

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

November 1-2, 2018

UTAH STATE BOARD OF EDUCATION MEETING

A meeting of the Utah State Board of Education was held November 1, 2018 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members Present:

Chair Mark Huntsman	Member Jennifer Graviet
First Vice Chair Brittney Cummins	Member Linda B. Hansen
Second Vice Chair Alisa Ellis (by phone)	Member Carol Barlow Lear
Member Laura Belnap	Member Kathleen Riebe
Member Michelle Boulter	Member Scott B. Neilson
Member Janet A. Cannon	Member Spencer F. Stokes
Member Lisa Cummins	Member Joel Wright

Executive Staff Present:

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

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

David Thelen; Jay Blain, Heidi Matthews—Utah Education Association; Stacey Worthen—Utah School Counselors Association; Norma Villas—Jordan School District; Jan Ferré—Legislative Coalition for People with Disabilities; Erin Preece, Adam Long—South Jordan RDA; Greg Fredde, Rob Scott—Merit Medical; Avalie Muhlestein; Jennie Earl; Rich Young—Pearson; Marc Wattorson—AMA; Cindy Davis; Jake Dinsdale, Brian Dean—Legislative Auditor General’s office; Wendy Hart—U.S. Parents Interested in Education; LeAnn Wood—Utah PTA; Sandy Shepard—Scholar Academy; Lucia Miramontes; Zac Christensen, Natalie Grange, Darin Nielsen, Leah Voorhies, Emilie Wheeler, Debbie Davis, Keith Lawrence, Jerry Record—USBE staff

Call to Order

Chair Mark Huntsman called the meeting to order at 8:13 a.m.

Executive Session

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

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Hansen, Huntsman, Lear, Riebe and Warner, the Board went into Executive Session at 8:10 a.m.

Those attending included the Members above, Member Wright, and Sydnee Dickson, Lorraine Austin, Jeff Van Hulten, Angie Stallings and Emilie Wheeler.

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

Motion carried. The Board came out of Executive Session at 9:14 a.m.

Opening Business

The Board reconvened in open session at 9:25 a.m. Member Lisa Cummins led those present in the Pledge of Allegiance.

Board Member Message

Member Laura Belnap welcomed the Board. She referenced the book, *365 Thank You's* by John Kralik, and shared how she took on his mantra to thank someone every day for 365 days; the first person to whom she sent a thank you note was Maynard Whitesides, her 5th grade teacher who changed her life. She expressed that being thankful also means being kind, and the two go hand in hand. She gave thank you notes to Board members and staff along with the book, *A Simple Act of Gratitude*. Member Belnap ended her remarks by offering an invocation.

Employee Recognition

Karen Heaton, H.R., facilitated the introduction of the following employees: Meg Kallas, Joel Marquez, Lana Kopecky, Teran Selin, Jenny Hamilton and Jessica Kallin.

Superintendent Sydnee Dickson introduced the Employee of the Month, Marlene Ruff, from the IT Section.

Acknowledgment of Student Artwork

Educational Specialist Joleigh Honey informed the Board about the artwork hanging in the Board Room from 4th grade students in Alpine School District and students at East High School.

Public Comment

Heidi Matthews, President, Utah Education Association – shared that many teachers have joined the national *Red for Ed* movement for public education. Like other states, Utah teachers see the impacts of chronic underfunding and are uniting collectively into action; but unlike other states, Utah teachers are not protesting. The UEA has had the opportunity to collaborate with the State Board, Public Education Coalition and business partners to look at increased funding for public education. UEA's focus has been on Ballot Question 1, but regardless of what happens in the election on November 6, the needs of our students will still remain. UEA asks the Board to consider in its budget priorities four areas on which the UEA is focused: individual student attention, addressing the teacher shortage, student equity, and student health and safety.

David Thelen – shared with the Board a possible way to reduce school suspensions during class and teens' delinquent behavior after school. He referenced the term, HALT, which stands for hungry, angry, lonely and tired. He focused his remarks on the effects of being hungry on behavior. He suggested that schools could conduct a test to see if there are correlations between being hungry and behavior by giving students mid-morning and mid-afternoon snacks, then having teachers record whether the behavior of students improves when they are fed. He also suggested that police who retain students for bad behavior could inquire if the individuals are hungry or when was the last time they ate. He further suggested that grocery stores and restaurants could be contacted to donate and transport food to schools for the extra snacks.

