

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

March 7, 2019

A regular meeting of the Utah State Board of Education was held March 7, 2019 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah. Chair Mark Huntsman presided.

Members Present:

Chair Mark Huntsman
Vice Chair Brittney Cummins
Member Laura Belnap
Member Michelle Boulter
Member Janet A. Cannon
Member Lisa Cummins
Member Cindy Davis

Member Jennie Earl
Member Alisa Ellis
Member Jennifer Graviet
Member Linda B. Hansen
Member Scott L. Hansen
Member Carol Barlow Lear
Member Scott B. Neilson

Members Absent:

Member Shawn E. Newell

Executive Staff Present:

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

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

Brad Asay, Zach Asay—AFT Utah; Lori Spruance—BYU Public Health; Vincent Bates; Louise Moulding; Neil Rickard—Utahns Against Hunger; Tracey Watson—Utah Education Association; Merri Walker, Marla Palmer—parents; Jalayne Enberg; Heather Newell—Backman Elementary; Gina James—Utah Association of Public Charter Schools; Caitlin Byrne; Suzy Blackham—Unified Utah BVI; Tami Pyfer—Governor’s Office; Allison Whitworth—Division of Substance Abuse and Mental Health; Amy Mikkelsen—Utah Department of Health; Kellie Kohler—Department of Workforce Services; Natalie Brush—Utah Head Start Association; Jim Moss—State Charter School Board; Zac Christensen, Darin Nielsen, Natalie Grange, Deborah Jacobsen, Emilie Wheeler, Debbie Davis, Jerry Record—USBE Staff

Opening Business

Chair Mark Huntsman called the meeting to order at 10:02 a.m. Member Shawn Newell was excused. Member Scott Neilson led those present in the Pledge of Allegiance.

Board Member Message

Member Cindy Davis welcomed the Board. She talked about a principal that made a difference in her life and played a video news clip from KSL which featured her honoring that third grade teacher. She expressed that teachers like her are pivotal to students and are everywhere in schools.

Employee Recognition

Karen Heaton, H.R., facilitated the introductions of new employees: Daniel Villanova, Ian Fitch, Daniel Davis, Samuel Allan, and Matthew Barrett.

Acknowledgment of Student Artwork

Cathy Jensen, Educational Specialist, distributed the annual catalogue of the high school art show at the Springville Museum of Art. She reported that the Board has purchased some of the pieces for the building. She also announced that KUED has done a documentary about the art show which can be viewed at www.KUED.org/community. Ms. Jensen informed the Board about the student artwork hanging in the Board Room from Copper Hills Elementary, Lakeridge Elementary, Fox Hills Elementary, and Mount Logan Middle School.

[For additional details, see General Exhibit No. 19-75.]

Education Highlight

Prior to the meeting, Board Members were provided with a boxed school breakfast to celebrate School Breakfast Week. Kathleen Britton, USBE Director of Child Nutrition Programs, showed a video about the school breakfast program and the importance of breakfast. She gave a presentation showing how the Child Nutrition Programs assists students in getting an education. [For additional details, see General Exhibit No. 19-76.]

Heather Newell, Principal of Backman Elementary, reported how her school implemented the Breakfast in the Classroom program four years ago and the benefits of the program, including providing informal time for teachers to interact with students, fewer referrals to the office, and less chaos to begin the day.

Public Comment

Neil Rickard, Utahns Against Hunger – commended the CNP Section, teachers, principals and food service workers who have been working to implement alternative service breakfast models. School breakfast is important because hunger is insidious and can sap the focus of a student; it is critical for attention and cognitive benefits, concentration and retaining information. These alternative service models create an environment that is conducive to learning with fewer behavioral incidents, and where students are creating healthy habits.

Lori Spruance, researcher at Brigham Young University with expertise in school breakfast programs – informed that research strongly supports the benefits for school breakfast and serving students after the bell, including modest improvements in test scores. She suggested the Board consider supporting a policy or rule for the Turnaround Schools to serve breakfast after the bell.

