

**UTAH STATE BOARD OF EDUCATION MEETING MINUTES**  
**May 3-4, 2018**

**UTAH STATE BOARD OF EDUCATION MEETING**

A regular meeting of the Utah State Board of Education was held May 3, 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 Linda B. Hansen
First Vice Chair Brittney Cummins	Member Carol Barlow Lear
Second Vice Chair Alisa Ellis	Member Scott B. Neilson
Member Laura Belnap	Member Kathleen Riebe
Member Janet A. Cannon	Member Terryl Warner
Member Lisa Cummins	Member Joel Wright
Member Jennifer Graviet	

**Members Absent**

Member Michelle Boulter  
Member Spencer F. Stokes

**Executive Staff Present**

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

**Minutes taken by:**

Lorraine Austin, Board Secretary

**Others Present**

Jay Blain, Tracey M. Watson—Utah Education Association; Kevin Proud—Jordan High School; Jared Ferguson, Tara Merryweather, Abraham Teng, Anna Trevino—Utah County Academy of Science; Craig Frank—Utah Charter Network; Dr. Monica Beane—ETS; Zach Schofield—Sutherland Institute; Deirdre Straight--parent; Pam Gremillion—PTSA; Cindy Davis; Karen Peterson—Governor’s Office; Terry Shoemaker—Utah School Superintendents Association/Utah School Boards Association; Danell Mieure—Advisory Committee on Equity of Educational Services for Students (ACEESS); Emilie Wheeler, Darin Nielsen, Leah Voorhies, Tiffany Stanley, Debbie Davis—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, Cannon, B. Cummins, Ellis, Gravier, Hansen, Huntsman, Lear, Riebe and Warner, the Board moved into closed session at 8:14 a.m.

Those present included the Board members above and Dana Powers.

**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 9:10 a.m.

**Opening Business**

The Board reconvened at 9:18 a.m. Member Carol Lear led those present in the Pledge of Allegiance.

Board Member Message

Member Kathleen Riebe gave the welcome message, using a Nearpod app. She demonstrated the app as an example of why the Board should support technology in the classroom. She noted that students love using this type of technology and it improves attendance and morale.

Member Riebe also addressed the sad news of another teen suicide last night and talked about the need to work aggressively to make sure children feel safe and loved and remember that schools are a safe place for many of these students.

Introduction of New Employees

The following new employees introduced themselves: Jessica Smith, Christy Hutchinson, Gayle Threet and Janeece Christensen.

### Acknowledgment of Student Art Work

USBE Education Specialist Cathy Jensen informed the Board about the art work hanging in the board room from Lone Peak Elementary School and Mount Logan Middle School. She showed some of the art under black light, which was part of an integration project for students to learn about UV light.

### Education Highlight

USBE Education Specialist Cathy Jensen distributed an exhibition catalogue from the 46<sup>th</sup> Annual Utah All-State High School Art Show at the Springville Museum of Art. She introduced the student artists who created the artwork purchased from the exhibit by the Board this year: Shelby Carvalho—*Dancers in Unison*; Morgan Hart—*Ski Head*; and Blythe Harmon—*A Connection*. The artists talked about their works and answered questions from Board members.

[For additional details, see General Exhibit No. 18-167.]

### **Public Comment**

Sara Jones, Utah Education Association (UEA) - spoke about rule R277-501, now renumbered to R277-301. She indicated that a number of UEA's concerns have still not been addressed, including no limit on the number of LEA-specific licenses an LEA could request and whether the fourteen licenses areas listed are all eligible for the LEA-specific license. She also mentioned that there are now 322 APT licenses with the most common license being for English, which is not a shortage area. She noted that if the intent is that educators achieve professional licensing status and the LEA-specific licenses should be used sparingly, the rule does not reflect that. UEA asks that the Board not take final action on the rule today.

Deirdre Straight, parent – voiced some concerns about R277-301 looking through an equity lens, and the overrepresentation of LEA-specific licenses where there might be high representation of families with low socioeconomic status. She suggested that further work is needed in the following areas: a definition of “module” in lines 225 and 230; more information on what a professionalized learning plan is; whether annual reporting required of education preparation programs could be applied to the associate and LEA-specific licenses; and requirements for LEAs in terms of mentoring.