Lucia Miramontes, University of Utah student – addressed an article she saw in the *Deseret News* concerning the Board receiving an \$8.4 million grant to target student mental health issues. As a beneficiary of the Americans with Disabilities Act who has dealt with mental

health issues all her life, she has and continues to receive help in her school and career. The districts receiving the grant—Alpine, Cache and Jordan—are districts with high percentages of graduates. She expressed hope that the program could spread to all districts in order to better provide services for economically disadvantaged students.

General Consent Calendar

At the request of Member Hansen, item 4.6 Requests for Temporary Authorizations was pulled from the Consent Calendar.

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

Motion carried unanimously; Members Ellis, Gravier and Stokes absent.

Consent Calendar

4.1 Approval of Minutes

The Board approved the minutes of its October 4, 2018 meeting. [For additional details, see General Exhibit No. 18-382.]

4.2 Contracts/Agreements for Approval

The Board approved contracts and agreements over \$100,000 with the following entities: Utah Education and Telehealth Network; Bridgerland Technical College; Department of Human Services; Garfield School District. [For additional details, see General Exhibit No. 18-383.]

4.3 Contracts/Agreements for Review

The Board was provided for review contract and agreements under \$100,000 with the following entities: Regents of the University of Minnesota through its ICI; Dynamic Internet Solutions; Karen Kowalski; University of Kansas Center for Research, Inc.; Brigham Young University McKay School of Education; SPEDSIS; HMB Information System Developers; Utah Afterschool Network; Garfield School District; Utah Science Teachers Association; The Hanover Research Council; Wallace Calder; Utah Department of Administrative Services; University of Utah College of Education Recharge Center. [For additional details, see General Exhibit No. 18-383.]

4.4 Grant Application Approval

The Board gave approval for staff to apply for the private grant, *Strategies for Attracting Students to High Quality Career and Technical Education*. [For additional details, see General Exhibit No. 18-384.]

4.5 Board Policy 2001 Board Member Salary, Attachment 1

The Board approved changes to Board Policy 2001, Attachment 1 as submitted. [For additional details, see General Exhibit No. 18-385.]

4.6 Temporary Authorizations for Licensure

This item was pulled from the Consent Calendar for further discussion.

4.7 Expanded Eminence Authorizations

The Board granted Expanded Eminence authorizations for work in the schools on a limited basis as submitted by LEAs. [For additional details, see General Exhibit No. 18-386.]

4.8 Internal Data Requests

The Board approved data sharing agreements as requested by Dr. Kaitlin Bundock for Utah State University and Jessica Dwyer for the University of Utah. [For additional details, see General Exhibit No. 18-387.]

4.9 R277-470 Charter Schools – General Provisions

The Board repealed R277-470 *General Provisions* on final reading. [For additional details, see General Exhibit No. 18-388.]

4.10 R277-481 Charter School Oversight, Monitoring, and Appeals

The Board repealed R277-481 *Charter School Oversight, Monitoring, and Appeals* on final reading. [For additional details, see General Exhibit No. 18-389.]

4.11 R277-482 Charter School Timelines and Approval Processes

The Board repealed R277-482 *Charter School Timelines and Approval Processes* on final reading. [For additional details, see General Exhibit No. 18-390.]

4.12 R277-509 Licensure of Student Teachers and Interns

The Board approved R277-509, *Licensure of Student Teachers and Interns*, Draft 1, on final reading. [For additional details, see General Exhibit No. 18-391.]

4.13 R277-600 Student Transportation Standards and Procedures

The Board approved R277-600 *Student Transportation Standards and Procedures*, Draft 1, on final reading. [For additional details, see General Exhibit No. 18-392.]

4.14 R277-437 Student Enrollment Options

The Board approved R277-437 *Student Enrollment Options*, Draft 1, on final reading. [For additional details, see General Exhibit No. 18-393.]

4.15 FY2018 Closing Package Report

The Board was provided with the report. [For additional details, see General Exhibit No. 18-394.]

4.16 List of Educator Licenses Processed

The Board was provided with a list of educator licenses processed in September 2018. [For additional details, see General Exhibit No. 18-395.]

4.17 Co-sponsorship

The Board was provided with information regarding a health and PE conference co-sponsorship. [For additional details, see General Exhibit No. 18-396.]