Merrie Walker, parent of two blind children – voiced concern about the current “three percent rule” which allows school districts to opt out of providing services to blind and deaf students. Her daughter has had much greater success with the district providing the services than when her son went through the system with USDB providing the services. She expressed concern that changes to policy are made without the approval of the USDB Advisory Council, that parents and educators aren’t informed, that the three percent rule is being promoted to districts as being free of charge, which is false (either districts or the state is billed for those services), and that USDB policy has been changed to allow LEAs to be billed for O&M services. She urged the Board to examine USDB policy and return control to local educators and ensure transparency.

Suzu Blackham, USDB teacher of the visually impaired – informed that she has recently formed a coalition of educators—Unified Utah for the Education of Blind and Visually Impaired Students (UUBVI). The group’s mission is to advocate for the needs of these students by communicating directly with the Board and local education authorities. Education of blind and visually impaired students appropriately and effectively requires a specific and detailed framework within which to function, and for that level of specificity policy and lawmakers need appropriate stakeholder input. The goal of UUBVI is to give unbiased feedback that directly

affects the policies, employment functions and service to blind and visually impaired students in local areas.

Louise Moulding, former USBE Assessment Director – informed that as part of her work at USBE she developed the policy for Adequate Yearly Progress (AYP) under the No Child Left Behind (NCLB) Act. The state of Utah had an accountability measure in place, and yet because of NCLB the state couldn't use the system that was already in place, but had to develop new policy. Her concern at the time was that a political policy was going to undermine quality educational practice. She finds herself feeling the same way concerning the developments in teacher preparation over the last few years—that now instead of having the university systems which are all nationally accredited providing teacher preparation, every local education agency (LEA) will be a teacher preparation program. That will necessitate standardization, testing and reporting, and she feels as if it is NCLB all over again and won't improve the quality of teaching.

Vincent Bates, parent, music, art teacher, and teacher educator – recited a story to illustrate the Board outsourcing teacher preparation.

Marla Palmer, parent of two blind children and member of the USDB Advisory Council – informed the Board about concerns from a teacher on the policy to allow school districts to opt out of providing services to USDB students. Though the rule change allows USDB to provide services for free, there are additional barriers that should be considered: Stakeholders didn't hear about the rule; USDB has assumed teachers in the districts will be okay with the transition, but that is not the case; there are seasoned teachers who have said if services move to USDB they would rather remain in their districts and not be teachers of the visually impaired than move to USDB; and there is a national shortage of those teachers. In addition, orientation ability services have been free to districts, but now districts who opt out of providing educational services will have to pay for orientation mobility services. She urged the Board to look at outcomes and the barriers that will result if the rule is implemented.

Caitlin Byrne, university-based teacher educator – her research for the past several years has focused on the implications of standardized, pedagogical performance assessments for teacher candidates, teacher education, and the teaching profession. Research has shown that standard pedagogical assessments (such as EdTPA and PPAT) that are scored by outside entities invite teacher candidates to put on a show for the scorers and engage in bad teaching

practices in order to look good in their video submissions. Scorers are not there to ask questions and there is no follow up discussion. In contrast, the performance assessment practices already being used in college and university teaching programs involve not only video clips and written reflections, but multiple observations over time and meaningful dialogue with teacher candidates—practices that are far more authentic than submitting a portfolio or video clips and written reflections to a remote scorer where no dialogue can take place.

General Consent Calendar

Items 4.14 Special Education Report and 4.12 Utah Participation in Assessment Redesign Project were pulled for further discussion at the requests of Members L. Hansen and L. Cummins, respectively.

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

Motion carried unanimously.

General Consent Calendar

4.1 Approval of Meeting Minutes

The Board approved the minutes of its February 7-8 and February 14, 2019 meetings. [For additional details, see General Exhibit No. 19-77.]

4.2 Contracts for Approval

The Board approved contracts/agreements over \$100,000, and contract amendments, with the following entities: MIDAS Education, LLC; Tetra Analytix; Henriksen Butler (Contract MA145); Henriksen Butler (Contract MA3835); Assessment to Achievement (A2A) Services; Panorama; Language Testing International. [For additional details, see General Exhibit No. 19-78.]