Catherine Voutez, parent – related the experience of her son ending his life by suicide, being the first of six students in Jordan District to do the same. Everyone from the families, medical examiner, teachers, and others are trying to understand what is going on with these children. Her son was high achieving with loving parents, and didn't meet the criteria of mental illness. She expressed the loss it is to the entire world and community that these children are gone, and gave an impassioned plea that an action plan is needed. She voiced that the Board has the ability to make a difference by ensuring that suicide prevention plans are in place in each district, and suicide response plans in place to support districts and teachers. She asked the Board to make sure those programs are approved and implored the Board to give what support they can. She expressed appreciation for all those that step up in these times of crisis.

### **General Consent Calendar**

Member L. Cummins requested that item 4.8 Project AWARE Grant Application, be pulled from the Consent Calendar.

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

Motion carried.

### General Consent Calendar

#### 4.1 Approval of Meeting Minutes

The Board approved the minutes of its April 12-13, 2018 meeting. [For additional details, see General Exhibit No. 18-168.]

#### 4.2 Contracts/Agreements over \$100,000 for Approval

The Board approved contracts with the following: Utah Division of Facilities Construction & Management; Division of Workforce Services/Utah System of Technical Colleges/Utah System of Higher Education; Guidesoft db Knowledge Services. [For additional details, see General Exhibit No. 18-169.]

#### 4.3 Contracts/Agreements under \$100,000 for Review

The Board was provided with information about the following contracts/agreements under \$100,000: Utah Division of Facilities Construction & Management (DFCM). [For additional details, see General Exhibit No. 18-170.]

#### 4.4 Requests for Temporary Authorizations

The Board approved temporary authorizations for licenses as requested by local education agencies. [For additional details, see General Exhibit No. 18-171.]

#### 4.5 List of Educator Licenses Processed

Information was provided to the Board concerning educator licenses processed in March 2018. [For additional details, see General Exhibit No. 18-172.]

#### 4.6 High Quality School Readiness Grantees

The Board approved High Quality School Readiness Grants to North Sanpete School District and Tooele School District. [For additional details, see General Exhibit No. 18-173.]

#### 4.7 Kindergarten Supplemental Enrichment Program Grantee

The Board awarded a Kindergarten Supplemental Enrichment Program grant to Myton Elementary School.

#### 4.8 Approval to Apply for Project AWARE State Education Agency Grant

This item was removed for further discussion.

#### 4.9 Hazardous Route Grant Awards

The Board awarded Hazardous Route grants to Park City School District for route #37 Jeremy Ranch Elementary and route #39 Parley's Park Elementary. [For additional details, see General Exhibit No. 18-174.]

#### 4.8 Project AWARE Grant Application

Member L. Cummins expressed a concern that school counselors may not have the capacity to handle what is going on with teen suicide in the state. She acknowledged that her particular community is in a crisis mode over recent suicides and feels schools are being ill-equipped with minimal skills and need more support from the community. She also voiced her

feeling that children are being overworking, stressed, and over-tested. She asked for more information about the details of the grant and how it would proceed.

Superintendent Dickson reported that the AWARE grant is a grant that will help connect families and schools to community resources.

**MOTION** was made by Member B. Cummins and seconded that the Board approve submitting the grant application for Project AWARE.

Vice Chair Cummins spoke to her motion, stating that this is one of those opportunities that seems completely appropriate at this level to begin partnerships and build capacity at the LEA level and to begin the process of learning and expanding to help the students in Utah. She also recognized that suicide is a community issue.

Vice Chair Ellis expressed that this issue has touched everyone personally and is an emotional topic. She asked Board members to be cautious moving forward, that while they look for solutions, they not accuse others of having ill intent. This is an issue of tremendous weight and it is important to not only take care of immediate needs, but get to the root causes, respecting all solutions that are put forward.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-175.]

### **Monthly Budget Report**

Deputy Superintendent Scott Jones gave the budget report for the month ending April 30, 2018. The USBE remains solvent and has the ability to meet all its financial obligations for the remainder of FY18.

Superintendent Jones explained that the office will be in transition to the new grants management system at the beginning of the fiscal year and some reimbursements will be slower than normal.

Superintendent Jones reported that he will be presenting a plan to the Board for use of the rest of the discretionary funds.

[For additional details, see General Exhibit No. 18-176.]