4.18 High Quality School Readiness Program Expansion

The Board was provided with a report of the program. [For additional details, see General Exhibit No. 18-397.]

4.19 UPSTART Evaluation

The Board was notified that an evaluation report will be submitted to the legislature before November 30.

4.20 Interventions for Reading Difficulties Pilot Program

The Board was provided with a report of the program. [For additional details, see General Exhibit No. 18-398.]

Temporary Authorizations for Licensure

Member Hansen expressed a concern that there are many requests for authorizations for individuals that are underqualified and not enrolled in a program to become licensed, particularly for Special Education teachers. She suggested that since it is not always clear why individuals are not enrolled in a program, information be provided to show if they have a degree and what that degree is so the Board has more complete information on these individuals that are already in the classroom.

Chair Huntsman indicated her concerns will be further addressed outside the meeting.

MOTION was made by Member Hansen and seconded that the Board approve the temporary authorizations for licenses as submitted.

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

[For additional details, see General Exhibit No. 18-399.]

Monthly Budget Report

Deputy Superintendent Scott Jones gave the monthly budget report, indicating that as of September 30 the USBE remains financially solvent and has the ability to meet all its obligations and commitments for the remainder of the fiscal year, and beyond for federal grants.

Finance Director Deborah Jacobsen reviewed the capability of the report to drill down to the transaction level. Superintendent Jones added that this capability will allow the Board and public to know where funds are being spent.

Assistant Superintendent Natalie Grange reported on how the Board is tied into the state accounting system. In the office the Utah grant system is now in place. The grant

subsystem manages detail activities; however, all those activities are ultimately processed through FINET—the state accounting system. The Utah grant system is the system for grants, awards and payments, but the actual transactions are processed in FINET and FINET is the only system that has the capability to process payments. Although staff have the flexibility to set guidelines on how things are processed through the subsystems to FINET, the actual policies, rules, guidelines and timelines are established by State Finance, and staff is making sure they are compliant with state guidelines.

Deputy Jones reviewed the Discretionary Fund report and noted that the Finance Committee will hear in its meeting tomorrow staff's proposal for use of the remaining balances.

[For additional details, see General Exhibit No. 18-400.]

Audit Committee Report/Recommendations

Vice Chair Brittney Cummins reported on the October Audit Committee meeting. She noted that there were two action items in Committee that were not addressed due to time and technical issues, but will go back to the Audit Committee next month.

Audit Plan and Risk: CACTUS Audit

MOTION from Committee that the Board approve the release of the CACTUS Data Accuracy and Reliability Audit.

Motion carried unanimously; Members Ellis, Gravier and Stokes absent.

Finance Committee Report/Recommendations

Committee Chair Joel Wright reported on the following items from the October 5, 2018 committee meeting. Items not reported to the Board will be included in the exhibits to the Committee Summary. [For additional details, see General Exhibit No. 18-401.]

Section Carryover Spend Plans

MOTION from Committee that the Board approve the carryforward spend plans as presented and to change the Board review threshold to \$100,000 or more.

Motion carried; Members Ellis and Stokes absent. [For additional details, see General Exhibit No. 18-402.]

Taxing Entity Committee – South Jordan City

Member Wright stated a conflict of interest and left the room. Committee Vice Chair Kathleen Riebe reported on this item.

The Committee heard from the South Jordan Redevelopment Agency that is proposing a 15-year extension for the Merit Medical Economic Development Project area.

MOTION from Committee that the Board direct its representative to the Taxing Entity Committee to vote in favor of the South Jordan RDA extension request for the Merit Medical EDA Project.

It was noted that Jordan School District also supports the request.

Motion carried; Members Ellis, Stokes and Wright absent. [For additional details, see General Exhibit No. 18-403.]

Standards and Assessment Committee Report/Recommendations

Committee Chair Janet Cannon reported on the following items from the October 5, 2018 Committee meeting. Items not reported to the Board will be included in the exhibits to the Committee Summary. [For additional details, see General Exhibit No. 18-404.]

Health Standards Revision

Committee Chair Cannon reported that the Committee did not have enough votes to forward a recommendation concerning the Health Standards Revision to the Board.

MOTION was made by Member Cannon and seconded that the Board release the Health Standards for 90-day public review.

MOTION was made by Member L. Cummins and seconded that this item be referred back to committee.