4.3 Contract for Review

The Board was provided for review an agreement under \$100,000 with Sandra Peuler. [For additional details, see General Exhibit No. 19-78.]

4.4 Grants Approval Process

The Board approved acceptance of a federal Healthy Transitions Initiative Project grant award of \$22,000 for UT YES. [For additional details, see General Exhibit No. 19-79.]

4.5 Requests for Temporary Authorizations

The Board approved temporary authorizations for educator licenses as requested by local education agencies. [For additional details, see General Exhibit No. 19-80.]

4.6 FY2020 Competency-Based Education Planning Grant Awards

The Board approved new planning grants under the Competency-Based Learning Grants Program for the following: American Academy of Innovation--\$51,080; Davis School District--\$100,000; Duchesne School District--\$100,000; Iron School District--\$100,000; Juab School District--\$100,000; Logan City School District--\$91,810.92; Murray City School District--\$100,000. [For additional details, see General Exhibit No. 19-81.]

4.7 R277-724 Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program

The Board approved continuation of R277-724 *Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program* on final reading. [For additional details, see General Exhibit No. 19-82.]

4.8 Kindergarten Supplemental Enrichment Program Grantees

The Board approved distribution of Kindergarten Supplemental Enrichment Program funds for the 2019-2020 school year to the recommended schools as submitted. [For additional details, see General Exhibit No. 19-83.]

4.9 R277-119 Discretionary Funds

The Board repealed R277-119 *Discretionary Funds* on final reading. [For additional details, see General Exhibit No. 19-84.]

4.10 R277-601 Standards for Utah Buses and Operations

The Board approved continuation of R277-601 *Standards for Utah Buses and Operations* on final reading. [For additional details, see General Exhibit No. 19-85.]

4.11 Letters of Support for Utah Afterschool Network

The Board approved sending letters of support for Utah Afterschool Network's applications for grants from the Sorenson Legacy Foundation and Dolores Doré Eccles Foundation. [For additional details, see General Exhibit No. 19-86.]

4.12 Utah Participation in Assessment Redesign Project

This item was removed for further discussion.

4.13 List of Educator Licenses Processed

A list of educator licenses processed in January 2019 was provided for Board information. [For additional details, see General Exhibit No. 19-87.]

4.14 Utah's Annual Performance Report (APR) for Special Education Compliance and Outcomes

This item was removed for further discussion.

4.15 Utah's Annual IDEA Application

Utah's Annual State Application under Part B of the Individuals with Disabilities Education Act (IDEA) was provided for Board information. [For additional details, see General Exhibit No. 19-88.]

Item 4.14 Special Education Report to the Legislature

USBE Educational Specialist Kim Fratto addressed Board member questions and reported that the biggest improvement over last year was in facilitating increased parent input. [For additional details, see General Exhibit No. 19-89.]

Item 4.12 Utah Participation in Assessment Redesign Project

Assistant Superintendent Darin Nielsen and Ann-Michelle Neal, WIDA Assessment Specialist, addressed questions about the project, which will tackle the very difficult task of developing an alternative assessment for kindergarten students and redesigning all alternate assessments for students learning English that have the most significant disabilities. Participation would allow Utah to engage in the initial research and design. [For additional details, see General Exhibit No. 19-90.]

MOTION was made by Member B. Cummins and seconded that the Board approve Utah participation in the Advancing ATELLA: Alternate Assessment Redesign Project.

Motion carried unanimously.

Monthly Budget Report

Natalie Grange, Assistant Superintendent, gave the monthly budget report and reviewed the Discretionary Fund report. Deputy Superintendent Scott Jones was excused.

Superintendent Grange noted that with the legislative session coming to a close staff will start to prepare the FY2020 budget to come before the Board.

[For additional details, see General Exhibit No. 19-91.]