### **Audit Committee Report/Recommendations**

Committee Chair Alisa Ellis reported on the Audit Committee meeting held in April.

### Withholding School LAND Trust Funds

It was reported that Provo E-School has had difficulty spending the School LAND Trust money allotted to the school.

**MOTION** from Committee that the Board withhold the FY 2019 School LAND Trust distribution to Provo District E-School, as per the school's request, due to excessive carryover.

Motion carried; Member Wright recused himself from the vote because of his relationship with the Provo School District.

### **Finance Committee Report/Recommendations**

Committee Chair Joel Wright reported on the following items from the April 13, 2018 Finance Committee meeting. [For additional details, see General Exhibit No. 18-177.]

### Utah County Academy of Science (UCAS) Expansion Request

It was reported that the Committee asked UCAS to consider adding two additional representatives from the district back to its Board influence. Dr. Anna Trevino, UCAS Principal, reported to the Board that the UCAS Governing Board will be discussing the request at a future meeting.

**MOTION** from Committee that the Board approve the Utah County Academy of Science request to do a phased expansion of 600 students from School Year 2019 to School Year 2021.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-178.]

### R277-436 Gang Prevention and Intervention Programs in the Schools

The Committee reviewed proposed amendments to the rule to help clarify the standards for application of gang prevention funds. The Committee approved and continued R277-436 Draft 2 on first reading.

**MOTION** from Committee that the Board approve and continue R277-436 Draft 2 *Gang Prevention and Intervention Programs in the Schools* on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-179.]

### Recognition of Improvements, Progress, or Achievements

It was reported there were zero findings from samples pulled from USBE for the third quarter audit of agency payments. Staff were lauded for the great improvement.

### Section Review – Information Technology

The Committee was briefed on the challenge in keeping IT staff and the Committee directed staff to come back with proposed solutions. [For additional details, see General Exhibit No. 18-180.]

### Data and Information Requests – Child Nutrition Programs

Information was provided from the Child Nutrition Programs section outlining school meal offerings, as well as a profile from the Food, Action & Research Center on hunger, poverty and federal nutrition programs in Utah. [For additional details, see General Exhibit No. 18-181.]

### Statewide Longitudinal Data System (SLDS) Grant Update

Staff provided the Committee with background and information about the SLDS grant. [For additional details, see General Exhibit No. 18-182.]

### NESS Funding Update and Pupil Transportation Funding

The Committee received updates on the Necessarily Existent Small Schools formula and To/From Pupil Transportation funding. [For additional details, see General Exhibit No. 18-183.]

### Noncompliance with Single Audit of a Charter School – Ascent Academy

Member Wright informed the Board that in Committee he recused himself from any action on the school due to a conflict of interest.

Staff presented information to the Committee regarding the noncompliance of Ascent Academy to perform a single audit for federal expenditures that exceed \$750,000. The Committee took no action as Ascent Academy is working with USBE staff to resolve the issue.

[For additional details, see General Exhibit No. 18-184.]

### State Fiscal Year 19 Base Budget Review and Recommendations

Staff reviewed with the Committee the SFY19 base budgets.

**MOTION** from Committee that the Board approve the USBE SFY19 base budgets with additional action to allocate \$500,000 to Information Technology and \$200,000 to Student Advocacy Services using the Board's ongoing, unrestricted state funding.

A concern was voiced that the Board is moving \$110,000 to its budget for Board compensation when there are other strategic needs.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-185.]

### **Law and Licensing Committee Report/Recommendations**

Committee Vice Chair Terryl Warner reported on the following items from the April 13, 2018 Law and Licensing Committee meeting. [For additional details, see General Exhibit No. 18-186.]

### Board Bylaws

The Committee discussed proposed amendments to the Bylaws from Member Lear to update Board voting practices; specifically, to follow the practice in the Legislature that all members present must vote on each item of business.

**MOTION** from Committee that the Board approve the proposed amendments to the Bylaws in Article VIII (H) in the Lear Proposal.

Deputy Superintendent Stallings noted that some technical changes were made since the meeting that are contained in Draft 2. The Board considered Draft 2.