Member L. Cummins expressed a concern that comprehensive sexuality education is seeping its way into Utah standards and she doesn't believe they are ready to go to the public.

Other members expressed concerns that the standards aren't ready for release even in draft form, and that definitions of "abstinence" and "trusted adult" are needed, among other things. The drafts, resources and consultants used by the writing committee were also requested.

It was debated that there was a good discussion in committee with feedback from the writing committee as to the changes that have been made, and that Board member concerns can be addressed along with public input; in addition, the elementary standards are 21 years old and the secondary standards are 10 years old and may not address current concerns with things such as opioid abuse, suicide, mental health issues.

Jodi Kaufman, Health and PE Specialist reported that the writing committee met more than thirty times from March to August. She indicated the writing committee didn't review the national standards, but looked extensively at Utah Code.

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

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

[For additional details, see General Exhibit No. 18-405.]

R277-922 *Digital Teaching and Learning*

The Committee reviewed proposed amendments to the rule to eliminate redundancies and to align the programmatic requirements with the Master Plan for Digital Teaching and Learning.

MOTION from Committee that the Board approve R277-922 *Digital Teaching and Learning*, Draft 1, on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-406.]

FY 2019 New Plan Approval for Digital Teaching and Learning Qualified Grant

The Committee reviewed recommendations from the Digital Teaching and Learning Advisory Board for awarding of the Digital Teaching and Learning Qualified Grant as follows:

- Full Plan Submissions: Bear River Charter School, Greenwood Charter School, Freedom Preparatory Academy, Mountain West Montessori Academy, Providence Hall, Spectrum Academy, and Vista Academy.
- Planning Grant Submissions: Leadership Academy of Utah, Park City School District, REAL Salt Lake Academy, Salt Lake Center for Science Education.

MOTION from Committee that the Board approve the new plan submissions and planning grant submissions for the Digital Teaching and Learning Qualified Grant.

Member Wright declared a conflict and left the room.

Motion carried; Member Wright absent. [For additional details, see General Exhibit No. 18-407.]

R277-704 *Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports*

The Committee reviewed R277-704 in accordance with the state five-year review requirement. The Committee approved continuation of the rule on first reading.

MOTION from Committee that the Board approve continuation of R277-704 *Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports* on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-408.]

R277-404 *Requirements for Assessments of Student Achievement*

The Committee reviewed proposed amendments to the rule to reflect the new statewide assessments and areas of testing as related to RISE and Utah Aspire Plus. The Committee approved R277-404, Draft 1, on first reading.

MOTION from Committee that the Board approve R277-404 *Requirements for Assessments of Student Achievement, Draft 1*, on second and final reading.

MOTION was made by Member Cannon and seconded that action on this item be postponed to a future meeting due to the public hearing on the rule later today.

Motion to postpone carried unanimously. [For additional details, see General Exhibit No. 18-409.]

College Readiness Assessment – Writing

The Committee received information that the Board’s contract with ACT to provide a college readiness assessment will expire in June 2019. Because the ACT is the only “college readiness assessment most commonly submitted to local universities,” as required in statute, Board staff is proceeding with a sole source procurement method. Assistant Superintendent Darin Nielsen reported that although a provision to make the writing portion optional is included in the contract, ACT has indicated that the optional provision won’t be available until 2020. In addition, a survey of LEAs regarding their level of interest in using the ACT writing portion received little response, and it doesn’t appear is it being used as well as was hoped.

MOTION from Committee that the Board direct staff that when negotiating for the college readiness assessment to not require the writing portion, or to at least make it optional.

MOTION TO AMEND was made by Member B. Cummins and seconded that the words, “or to at least make it optional,” be stricken.

Motion to amend carried unanimously.

Motion as amended, “That the Board direct staff when negotiating for the college readiness assessment to not require the writing portion,” carried unanimously.

[For additional details, see General Exhibit No. 18-410.]

Law and Licensing Committee Report/Recommendations

Committee Chair Michelle Boulter reported on the following items from the October 5, 2018 committee meeting. Items not reported to the Board will be included in the exhibits to the Committee Summary. [For additional details, see General Exhibit No. 18-411.]

R277-550 Charter Schools – Definitions

The Committee reviewed new rule R277-550 which was written in response to H.B. 313 Public School Revisions (2018 Legislative Session). The legislation made significant amendments to the process charter school authorizers should follow in approving and providing oversight to charter schools. The Committee approved R277-550, Draft 2, on first reading.