USBE Budget/Legislative Priorities

Deputy Superintendent Angie Stallings, Policy Advisor Jeffrey Van Hulten, and Assistant Superintendent Natalie Grange reviewed the following legislation: S.B. 236 State Board of Education Candidacy Amendments; H.B. 374 Modifications to Education Funding; H.B. 441 Tax Equalization and Reduction Act; 2nd Substitute H.B. 385 Medicaid Reimbursements to Public Schools; 1st Substitute H.B. 363 School Transportation Amendments; 1st Substitute 318 Reading Program Expansion Amendments; and S.B. 245 School Community Awareness.

MOTION was made by Member Davis and seconded that the Board oppose S.B. 177 Scholarships for Special Needs Students.

Board member concerns were expressed that private funding is going through the government, that the scholarship would create a new number of responsibilities for the Board, and that a number of disability organizations in the state oppose the bill.

Motion carried unanimously.

MOTION was made by Member Davis and seconded that the Board support H.B. 374 Modifications to Education Funding.

Motion carried unanimously.

MOTION was made by Member S. Hansen and seconded that the Board oppose S.B.236 State Board of Education Candidacy Amendments.

Member Hansen spoke to his motion, stating that by allowing people to declare a party affiliation, the election will be a party election.

Members expressed concern that the bill promotes divisiveness and, with write-in candidates, is fixing a problem that is already allowed. Others indicated discomfort with taking a position as there is a pending legal case on Board elections.

Motion failed 5-9, with Members Cannon, Davis, Graviet, Lear and S. Hansen in favor, and all others opposed.

MOTION was made by Member Ellis and seconded that the Board oppose S.B. 149 Teacher and Student Success Act.

Member Ellis spoke to her motion, indicating the biggest reason for her opposition is it ties the TSSA to the accountability system.

Board members also discussed the difficulty with having an existing account, but not a mechanism to distribute the money; the burden that would be added to USBE staff with this model; that teachers will need to do additional work to get the money; and the conflict with wanting to get more money to teachers, but not being comfortable with this method.

MOTION was made by Member Earl and seconded that the motion be postponed until later in the meeting.

Motion carried unanimously.

[For additional details, see General Exhibit No. 19-92.]

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, and physical or mental health of individuals.

Upon voice vote of Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Davis, Earl, Ellis, Graviet, L. Hansen, S. Hansen, Huntsman, Lear and Neilson, the Board moved into closed Executive Session at 12:58 p.m.

Those present included the Members above and Sydnee Dickson, Ben Rasmussen, Bryan Quesenberry, Michelle Beus, Emilie Wheeler, Brooke Baker and Lorraine Austin.

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 2:15 p.m.

SHARP Survey

Rhett Larsen, USBE Substance Abuse Prevention and Intervention Specialist, and Craig PoVey, Prevention Administrator at the Utah Division of Substance Abuse and Mental, gave a presentation on the Student Health and Risk Prevention (SHARP) Survey which is administered biennially to students in grades 6, 8, 10 and 12. It was noted that the survey is an opt-in survey.

Board members asked for further information on the validity and reliability of the survey, how it relates to ESSA, and the funding trail. There was also concern expressed about the wording of some questions, particularly #1 and #2, on the survey for higher grades, and that the wording of #1 was changed after the Board approved the survey. It was also questioned why a question on religiosity was added this year. Recommendations were made that parents receive more education before the survey and debrief with their child after the survey.

[For additional details, see General Exhibit No. 19-93.]

Executive Session Action Items

Action on Educator Licenses

MOTION was made by Member Belnap and seconded that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 17-1427 to suspend the individual's Level 2 Secondary Education license for not less than three years.

Motion carried.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1434 to issue a letter of reprimand to be in place not less than two years.

Motion carried, with Member Ellis opposed.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 17-1451 to issue a letter of reprimand to be in place not less than two years.

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

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1490 to issue a letter of reprimand to be in place not less than two years.

Motion failed 7-7, with Members Cannon, B. Cummins, Gravier, L. Hansen, S. Hansen, Huntsman and Lear in favor, and Members Belnap, Boulter, L. Cummins, Davis, Earl, Ellis and Neilson opposed.