**MOTION TO AMEND** was made by Member Lear and seconded that all of item 7(b) be removed.

Member Lear spoke to the amendment, indicating that item 7(b) eliminates what she had wanted to accomplish. She expressed strong feelings that it is the Board members' responsibility to those that have elected them to take positions. Others agreed, stating that taking positions can help support something that will move the Board's mission forward and allows the Board to offer leadership to public education.

Some Board members voiced opposition, expressing that it can be counter-productive to take positions on bills and can be confusing when the Board takes a position on one version of the bill and then the bill is changed to something the Board would not support.

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

MOTION TO AMEND was made by Member Belnap and seconded that the word "shall" be removed from item 6.

It was noted that under the Open and Public Meetings Act it is required that a vote of every elected member be recorded in the minutes.

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

Motion to approve the Lear Proposal Draft 2, as amended, failed for lack of the required 2/3 vote to amend the Bylaws, with Members B. Cummins, Cannon, Gravier, Lear, Huntsman, Neilson, Riebe and Warner in favor, and Members Belnap, L. Cummins, Ellis, Hansen, Warner and Wright opposed.

The Committee reviewed proposed amendments to the Bylaws from Member Hansen to add a list of the advisory committees created by Board resolution.

**MOTION** from Committee that the Board approve the proposed amendments to the Bylaws in Article X.

Motion carried, with Member Wright opposed.

The Committee reviewed proposed amendments to the Bylaws from Member Belnap to change the deadline for approving the yearly calendar of board meetings.

**MOTION** from Committee that the Board approve the proposed amendments to the Bylaws in Article VIII (A).

MOTION TO AMEND was made by Member Riebe and seconded that the wording, "including beginning and ending time of day for the meetings," be added after the word, "scheduled."

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

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

Chair Huntsman noted that the 2019 board meeting calendar will be placed on the June agenda.

[For additional details, see General Exhibit No. 18-187.]

#### Educator Licensing Rule Revision Plan

The Committee heard information concerning the proposed educator licensing rule plan and the revision of all other rule regarding educator licensing. [For additional details, see General Exhibit No. 18-188.]

#### Early College Coursework Committee Recommendations

The Committee reviewed recommendations from the Early College Coursework Committee and gave direction to staff to move forward with the recommendations. Thanks was given to staff for the work of the committee. [For additional details, see General Exhibit No. 18-189.]

#### Tooele County School District Four-day Week Request

Representatives from the Tooele School District and School Board presented information to the Committee concerning the request for three schools to go on a four-day week schedule. [For additional details, see General Exhibit No. 18-190.]

**MOTION** from Committee that the Board approve Tooele County School District's request for a waiver from R277-419-4 *Minimum School Days* to allow Tooele District to implement a four-day school week at Vernon Elementary, Ibapah Elementary, and Dugway K-12 School, beginning in the 2018-19 school year.

**MOTION TO AMEND** was made by Member Cannon and seconded that in order for this waiver to be granted, the agreement between the Board and Tooele School District be signed.

Without objection, the motion was amended.

Motion, as amended, carried unanimously.

#### R277-104 ADA Complaint Procedure

The Committee reviewed the rule in accordance with the Administrative Rulemaking Act five-year review requirement. The Committee approved and continued R277-104 Draft 2 on first reading.

**MOTION** from Committee that the Board approve and continue R277-104 Draft 2 *ADA Complaint Procedure* on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-191.]

#### R277-107 Education Services Outside of Educator's Regular Employment

The Committee reviewed the rule in accordance with the Administrative Rulemaking Act five-year review requirement. The Committee approved and continued R277-107 Draft 1 on first reading.

**MOTION** from Committee that the Board approve and continue R277-107 Draft 1 *Education Services Outside of Educator's Regular Employment* on second and final reading.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-192.]

#### R277-614 Athletes and Students with Head Injuries

The Committee reviewed the rule in accordance with the Administrative Rulemaking Act five-year review requirement. The Committee approved and continued R277-614 Draft 2 on first reading.

**MOTION** from Committee that the Board approve and continue R277-614 Draft 2 *Athletes and Students with Head Injuries* on second and final reading.

It was questioned whether the model forms referenced in the rule are available. Deputy Superintendent Stallings responded that the forms exist, but are outdated and will be revised.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-193.]

### **Executive Session**

**MOTION** was made by Member Riebe 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, Cannon, B. Cummins, L. Cummins, Ellis, Graviet, Hansen, Huntsman, Lear, Neilson, Riebe, Warner and Wright, the Board went into closed session at 1:13 p.m.

