shall develop a kindergarten assessment, and any LEA who receives money for the kindergarten supplemental enrichment program is required to administer the kindergarten entry and exit assessments. She reported that the High Quality School Readiness Expansion also requires an assessment.

Member Belnap questioned how many schools are taking the grant money for the enrichment program. Educational Coordinator Jennifer Thronsen reported that 100 percent of the school districts and the majority of charter schools receive funding from the grant.

Member L. Cummins cautioned that teachers gathering and inputting the data need adequate training to ensure data isn't entered improperly, which could cause severe harm to a child. Ms. Thronsen assured that there are protocols in place to protect the data.

MOTION was made by Member Belnap and seconded by Member Cannon that R277-489 be taken off the table.

Motion carried.

The Board readdressed the motion pending for the Board to approve and continue R277-489 *Early Intervention Program*, as amended, on second reading.

MOTION TO AMEND was made by Member Belnap and seconded that the Board direct staff to remove the social-emotional skill observation inventory of the kindergarten assessment from the state level data.

Motion to amend carried.

Motion carried, with Members Boulter and Ellis opposed.

Utah Early Childhood Technical Assistance Project Annual Report

The Report was presented to the Committee.

UPSTART Annual Report – Cohort 7

The Report was presented to the Committee. The Committee directed staff to find out what data points/algorithms are being gathered on participants and how the parents of participants are being notified of that information.

R277-618 Educator Peer Assistance and Review Pilot Program (PAR Program)

Staff reviewed R277-618 in accordance with the five-year review requirement in the Administrative Rulemaking Act and determined the rule is no longer necessary as both the law and funding have been repealed. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board approve repeal of R277-618 *Educator Peer Assistance and Review Pilot Program (PAR Program)* on second reading.

Motion carried; Member Wright absent.

R277-408 Grants for Online Testing

Staff reviewed R277-408 in accordance with the five-year review requirement in the Administrative Rulemaking Act and determined the rule is no longer necessary as grants for

online testing have been phased out. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board approve repeal of R277-408 *Grants for Online Testing* on second reading.

Motion carried unanimously.

R277-493 *Enhanced Kindergarten TANF Grant Program*

New rule R277-493 was created as a result of H.B. 168 *Kindergarten Supplemental Enrichment Program* passed during the 2017 Legislative Session. The Committee approved the rule on first reading.

MOTION from Committee that the Board approve R277-493 *Enhanced Kindergarten TANF Grant Program* on second reading.

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

General Core Requirements and R277-700 *Middle School Core Requirements*

The Committee reviewed four options prepared by staff for potential revision to R277-700 *General Core Requirements* that give local education agencies varying levels of responsibility and flexibility. The Committee requested that in the third option the Carnegie Unit be removed. Member Belnap clarified that if the changes are made no LEA will be required to implement them.

MOTION from Committee that the Board adopt the option in column three (without the Carnegie Unit listed) for the middle school requirements and direct staff to amend R277-700 to reflect those changes and bring back to the committee in June.

The option in column three focuses on student/LEA shared responsibility requirements.

Vice Chair B. Cummins indicated she is not in support of the motion as the Board established a task force a few months ago to visit this in a holistic view and would like to wait for task force recommendations before making changes. Member Hansen concurred.

Member Boulter voiced support of the change because it allows the electives to be parent led.

Member Lear also recommended waiting as this is a major shift that would require changes in scheduling, numbers of teachers and hiring practices. She suggested getting more information from districts, charter schools, teachers, and parents generally to determine if it will be more helpful.

Member Gravier added that she worries about anything that will dilute equity and a well-rounded education.

Member Ellis suggested that what individuals value may differ and by requiring more courses, students could be unable to take other courses that are of value to them. She believes providing more choice is the equitable option.

Member Hansen suggested the Board's Advisory Committee for Equity of Education Services for Students (ACEESS) also review the options prior to the Board making a decision.

Member Cannon stated that she is on the task force and feels this is premature and suggested that financial inputs to LEAs may be needed.

Member L. Cummins noted that districts can allocate money based on the demand of classes their community needs and suggested that state financial support shouldn't be needed.

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

Physical Education Guideline

The Committee received information regarding the Physical Education required courses and competency in April and additional information in May.

MOTION from Committee that the Board approve the Physical Education Guideline as presented.

Motion carried unanimously.

Fidelity Measures in Early Intervention Software Program for K-3 Reading

The Committee received information that 84 percent of the districts or schools did not use the early intervention software for K-3 reading with fidelity this year. The Committee directed staff to draft a rule regarding the K-3 early interventions software program and bring to the committee in June.

LAW AND LICENSING COMMITTEE

Committee Chair Linda Hansen reported on the following items from the Committee's April 21 and May 4 meetings.

Approval of Committee Minutes

The Committee approved the minutes of its February 9 and April 21 meetings.

Early College Coursework Outline

The Committee reviewed information presented by staff regarding ways to increase and retain enrollment for under-served populations in early college courses, and requested additional information.