The Board discussed the hearing process available to individuals as outlined by Board rule. The process doesn't include a hearing before the Board, but does provide for a hearing before UPPAC. The Board may also ask for additional information or recommend an alternative action.

MOTION was made by Member S. Hansen 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 all Members, the Board went into Executive Session at 3:35 p.m.

Those present included all Members and Angie Stallings, Ben Rasmussen, Bryan Quesenberry, Michelle Beus, Lorraine Austin and Emilie Wheeler.

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

Motion carried. The Board reconvened in open meeting at 4:00 p.m.

MOTION was made by Member Davis and seconded that in UPPAC Case No 18-1490, the Board approve issuing a letter of reprimand to be in place not less than three years.

Motion carried 8-6, with Members Cannon, B. Cummins, Davis, L. Hansen, S. Hansen, Huntsman, Gravier and Lear in favor, and Members Belnap, Boulter, L. Cummins, Earl, Ellis and Neilson opposed.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 18-1501 to issue a letter of reprimand to be in place not less than two years.

Motion carried.

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

Motion carried.

[For additional details, see General Exhibit No. 19-94.]

Trust Advisory (TAC) Committee Appointments

MOTION was made by Member Belnap and seconded that the Board appoint the following individuals to its Trust Advisory Committee for four-year terms: Carolyn White and Liz Mumford as at-large representatives; Steve Davis as a charter school representative; Cade Douglas as a district superintendent representative; Jennifer Mayer-Glenn as a representative from the USBE Advisory Committee on Equity of Educational Services for Students (ACEESS); and to fill a vacancy through March 2021, Lark Reynolds, representing school business officials.

Motion carried unanimously.

Audit Committee Report

Committee Chair Brittney Cummins reported that there were no action items for the Board from the February 21, 2019 Audit Committee meeting.

Finance Committee Report

Committee Chair Laura Belnap reported on the following items from the February 7, 2019 meeting. Information on items not reported will be included in the exhibits to the meeting summary. [For additional details, see General Exhibit No. 19-95.]

R277-119 Discretionary Funds

This item was placed on the Consent Calendar for action.

R277-601 Standards for Utah School Buses and Operations

This item was placed on the Consent Calendar for action.

R277-720 Competency-Based Education Early Graduation Reimbursement Program

New rule R277-720 was created in response to statute that allows the Board to create rules regarding how to reimburse an LEA when a competency-based education program triggers the early graduation of a student. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-720 *Competency-Based Education Early Graduation Reimbursement Program*, Draft 1, on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-96.]

Adobe Digital Literacy Initiative

The Committee heard a presentation concerning an opportunity that would provide Adobe Creative Cloud technology to all students and teachers in grades 7-12 through a statewide license. [For additional details, see General Exhibit No. 19-97.]

Staff were directed to work with Adobe to answer questions committee members had about storage, monitoring, access and protection of the data and send to Chair Huntsman for presentation at a Board legislative meeting.

Public Education Funding Study

The Committee discussed the Board conducting a public education funding study on Utah's education funding formulas and finance system. It was noted that a comprehensive study hasn't been done since 1990.

MOTION from Committee that the Board authorize USBE staff to develop a scope of work to study Utah's school funding system.

It was clarified that the scope of work will come back to the Board for approval.

Motion carried. [For additional details, see General Exhibit No. 19-98.]

Law and Licensing Committee Report

Committee Chair Alisa Ellis reported on the following items from the February 7, 2019 meeting. Information on items not reported to the Board will be included in the exhibits to the meeting summary. [For additional details, see General Exhibit No. 19-99.]

R277-552 Charter School Timelines and Approval Processes

The Board adopted R277-552 in its November 2018 meeting with a recommendation that the rule come back for further discussion. The Committee reviewed amendments to Draft 3 proposed by staff, and approved R277-552, Draft 3, as amended, on first reading.

MOTION from Committee that the Board approve R277-552, Draft 4, on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-100.]