Those present included the Members above and Sydnee Dickson, Scott Jones, Emilie Wheeler, Bryan Quesenberry, David Thomas, Lorraine Austin and Ben Rasmussen.

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

Motion carried. The Board reconvened in open meeting at 2:15 p.m.

### **Executive Session Action Items**

#### Educator Licenses

**MOTION** was made by Member Lear and seconded that the Board accept the Utah Professional Practices Advisory Commission (UPPAC) recommendation in Case No. 17-1409 to suspend the educator's Level 2 Secondary Education license for no less than two years consistent with the Consent to Discipline.

Motion carried; Member L. Cummins absent.

**MOTION** was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case No. 17-1422 to suspend the educator's Level 2 Early Childhood Education license for no less than one year consistent with the Consent to Discipline.

Motion carried.

**MOTION** was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case No. 17-1433 to issue a letter of reprimand in accordance with the Consent to Discipline.

Motion carried; Member Graviet absent.

**MOTION** was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case No. 16-1375 that the educator's Level 2 Secondary Education license be suspended for no less than six years consistent with the Hearing Report.

Motion failed, with Members B. Cummins, Lear and Riebe in favor and all others opposed; Member Graviet absent.

**MOTION** was made by Member Warner and seconded that the Board direct staff to prepare findings concerning revocation in Case No. 16-1375.

Motion carried, with Members Lear and Riebe opposed; Member Graviet absent.

**MOTION** was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case 15-1302 and reinstate the individual's Level 2 Elementary Education, Early Childhood Education license.

Motion carried; Member Graviet absent.

**MOTION** was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case No. 07-848 and reinstate the individual's Level 1 Secondary Education license.

Motion carried; Member Graviet absent.

**MOTION** was made by Member Lear and seconded that the Board accept the UPPAC recommendation in Case No. 16-1367 and revoke the educator's Level 3 Secondary Education license.

Motion carried; Member Graviet absent.

**MOTION** was made by Member Lear and seconded that the Board approve the UPPAC Consent Calendar, with Case No. 18-EH5 removed.

Motion carried.

**MOTION** was made by Member Lear and seconded that the Board take no action on Case No. 18-EH5.

Motion carried, with Members Belnap and B. Cummins opposed.

[For additional details, see General Exhibit No. 18-194.]

**Standards and Assessment Committee Report/Recommendations**

Committee Chair Janet Cannon reported on the following from the April 13, 2018 Standards and Assessment Committee meeting. [For additional details, see General Exhibit No. 18-195.]

**STEM Schools Designation**

The committee reviewed a list of school requesting STEM School designation.

**MOTION** from Committee that the Board approve the schools—Arrowhead Elementary, Cedar North Elementary, Coral Canyon Elementary, Diamond Valley Elementary, Hillcrest Elementary, Northern Utah Academy of Math, Science & Engineering, Sunset Elementary, Westridge Elementary and Willow Elementary—as STEM school designees.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-196.]

**Guidance for R277-700-5 Middle School Education Requirements**

The Committee reviewed an updated document giving guidance on R277-700-5 and directed staff to work on the guidance document process.

**MOTION** from Committee that the Board approve the guidance document for R277-700-5 *Middle School Education Requirements*.

Motion carried unanimously. [For additional details, see General Exhibit No. 18-197.]

**R277-497 School Grading System**

The Committee directed staff to make amendments to the rule and add clarity and bring back to the Committee in May. [For additional details, see General Exhibit No. 18-198.]

**Utah Early Childhood Core Standards Writing and Revision Update**

The Committee received an update and made recommendations to staff for additions. [For additional details, see General Exhibit No. 18-199.]

### CTE Course Standards Approval Process

Staff presented a timeline for the review of the Career and Technical Education (CTE) courses as well as the individual course revision process for the CTE courses. The Committee will review the standards in a four-year cycle for most courses, beginning in November 2018. [For additional details, see General Exhibit No. 18-200.]