R277-103 USBE Government Records and Management Act

Staff reviewed R277-103 in accordance with the five-year review requirement in the Administrative Rulemaking Act and determined it is no longer necessary because it is largely repetitive of provisions in the GRAMA statute. The Board approved repeal of the rule on first reading.

MOTION from Committee that the Board repeal R277-103 *USBE Government Records and Management Act* on second reading.

Motion carried.

R277-467 Distribution of Funds Appropriated for Library Media Materials and Electronic Resources

Staff reviewed R277-467 in accordance with the five-year review requirement in the Administrative Rulemaking Act and determined it is no longer necessary because the provisions of the rule are repetitive of the statutory provisions. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board approve repeal of R277-467 *Distribution of Funds Appropriated for Library Media Materials and Electronic Resources* on second reading.

Motion carried.

R277-609-4 Standards for LEA Discipline Plans and Emergency Safety Interventions - LEA Responsibilities to Develop Plans

The Committee reviewed proposed amendments to R277-609-4 as a result of H.B. 92 *Physical Restraint in Schools*, passed in the 2017 Legislative Session. The Committee approve the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-609-4 *Standards for LEA Discipline Plans and Emergency Safety Interventions - LEA Responsibilities to Develop Plans*, as amended, on second reading.

Motion carried.

R277-488 Critical Languages Program

The Committee reviewed R277-488 in accordance with the five-year review requirement in the Administrative Rulemaking Act. Amendments were made for technical and conforming changes. The Committee approved and continued the rule, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-488 *Critical Languages Program*, as amended, on second reading.

Motion carried.

R277-502 Educator Licensing and Data Retention

Staff presented to the Committee four options for amendments to R277-502 for revisions to the entrance requirements for approved Utah Educator Preparation Programs. The Committee approved and continued R277-502 version 5.1 Revised on first reading.

MOTION from Committee that the Board approve and continue R277-502 Version 5.1 Revised on second reading.

Member Hansen indicated there is concern that this is counter to what the Licensing Task Force is doing.

Educator Licensing Director Travis Rawlings was asked to provide information. He reported that Option Four Version five states that the Board will direct entrance requirements, but places no restrictions on what those requirement should be.

Member Hansen also expressed concern that there is also an accreditation body that gives requirements for educators and if the Board eliminates all of its oversight, then a national accreditation group will have that oversight.

Member Neilson voiced that he is in support of the rule because he doesn't believe the Board should determine for universities who to admit to their schools. Individuals will still have to meet the Board's standards for licensing.

Superintendent Dickson provided some historical context indicating that the Board has worked hard with deans of the colleges of education to improve their programs. She would be very concerned with the Board doing away with entrance requirements.

Deputy Superintendent Stallings noted that this rule is up for its five-year review and will expire on August 14 unless the Board files a continuation.

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

Member Hansen asked that R277-502 be referred to the Licensing Task Force.

It was noted that the rule will come back next month for continuation only.

New Statutory Requirements for Bullying, Hazing and Abusive Conduct

The Committee reviewed requirements in S.B. 161 *Bullying and Hazing Amendments* and H.B. 62 *Educator Rights Amendments*, passed in the 2017 Legislative Session, for the Board to address in rule several items regarding bullying, hazing and abusive conduct.

The Committee directed staff to create a subcommittee including Board members, staff, parents, LEAs and outside participants to look at the requirements.

R277-514 Deaf Education in Public Schools

The Committee reviewed new rule R277-514 and made amendments. The Committee approved the rule on first reading.

MOTION from Committee that the Board approved R277-514 *Deaf Education in Public Schools*, on second reading.

Motion carried; Members Ellis and Neilson absent.

R277-520 Appropriate Licensing and Assignment of Teachers

The Committee reviewed proposed amendments to R277-520 that incorporate the provisions of R277-514 and provide technical and conforming changes. The Committee approved and continued the rule on first reading.

MOTION from Committee that the Board approve and continue R277-520, as amended, on second reading.

Motion carried.

The Committee directed staff to work with the Board's Licensing Task Force on the development of a Special Education Endorsement and take to the Task Force a recommendation that an applicant for a Deaf Education License Area of Concentration also be required to hold a Special Education Endorsement if the applicant plans to work with deaf and hard of hearing students that have an IEP (individualized education program).

R277-720 Child Nutrition Programs

Staff reviewed R277-720 in accordance with the five-year review requirement in the Administrative Rulemaking Act and determined the rule is no longer necessary because the

standards, procedures and programs for Child Nutrition Programs are provided for in federal and state law. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board approve repeal of R277-720 *Child Nutrition Programs* on second reading.

Motion carried; Member Neilson absent.

R277-533 *District Educator Evaluation Systems*

The Committee reviewed proposed amendments to R277-533 as a result of H.B. 231 *Educator Evaluation Amendments*, passed in the 2017 Legislative Session. The Committee approved R277-533, as amended, on first reading.

MOTION from Committee that the Board approve R277-533, as amended, on second reading.

Member Lear reported that she does not support the amendments and stated that even though the law changed she was still persuaded by the discussion from teachers that another assessment is appropriate. She believes it is more fair to have two assessments for provisional teachers.