External Data Request – URADD

State Code 53E-9-301 requires that the Board enter into a data sharing agreement with the Utah Registry of Autism and Developmental Disabilities (URADD) program which is a part of the Utah Department of Health and is housed within the University of Utah. The agreement came to the Board in its January 9 meeting, but the Board did not approve the agreement at that time. The agreement was referred back to the committee to look at including a provision that parents be notified of what data is being collected and of their right to have that data removed, and a possible request for a change to the statute. [For additional details, see General Exhibit No. 19-101.]

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

MOTION was made by Member Ellis and seconded that the Board postpone action on the agreement for a month pending possible changes to the law.

Motion to postpone carried unanimously.

R277-726 Statewide Online Education Program

The Committee reviewed proposed changes to the rule to outline the procedures that an LEA should follow in awarding credits to students earned through the Statewide Online Education Program prior to Grades 9 through 12 which count towards early graduation efforts. The Committee approved Draft 6, with additional changes, on first reading.

Motion from Committee that the Board approve R277-726, Draft 7, on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-102.]

R277-700 The Elementary and Secondary School General Core

The Committee reviewed changes to the rule to outline procedures that an LEA should follow in awarding credits to students earning through the Statewide Online Education Program, and approved Draft 2 of the rule on first reading.

MOTION from Committee that the Board approve R277-700, Draft 2, on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-103.]

Internal Data Request for External Research with Student PII

The Committee reviewed a data-sharing agreement with Utah Head Start Association to conduct research on kindergarten preparation.

MOTION from Committee that the Board approve the internal data request for external research, including student personally identifiable information, with the Head Start Association.

Motion carried. [For additional details, see General Exhibit No. 19-104.]

R277-102 Adjudicative Proceedings

The Committee considered staff recommendations for repeal of R277-102 because adjudicative proceedings are already in the Utah Administrative Procedures Act. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board repeal R277-102 *Adjudicative Proceedings* on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-105.]

R277-105 Recognizing Constitutional Freedoms in the Schools

The Committee considered staff recommendations for repeal of R277-105 because the constitutional protections to students outlined in the rule are already established in federal and state case law. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board repeal R277-105 *Recognizing Constitutional Freedoms in the Schools* on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-106.]

R277-304 Teacher Preparation Programs

The Committee reviewed proposed amendments to R277-304 in Draft 3, prepared consistent with the licensing rule revision timeline. The Committee made additional changes, and approved R277-304, Draft 3 as amended, on first reading.

MOTION from Committee that the Board approve R277-304 *Teacher Preparation Programs*, Draft 4, on second and final reading.

Member Ellis indicated that Draft 5 of the rule has been prepared to define what clinical experience means and clarify virtual classroom.

MOTION to amend was made by Member Ellis and seconded that Draft 4 be replaced with Draft 5.

Motion to amend carried.

Motion as amended carried. [For additional details, see General Exhibit No. 19-107.]

R277-502-4 License Levels, Procedures, and Periods of Validity

The Committee reviewed an amendment to R277-502-4 requested by staff to insert the word "or" on line 45 of Draft 1, which had been inadvertently omitted. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-502-4 *License Levels, Procedures, and Periods of Validity*, Draft 1, on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-108.]

R277-115 LEA Third Party Provider Monitoring

In the October Law and Licensing Committee meeting, the Committee reviewed R277-417 regarding LEA requirements to supervise and monitor third party providers. The Committee requested Section 4 of R277-417 be moved into its own rule regarding LEA supervision and monitoring of contracts to provide assurance regarding compliance. Last month the Committee discussed policy options for amendments to the rule, which were incorporated into R277-115, Draft 1. The Committee reviewed Draft 1, made additional changes, and approved R277-115, Draft 1 as amended, on first reading.

MOTION from Committee that the Board approve R277-115, Draft 2, on second and final reading.

MOTION was made by Member Ellis and seconded that Draft 2 be replaced with Draft 3.

Motion to amend carried.

Motion as amended carried. [For additional details, see General Exhibit No. 19-109.]