### **Superintendent's Report**

Superintendent Sydnee Dickson reported on the following:

- School Nutrition Employee Week is May 7-11, kicked off by School Lunch Hero Day on May 4.
- Teacher Appreciation Week is also May 7-11. Ways to thank a teacher were reviewed.
- The results of the 2017 National Assessment of Educational Progress (NAEP) data was reviewed. Superintendent Dickson pointed out that while Utah continues to outperform its peers nationally, there is an achievement gap that is very concerning whether it's NAEP or SAGE data. Staff is very challenged and compelled to look at what can be done differently and she appreciates the Board's concern. Assistant Superintendent Darin Nielsen reported that after the Board adopted College and Career Readiness standards several years ago with the associated assessment, the Honesty Gap—a website that is designed to help parents understand whether state accountability systems are being honest with them, using the NAEP test for the measure of honesty—in 2015 listed Utah as the number one honesty state because of how its state assessments aligned to it standards also align with NAEP data for Utah.
- Staff were recently engaged in design thinking, participating in a two-day workshop with Dr. Bobbi Parmar from the University of Virginia. Staff are committed to doing things differently and working together to solve problems.

### **R277-301 Educator Licensing (New)**

It was noted that R277-501 was changed to R277-301 as all the rules for the new licensing system will be in the 300 series.

The Law and Licensing Committee held a special meeting on April 11 to provide further opportunity for input on the rule. There were two amendments made by the board last month that are included in Draft 6.

**MOTION** was made by Member Belnap and seconded that the Board approve R277-301 *Educator Licensing* Draft 6 on final reading.

**MOTION TO AMEND** was made by Member Warner and seconded that the following language be inserted after line 319 (as in Board Member Lear Amendment #4):

*(2)(a) Except as provided in Subsection (2)(b), an LEA governing board may request an LEA-specific educator license for a license area described in Subsection R277-301-2(5).*

*(b) An LEA may not request an LEA-specific educator license for a license area in:*

*(i) Special Education; or*

*(ii) Preschool Special Education.*

A concern was raised as to what LEAs would do if they had no teachers applying for special education jobs. Terry Shoemaker, Executive Director of the Utah School Superintendents Association, reported that in those cases LEAs could work with a regional service centers to help provide those services or they would have to use a teacher from one of the other license areas. He indicated that most schools would work towards moving those teachers to a special education license. Special education is the hardest to fill area in the state.

A concern was expressed that the amendment is redundant as there are already laws concerning educators teaching special education.

A concern was expressed about putting individuals with an LEA-specific license who have no experience with special education with the most vulnerable students.

Motion to amend carried, with Members Ellis and Huntsman opposed; Member Neilson absent.

**MOTION TO AMEND** was made by Member Warner and seconded that the rule be amended to insert before line 320: *An LEA may request LEA-specific licenses up to an amount equal to twenty percent of the LEA's educator FTEs.*

Mr. Terry Shoemaker was invited to comment. He reported that district superintendents feel the LEA-specific license is important to address individual

circumstances in schools, and they never discussed a cap. He indicated that a majority of superintendents prefer fully licensed educators, but asked that in places where there aren't as many options, flexibility be given to the local boards of education to use the LEA-specific license provision without a percentage limit.

Concerns were raised that there has not been research concerning the effectiveness of teachers with LEA-specific licenses and that the percentage is arbitrary.

Motion to amend failed, with Members Cannon and Riebe in favor and all others opposed; Member Neilson absent.

MOTION TO POSTPONE action on the rule and send it back to committee was made by Member Riebe and seconded.

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

**MOTION TO AMEND** was made by Member Lear and seconded that the rule be amended as in her Amendment Request #2 to delete lines 344-347 and delete the phrase, "or accredited private school" on line 388.

Motion to amend carried unanimously.

**MOTION TO AMEND** was made by Member Lear and seconded that the rule be changed as in her amendment request #1 to revise lines 317-319 accordingly and delete lines 388-393.

The amendment to lines 317-319 would read:

*(1) The Superintendent ~~shall~~ may issue an LEA-specific educator license to an individual if:*

*(a) the LEA requesting the LEA-specific educator license has an adopted policy, which includes:*

*(i) a requirement for the individual to complete professional earning modules created or approved by the Superintendent in:*

*(A) educator ethics;*

*(B) classroom management and instruction;*

*(C) basic special education law and instruction; and*

*(D) the Utah Effective Teaching Standards described in R277-530;*

*(ii) criteria for employing educators with an LEA-specific license; and*

*(iii) compliance with all requirements of this Rule R277-301;*

*(b) an LEA governing board applies on behalf of the individual; and*

*(c) ~~for whom an LEA governing board applies on behalf of and that~~ the individual meets all the requirements in this Section R277-~~5~~301-8.*

Mr. Terry Shoemaker was invited to give input. He stated that this amendment would not give local boards enough flexibility with LEA-specific licenses.