MOTION from Committee that the Board approve R277-550, *Charter Schools – Definitions*, Draft 2, on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-412.]

R277-551 Charter Schools – General Provisions

The Committee reviewed Draft 2 of the rule and made additional amendments. The Committee approved R277-551, Draft 2, as amended, on first reading.

MOTION from Committee that the Board approve R277-551 *Charter Schools – General Provisions*, Draft 3, on second and final reading.

MOTION TO AMEND was made by Member Lear and seconded that the Board approve R277-551, Draft 4.

Member Lear informed that Draft 4 addresses safety and other concerns of charter schools being reported to the State Board of Education, since the Board has constitutional authority and responsibility to know about serious information regarding schools.

Other members expressed concern that this same information isn't required of traditional schools, that this goes beyond what is required in statute, and the charter school community hasn't had the opportunity to provide input on this amendment. It was suggested that the rule be sent back to the Committee for further discussion.

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

Motion was made by Member B. Cummins and seconded that the Board refer the rule back to Committee.

Prior to debate on the motion, Deputy Superintendent Stallings reported that the Board is required to have the rule in place by January 1, so suggested the Board pass the rule then send it back to Committee for further work.

Member B. Cummins indicated she had no issue with that suggested course of action to move forward with approving Draft 3 and having further amendments later, so the Chair did not recognize her motion to refer.

A parliamentary inquiry was made and the Chair postponed the item until later in the meeting in order to handle the inquiry.

[For additional details, see General Exhibit No. 18-413.]

R277-552 Charter School Timelines and Approval Process

The Committee reviewed Draft 2 of the rule and made additional amendments to the rule. The Committee approved new rule R277-552, Draft 2, as amended, on first reading.

Motion from Committee that the Board approve R277-552 *Charter School Timelines and Approval Process*, Draft 3, on second and final reading.

MOTION TO AMEND was made by Member Lear and seconded that the Board approve Draft 4 of the rule.

Member Lear indicated she would withdraw her motion with the understanding that if Draft 3 is passed, the rule will come back to Committee.

With no objections, the motion to amend was withdrawn.

Motion carried, with Members Ellis and Stokes opposed. [For additional details, see General Exhibit No. 18-414.]

R277-553 Charter School Oversight, Monitoring and Appeals

The Committee reviewed Draft 1 and made further amendment to the rule. The Committee approved new rule R277-553, Draft 1, as amended, on first reading.

MOTION from Committee that the Board approve R277-553 *Charter School Oversight, Monitoring and Appeals*, Draft 2, on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-415.]

R277-554 State Charter School Board Grants and Mentoring Program

The Committee approved new rule R277-554, Draft 1, on first reading.

MOTION from Committee that the Board approve R277-554 *State Charter School Board Grants and Mentoring Program*, Draft 1, on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-416.]

R277-555 Corrective Action Against Charter School Authorizers

The Committee approved new rule R277-555, Draft 1, on first reading.

MOTION from Committee that the Board approve R277-555 *Corrective Action Against Charter School Authorizers*, Draft 1, on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-417.]

Repeal of R277-470 Charter Schools – General Provisions, R277-481 Charter School Oversight, Monitoring and Appeals and R277-482 Charter School Timelines and Approval Processes

Rules R277-470, R277-481 and R277-482 were repealed on the General Consent Calendar.

R277-509 Licensure of Student Teachers and Interns

The Board approved R277-509 on the General Consent Calendar.

R277-100 Definitions for Utah State Board of Education (Board) Rules

The Committee reviewed proposed amendments to Draft 2 of the rule made to create consistent usage of terms related to auditing, monitoring, and other oversight functions. The Committee made additional amendments, and approved R277-100, Draft 2, as amended, on first reading.

MOTION from Committee that the Board approve R277-100 *Definitions for Utah State Board of Education (Board) Rules, Draft 3*, on second and final reading.

MOTION was made by Member Boulter and seconded that action on the rule be postponed until December as the Law and Licensing Committee will be reviewing the rule for additional amendments tomorrow.

Motion to postpone carried unanimously. [For additional details, see General Exhibit No. 18-418.]