Standards and Assessment Committee Report

Committee Chair Jennifer Graviet reported on the following items from the February 7, 2019 Committee meeting. Information on items not reported will be included in the exhibits to the meeting summary. [For additional details, see General Exhibit No. 19-110.]

USBE Standards Revision Process

The Committee reviewed the USBE Standards Revision Process and cut the steps from twelve to ten. [For additional details, see General Exhibit No. 19-111.]

MOTION from Committee that the Board approve the updated Standards Revision Process.

MOTION was made by Member Ellis and seconded to amend Step 8 of the Revision Process to: "Revision based on Board direction after public comment;" and amend Step 5 to add that drafts will be provided to the Board.

Member Ellis spoke to her motion, expressing that she would like a more substantive report to the Board during the writing process, and that being as transparent as possible during the process will be a benefit to everyone involved. She also felt the Board should direct the writing committee as to what input from the public to incorporate into the standards.

Concerns were expressed that if the Board gives significant input to the writing committee early in the process that could prohibit the committee from responding to public input without bias, and that the additional step would slow the process.

MOTION was made by Member B. Cummins and seconded that the motion be split to vote on the changes to Step 8 and Step 5 separately.

Motion to divide carried.

Motion to amend Step 8 failed, with Members Boulter, B. Cummins, L. Cummins, Earl, Ellis and Neilson in favor, and Members Belnap, Cannon, Davis, Graviet, L. Hansen, S. Hansen, Huntsman and Lear opposed.

The Board discussed the motion to amend Step 5 to add that drafts of the standards will be provided to the Board.

Concerns were expressed that that when issues are discussed midway through the process, it could result in participant bias and influence public comment, and that individual Board members could sway the writing committee before the full Board has voted.

It was suggested that giving the full Board access to view the drafts would eliminate the need for individual Board members to meet separately with the writing committee or staff. Others expressed that if the process is open from the beginning the public should be able to give comment throughout the process.

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

MOTION was made by Member L. Hansen and seconded that Step 8 be amended to: "Revision based on Board direction considering Board standing committee recommendations after review of public comment."

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

It was noted that the process will take effect for the science standards.

MOTION was made by Member Earl and seconded that Step 6 from the original process which had been removed—*Meet with SRC to provide updates and receive input*—be added back into the process.

Motion to amend failed, with Members Boulter, L. Cummins, Earl, Ellis and Neilson in favor, and all others opposed.

Motion to approve the updated Standards Revision Process, as amended, carried, with Members Belnap, Boulter, Cannon, B. Cummins, L. Cummins, Davis, Earl, Ellis, Gravier, L. Hansen, Huntsman and Neilson in favor, and Members S. Hansen and Lear opposed.

MOTION was made by Member Belnap and seconded that the Board direct staff to provide protected access to the Board to view drafts of standards revision updates.

It was clarified that the drafts would be provided for Board members only, and should not be shared or commented on.

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

R277-524 Paraprofessional/Paraeducator Programs, Assignments, and Qualifications

The Committee reviewed R277-524 in accordance with the required five-year review process and approved continuation of the rule on first reading.

MOTION from Committee that the Board approve continuation of R277-524, Draft 1, on second and final reading.

Motion carried. [For additional details, see General Exhibit No. 19-112.]

Legislation Review - continued

Deputy Superintendent Stallings reported that S.B. 149 Teacher and Student Success Act passed the House today. Without objection, the motion that was postponed to oppose S.B. 149 was withdrawn.

MOTION was made by Member L. Hansen and seconded that concerning H.B. 385 Medicaid Reimbursement to Public Schools, the Board direct staff to communicate with the Legislature that the Board can't come into compliance unless funding is provided.

Motion carried.

Board Chair's Report

Chair Huntsman thanked Board members for all their work during the Legislative Session and for their support of Board items.

Adjournment

MOTION was made by Member Cannon and seconded that the meeting adjourn.
Motion carried. The meeting adjourned at 6:28 p.m.

Lorraine Austin, Board Secretary
Minutes approved April 4, 2019