**MOTION** was made by Member Ellis and seconded that the motion be divided to vote on the first line separately from the rest.

Without objection, the motion was divided. The Board addressed the proposed amendment on line 317.

**MOTION TO AMEND THE AMENDMENT** was made by Member Ellis and seconded that line 317 be amended as follows:

- (1) the superintendent may issue an LEA specific educator license to an individual if:*
- (a) an LEA governing board applies on behalf of the individual; and*
  - (b) meets all the requirements in this Section R277-301-8.*

Motion to amend the amendment carried.

The amendment, as revised, carried.

The Board addressed the second part of the motion that was divided, including deleting lines 388-393.

**MOTION TO AMEND THE AMENDMENT** was made by Member Lear and seconded that the rule be amended as follows after the word "if" in line 318:

- (a) the LEA requesting the LEA specific educator license has an adopted policy, which includes:*
- (i) educator preparation and support:*
    - (A) as established by the LEA and aligned with the Utah Effective Teaching Standards as described in R277-530;*
  - (ii) criteria for employing educators with an LEA specific license; and*
  - (iii) compliance with all requirement of this rule R277-301.*

Motion to amend the amendment carried, with Members Cannon, B. Cummins, Ellis, Hansen, Graviat, Huntsman, Lear, Riebe and Wright in favor, and Members Belnap and Neilson opposed; Members L. Cummins and Warner absent.

The amendment, as revised, carried, with Member Belnap opposed; Members L. Cummins and Warner absent.

**MOTION TO AMEND** was made by Member Lear and seconded that lines 403-408 be deleted.

Member Lear spoke to her motion indicating that this is an employment issue that doesn't belong in this rule.

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

Motion to approve R277-301 Draft 6, as amended [Draft 7], on final reading, carried, with Members Belnap, B. Cummins, Ellis, Hansen, Huntsman, Graviet, Lear, Neilson and Riebe in favor, and Members Cannon and Wright opposed; Members L. Cummins and Warner absent.

[For additional details, see General Exhibit No. 18-201.]

### **School Fees Task Force**

**MOTION** was made by Member Hansen and seconded that the Board approve the scope of work and timeline for the USBE School Fees Task Force.

It was suggested that a teacher be added to the task force. It was also suggested that staff look at best practices in other states

Motion carried; Members L. Cummins, Neilson and Warner absent. [For additional details, see General Exhibit No. 18-202.]

### **Revised Utah Educational Leadership Standards**

David Smith, Educational Specialist, reported that at the direction of the Board the revised Utah Educational Leadership Standards have been reviewed by the Board's Advisory Committee on Equity of Educational Services for Students (ACEESS). The Advisory Committee made several recommendations that were incorporated into the document.

**MOTION** was made by Member Hansen and seconded that the Board approve the Utah Educational Leadership Standards as revised May 2018.

Motion carried, with Members Belnap, Cannon, B. Cummins, Ellis, Hansen, Huntsman, Lear and Wright (by phone) in favor, and all others absent.

[For additional details, see General Exhibit No. 18-203.]

**Every Student Succeeds Act (ESSA) Plan Update**

Chief of Staff Tiffany Stanley and Diana Suddreth, Director of Teaching and Learning, updated the Board on the status of the submission of Utah's ESSA Plan and waiver and discussed two outstanding issues related to plan approval: 1) Determining equitable distribution of effective educators; and 2) counting non-tested students as non-proficient in the calculation of the achievement indicator.

Dr. Suddreth explained that staff were prepared to use the effectiveness ratings from schools, but the number isn't a good indication of effectiveness. Staff are suggesting possibly using student growth as a measure rather than teacher evaluations.

**MOTION** was made by Member Gravier and seconded that the Board give flexibility to staff to define educator effectiveness for the purpose of assessing equitable distribution of educators as required by ESSA, by using student growth percentile or equitable distribution.

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

[For additional details, see General Exhibit No. 18-204.]