Superintendent's Report

Superintendent Sydnee Dickson reported on the following:

- Utah won the National Apple Crunch Off competition with 126,968 students participating. She thanked staff of the Child Nutrition Program Section for their work on the event.
- Participation of Utah students in Advanced Placement (AP) courses is up by 1.4 percent, and overall performance by 2.7 percent, including increased participation of 7.8 percent by African American students, 5.3 percent by Hispanic American students, and 2 percent by Asian American students.
- Utah had a slight uptick on the ACT while the rest of the nation went down slightly. The national average is 20.8 and Utah is slightly below at 20.3. However, Utah assesses all 11th graders, and when compared to like states, is the second highest.
- Dr. Dickson gave appreciation to the Board for the opportunity to travel throughout the state on her listening tour of schools.
- Staff have been attending the Utah School Boards Association regional meetings. One takeaway was from the district superintendents giving an “elevator speech” on the highlights from their districts. She challenged Board members to think about their “elevator speech” and how to highlight the successes and challenges for Utah students.

Executive Session

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

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Graviet, Hansen, Huntsman, Lear, Riebe, Warner and Wright, the Board went into closed Executive Session at 12:56 p.m.

Those present included the Board members above, Member Neilson, and Sydnee Dickson, Angie Stallings, Scott Jones, Ben Rasmussen, Lorraine Austin and Emilie Wheeler.

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

Motion carried. The Board reconvened in open meeting at 1:52 p.m.

Executive Session Action ItemsUtah Instructional Materials Commission Appointments

MOTION was made by Member Belnap and seconded that the Board appoint the following individuals to the Instructional Materials Commission: Heather Stein and Shellie Giddings representing lay citizens; Aaron Crawford representing secondary teachers; and Susan Harrah representing elementary principals.

Motion carried. Members Neilson and Stokes absent.

USBE Student Advisory Council Appointments

MOTION was made by Member Belnap and seconded that the Board appoint the following students to its Student Advisory Council: District 1, Rachel Dikwa-Nkrumah Yeobah; District 2, Natalie Quinn; District 3, Than Lee; District 4, McKenzie Leininger; District 5, Max Eiting; District 6, Rylee Taylor; District 7, Daniel Bernhardt; District 8, Alexandria Hong; District 9, Treyton Shumway; District 10, Sanjana Kargi; District 11, Allie Cordero; District 12, Aspen Meldrum; District 13, Brendan Murphy; District 14, Mayzie Talbot; District 15, Gracia Allen; and Kate De Groote as the Student Advisor.

All students who applied were thanked.

Motion carried, with Member Wright opposed; Members Neilson and Stokes absent.

Action on Educator Licenses

MOTION was made by Member Belnap and seconded that the Board deny the application for a license in Utah Professional Practices Advisory Commission (UPPAC) Case No. 18-17.

A concern was raised that the case has been discussed by a hearing panel and to take a different action without hearing from the individual is unfair and inappropriate.

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

MOTION was made by Member Lear and seconded that the Board invite the applicant in Case No. 18-17 to address the Board in its executive session in December or January.

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

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1452 to issue a letter of reprimand in accordance with the Consent to Discipline.

Motion carried unanimously; Members Ellis and Stokes absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1430 to suspend the individual's Level 1 Elementary Education license for a period of no less than fifteen months.

Motion carried; Members Ellis and Stokes absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1461 to suspend the individual's Level 2 Elementary Education license for a period of not less than one year.

Motion carried; Members Ellis and Stokes absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1468 to issue a letter of reprimand to be in place not less than two years.

Motion carried; Members Ellis and Stokes absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation Case No. 18-1478 and revoke the individual's Level 1 Secondary Education license.

Motion carried; Members Ellis and Stokes absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1527 to suspend the individual's Level 2 Elementary Education, Special Education license.

Motion carried; Members Ellis and Stokes absent.

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

Motion carried; Members Ellis and Stokes absent.

[For additional details, see General Exhibit No. 18-419.]

School Fees

OLAG Audit on School Fees

Jake Dinsdale and Brian Dean from the Office of the Legislative Auditor General (OLAG) addressed the Board concerning the audit on school fees OLAG recently performed. The audit, *A Performance Audit of Secondary School Fees* was distributed. It was acknowledged that although the audit points out the Board has not fulfilled its constitutional role to supervise and control secondary school fees, the Board has recently taken steps to make some changes.