Motion carried, with Member Lear opposed.

R277-531 *Public Educator Evaluation Requirements (PEER)*

The Committee reviewed proposed amendments to R277-531 as a result of H.B. 231 *Educator Evaluation Amendments* passed in the 2017 Legislative Session. The rule was amended to eliminate additional prescriptive requirements from the rule to give school districts more flexibility over their educator evaluation systems. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-531 *Public Educator Evaluation Requirements (PEER)*, as amended, on second reading.

Motion carried.

R277-120 *Licensing of Material Developed with Public Education Funds*

The Committee reviewed new rule R277-120 which incorporates the standards and procedures within two existing rules—R277-111 *Sharing of Curriculum Materials by Public School Educators* and R277-115 *Material Developed with State Public Education Funds*. The Committee approved the rule on first reading.

MOTION from Committee that the Board approve R277-120 *Licensing of Material Developed with Public Education Funds* on second reading.

Motion carried.

R277-111 *Sharing of Curriculum Materials by Public School Educators*

R277-115 *Material Developed with State Public Education Funds*

The Committee approved the repeal of R277-111 and R277-115 on first reading, as new rule R277-120 incorporates the standards and procedures from those rules.

MOTION from Committee that the Board approve the repeal of R277-111 *Sharing of Curriculum Materials by Public School Educators* and R277-115 *Material Developed with State Public Education Funds* on second reading.

Motion carried; Members Ellis and Wright absent.

R277-487 *Public School Data Confidentiality and Disclosure*

The Committee reviewed amendments to R277-487 as a result of the passage of H.B. 358 in the 2016 Legislative Session and S.B. 102 and S.B. 163 in the 2017 Legislative Session. The Committee approved R277-487 Revision 3 on first reading.

MOTION from Committee that the Board approve R277-487 Revision 3 on second and final reading and direct staff to file the rule with the Office of Administrative Rules.

Motion carried; Members Ellis and Wright absent.

Board Policy 3006, USBE Data Governance Plan

State statute requires the Board to establish a student data protection governance plan for student data maintained by the Board. Board Policy 3006 establishes that plan.

MOTION from Committee that the Board approve Board Policy 3006, USBE Data

Governance Plan.

Motion carried; Members Ellis and Wright absent.

R277-101 Utah State Board of Education Procedures

The Committee reviewed R277-101 in accordance with the five-year review requirement in the Utah Administrative Rulemaking Act, and reviewed proposed amendments to make the rule specific to public participation in Board meetings. The Committee approved and continued the rule, as amended, on first reading.

MOTION from Committee that the Board approve and continue R277-101 *Utah State Board of Education Procedures*, as amended, on second and reading.

Motion carried; Members Ellis and Wright absent.

R277-121 Board Waiver of Administrative Rules

New rule R277-121 was created to provide one rule with provisions that specifically apply to Board waiver of administrative rules. The Committee made amendments to the proposed rule and approved the rule on first reading.

MOTION from Committee that the Board approve R277-121 *Board Waiver of Administrative Rules* on second reading.

Motion carried; Members Ellis and Wright absent.

R277-925 Incentive for Effective Teachers in High Poverty Schools

The Committee reviewed new rule R277-925, created in response to H.B. 212 *Incentive for Effective Teachers in High Poverty Schools*, passed in the 2017 Legislative Session.

A committee motion did not pass, therefore, the committee referred the rule to the full Board for consideration.

Member Hansen reported that since the Committee meeting staff has talked with the bill sponsor, Representative Winder, and others, and they would like to meet and work together on the issues.

Chair Huntsman directed that the rule come back to the committee in June.

Member Boulter voiced her concern that this statute, and the Board rule, conflict with four other statutes stating the Board cannot tie teachers to the SAGE end-of-year assessment.

R277-474-3 School Instruction and Human Sexuality – General Provisions

The Committee reviewed amendments to R277-474-3 made as a result of S.B. 196 *Health Education Amendments*, passed in the 2017 Legislative Session. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-474-3, as amended, on second reading.

Motion carried; Member Ellis absent.

Board Chair's Report

Chair Huntsman reported on issues with the building for American Preparatory Academy. Several temporary construction permits have been issued and the one currently in place will expire today. The school's governing board has been put on notice that the Board will not issue a permanent construction permit until they address requirements from the state fire marshal concerning access and from the building inspector on safety-related items.

Assistant Superintendent Natalie Grange reported that the fire marshal has cleared the school regarding the emergency access. Staff is still waiting on word from the building inspector on the safety issues. Once those issues are cleared, a permanent permit will be issued.

Chair Huntsman reported that the National Association of State Boards of Education annual conference falls on the dates of the November Board meeting. Member Hansen asked for consideration of moving the November meeting.

Chair Huntsman announced that the August Finance meeting has been moved from August 3 to July 27.

Board Member Comments

Vice Chair Cummins voiced, in the spirit of Teacher Appreciation Week, a heartfelt thanks to all teachers, many of whom have been truly transformational to her children.

Adjournment

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

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

Lorraine Austin, Board Secretary
Minutes approved June 2, 2017