**R277-461 Elementary School Counselor Grant Program**

Education Specialist Lillian Tsosie-Jensen reviewed with the Board new rule R277-461, created in response to H.B. 264 *Elementary School Counselor Program*. A grant to local education agencies is provided in the legislation and staff are in the process of developing the application.

**MOTION** was made by Member Hansen and seconded that the Board approve R277-461 *Elementary School Counselor Grant Program* on final reading.

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

[For additional details, see General Exhibit No. 18-205.]

**R277-613 LEA Bullying, Anti-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training**

Deputy Superintendent Stallings reviewed that the Board adopted R277-613 Revision 8 in its April meeting on final reading, and the rule is currently published with the Office of Administrative Rules. Since that time, Members Lear and Warner have requested additional changes and staff has added a definition of civil rights violation. The changes have been made to Revision 9. The amendments change the words, “targeted individual,” to “victim,” and “review” to “investigation.”

**MOTION** was made by Member Belnap and seconded that the Board approve R277-613 Revision 9 *LEA Bullying, Anti-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training* on final reading and direct staff to file the rule with the Office of Administrative Rules in lieu of filing an effective date notice for R277-613 Revision 8.

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

[For additional details, see General Exhibit No. 18-206.]

### **Board Chair’s Report**

Chair Huntsman encouraged Board members to visit their education communities and express appreciation as the 2017-18 school years closes out.

Chair Huntsman noted that the Board will begin talking soon about legislative priorities and invited Board members to begin the process of thinking of about things to prioritize and remove.

### **Board Member Comments**

Member Hansen reported she attended the recent Career and Technical Education Scholarship Awards luncheon and it was an awesome event.

Member Riebe thanked the Board for the opportunity for her to attend the recent ASU+GVU conference. She recited several quotes from the conference, which focused on personalized and student centered approaches.

Vice Chair Ellis asked Board Members to think about things that the Board’s Eliminating Barriers Task Force could consider.

### **Adjournment**

**MOTION** was made by Member Belnap and seconded that the meeting adjourn. Motion carried. The meeting adjourned at 5:35 p.m.

**STUDY SESSION**

A study session of the Utah State Board of Education was held May 4, 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 Laura Belnap, Janet Cannon, Jennifer Graviet, Linda Hansen, Carol Lear, Kathleen Riebe, Terryl Warner and Joel Wright.

Others present included Jay Blain—Utah Education Association; Jonathan Ball—Office of the Legislative Fiscal Analyst; Nolan Karras; Scott Jones, Patty Norman, Angie Stallings, Darin Nielsen, Emilie Wheeler—USBE staff.

**Call to Order**

Chair Mark Huntsman called the meeting to order at 12:50 p.m.

**Tax Rebalancing for Utah Education**

Deputy Superintendent Angie Stallings introduced Jonathan Ball, Director, Office of the Legislative Fiscal Analyst. Superintendent Stallings explained that the purpose of the study session was to make the Board aware of the facts concerning the Our Schools Now compromise with the Legislature during the 2018 legislative session and provide more information concerning H.B. 293 Tax Rebalancing Provisions and HJR 20 Joint Resolution, Submitting a Question to Voters.

Jonathan Ball gave an overview of the Legislative Fiscal Analyst's perspective on this package of bills through the presentation, *TRUE Proposal—Tax Rebalancing for Utah Education*.

Nolan Karras, former Speaker of the House and Co-chair of Education First, was introduced. Mr. Karras represented the Our Schools Now Initiative and explained the process it took to get to this point. He indicated that with the likelihood of the Our Schools Now proposal not being accepted as presented, the decision was made to negotiate, and through working with some fine legislators in the leadership of the House of Representatives the compromise was reached to work towards a ballot question. He also acknowledged that getting signatures is

very costly and the ballot question was worded in such a way that would garner the most public support.

Mr. Karras reported that a working group will be organized to develop some ideas for use of the funding should the ballot question pass and the legislature approve the gas tax. He invited the Board to be part of that coalition.

Chair Huntsman asked for clarity about the State Board's role should the funding be sent directly to schools.

[For additional details, see General Exhibit No. 18-207.]

### **Adjournment**

The meeting ended at 1:55 p.m.

Lorraine Austin, Board Secretary  
Minutes approved June 7, 2018