Chair Huntsman expressed appreciation for the work of the auditors. He stated that the Board knows the process that has been followed is not working well, and conducted its own internal audit on school fees. The Board also created a School Fees Task Force, which has met ten times. It is anticipated the Task Force will bring recommendations which address the

concerns in both audits to the Board in December. As a first step, the Board previously approved the designation of personnel in its office to take on the responsibilities of training, monitoring and compliance for school fees.

[For additional details, see General Exhibit No. 18-420.]

School Fees Task Force Recommendation

Chair Huntsman turned the gavel to Vice Chair Brittney Cummins in order to report as the School Fees Task Force Chair.

Chair Huntsman reported that the Task Force has nearly completed its work and has two meetings left. The Task Force has forwarded one recommendation for the Board to consider today concerning corrective action for non-compliance on school fees requirements.

Deputy Superintendent Stallings reviewed a process map of the corrective action developed to capture the Task Force recommendations. She indicated that if the Board approves the recommended action, it will be incorporated into R277-407.

MOTION was made by Member Belnap and seconded that the Board approve the corrective action process recommended from the Task Force and direct that it be incorporated into R277-407.

Motion carried unanimously; Members Ellis and Stokes absent. [For additional details, see General Exhibit No. 18-421.]

Chair Huntsman reassumed the Chair.

School Leadership Working Group Report

Assistant Superintendent Darin Nielsen shared with the Board a presentation about the work of the USBE School Leadership Working Group. He informed that the Group will be coming to the Board in December or January with recommendations. [For additional details, see General Exhibit No. 18-422.]

FY20 Budget Priorities

Deputy Superintendent Jones reported that Chair Huntsman, Superintendent Dickson and he met recently with the Governor and his staff to review the Board's budget request as of the October Board meeting.

Deputy Jones reviewed with the Board items under the four categories of the request: Category A—WPU and Growth; Category B—LEA Funding; Category C—USDB Funding; and Category D—USBE Office Budget.

He reviewed in greater detail the Safe and Healthy Schools proposal, which has an ongoing and one-time amount. It has been advised that the Board identify the school safety one-time request over next three years, which would be \$99 million total for fiscal years 2021-2023. With the addition of the \$99 million, the total USBE budget request would be \$456,719,305.

MOTION was made by Member Boulter and seconded that the Board approve the addition of \$99,000,000 one-time funding for school safety (for FY 2021-2023) to Category B.

Motion carried; Members Ellis and Stokes absent. [For additional details, see General Exhibit No. 18-423.]

Deputy Superintendent Jones suggested the Board may want to begin prioritizing its requests in December.

Legislative Policy/Statutory Priorities

Deputy Superintendent Stallings reviewed several staff recommendations for legislative priorities. She informed that the Interventions for Reading Difficulties Pilot Program is due for sunset and the Education Interim Committee has asked for a recommendation concerning continuation of the program. Staff would recommend the program continue and be expanded. Jennifer Thronsen, Educational Coordinator, reported that the program provides a targeted approach for students that have the most severe reading difficulties and is designed to prevent future special education referrals. She stressed that it is a layer of intervention that is needed as a Tier 3 intervention for students most at risk. The appropriation was \$375,000 over three years, which provided for five LEAs to participate; staff recommends \$750,000 one-time

funding over three years, which would expand participation and help to build capacity to continue the program once the funding ends.

Deputy Superintendent Stallings indicated that staff have also been asked to give feedback related to the UPSTART program. It was also reported that Representative Ward has been working on legislation that will mirror many of the recommendations on which the Board's School Safety Advisory Committee has been working.

Superintendent Stallings presented a new request from Internal Audit to seek statutory authority for the Board to meet in closed session for the purpose of considering draft audits or investigative reports. The change would be to the Open and Public Meetings Act.

MOTION was made by Member Belnap and seconded that the Board direct staff to move forward with seeking a legislative change to allow the Board to discuss audit and investigative reports in closed session.

Motion carried.

[For additional details, see General Exhibit No. 18-424.]

R277-551 Unfinished Business

Chair Huntsman addressed R277-551 which was postponed due to questions concerning the parliamentary process. He placed before the Board the original motion from the Law and Licensing Committee to approve R277-551, Draft 3, on second and final reading.

It was noted that the rule will come back to committee for further work.

Motion carried; Members Ellis and Stokes absent. [For additional details, see General Exhibit No. 18-413.]

Board Chair's Report

Members Boulter, Cannon and L. Cummins reported on the National Association of State Boards of Education (NASBE) Annual Conference which they attended. It was announced that Member Cannon was elected as the NASBE Western Area Director.

Chair Huntsman thanked those that filled in for him, particularly Vice Chair Cummins, in meetings over the last couple of weeks. He noted that the legislative session is nearing, and likened the Board and staff as really good designated hitters for each other. He also asked Board members to bring out the little victories as they occur.

Board Member Comments

Member Riebe reported that she and Member Lear attended one of the USBA regional fall meetings where they had a positive experience meeting local board members.

Adjournment

MOTION was made by Member Lear and seconded that the meeting adjourn. Motion carried. The meeting adjourned at 4:45 p.m.

USBE STUDY SESSION

A study session of the Utah State Board of Education was held November 2, 2018 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members present included Chair Mark Huntsman, First Vice Chair Brittney Cummins, Second Vice Chair Alisa Ellis, and Members Michelle Boulter, Janet Cannon, Lisa Cummins, Jennifer Graviet, Linda Hansen, Carol Lear, Kathleen Riebe and Joel Wright.

Others present included Jay Blain—Utah Education Association; Theresa Foxley and Scott Harbertson—Economic Development Corporation of Utah; Val Hale—Governor’s Office of Economic Development; Scott Jones, Paula Plant, Jerry Record, Natalie Gordon and Lorraine Austin—USBE staff.

Chair Huntsman called the study session to order at 1:50 p.m.

Economic Development Corporation Presentation/Discussion

Theresa Foxley, President and CEO of the Economic Development Corporation of Utah, and Scott Harbertson, Director of Community Relations, along with Val Hale from the Governor’s Office of Economic Development, were welcomed to the meeting. Chair Huntsman indicated they were invited to talk to the Board about RDAs and CDAs as the Board has a representative voting on the developments.

A presentation was made that gave an overview of the statewide economic development process in which the state engages when it is working with specific firms that are considering expansion into Utah. The discussion also included information on the two options of local incentives through a community reinvestment area or redevelopment. It is in the redevelopment track where the State Board has a vote on the local taxing entity committee.

Ms. Foxley suggested that to ensure the agreement entered into achieves the objective to generate new revenue for schools, the local board needs to have a clear set of policies, goals and objectives in place and a clear way to measure whether those criteria have been met.

Ms. Foxley acknowledged that the best thing Utah can do to attract business is to have a great education system.

[For additional details, see General Exhibit No. 18-425.]

USBE Role with School Trust Lands

Paula Plant, School Children's Trust Section Director, made a presentation regarding the responsibilities of the School Children's Trust Section. Ms. Plant outlined how the work of the section has changed since H.B. 404 Land Trust Protection and Advocacy Act passed in the last legislative session, including the new responsibility to serve as a member of the Land Trust Protection and Advocacy Committee.

Deputy Superintendent Jones discussed Ms. Plant's representation of the Board on the Advocacy Committee and her attendance at meetings of SITLA and SITFO to keep the Board informed on Trust issues. It is the recommendation of staff that since students comprise 95 percent of the beneficiaries, the School Children's Trust Section continue to monitor and give input to those organizations. It was also noted that the Trust Advocate is not yet in place. Ms. Plant informed that she is asked to give input in every meeting she attends.

Deputy Superintendent Jones referenced the recommendation of the Board's Trust Advisory Committee that is part of the Board's budget priority to request funding for the School Children's Trust Director position. He clarified that H.B. 404 required the Board to transfer \$211,200 from the Section to the Advocacy Committee, and in order to sustain the level of pay for the Section, the additional funding is needed.

Board members thanked Ms. Plant for her continued support of the Trust and for maintaining positive relationships.

Jay Blain, a member of the Trust Advisory Committee representing educators, was invited to provide input. He informed that the committee works on more than just recommendations for school community councils and is currently working on distributions. The committee takes its responsibilities seriously and will review legislation on trust issues and provide feedback to the Board. He thanked the Board for the opportunity to serve on this very fruitful and important committee.

[For additional details, see General Exhibit No. 18-426.]

Adjournment

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

Motion carried. The meeting adjourned at 3:30 p.m.

Lorraine Austin, Board Secretary
Minutes approved December 6, 2018