

BOARD OF TRUSTEES MEETING

February 14, 2017

Those in attendance: Terry Bawden, Marilyn Richards, Scott Carlson, Heather Bennett, Belinda Johnson, Blaik Baird, Kelly Preece, Dale Whitlock, Jeff Schena, Greg Miller, Kim Pickett, Jerre Holmes, David Brotherson, Kodey Hughes, Mike Savage, Amber Shill, Tamara Lowe, Bryan Durst, Kristen Betts, George Henrie, Rick Nielsen, John Penrod, Garrett Muse, Rob Cuff, Kim Monkres, Ryan Bishop, and Jeff Cluff. Excused: Dean Oborn, Michelle Kaufusi, and Craig Seegmiller. Not in Attendance: Alan Mouritsen, Lori Maughan, Stan Young and Jennifer Graviet.

Minutes: Jeanne Widerburg.

1. **Welcome and Chairperson Business:** Chair Betts welcomed members. She excused Dean Oborn, Michelle Kaufusi and Craig Seegmiller. She welcomed Taz Murray, Provo School District, who was substituting for Michelle Kaufusi.

A. Pledge of Allegiance/Patriotic Thought: Mr. Schena talked about his father who has been gone for 25 years. His father was an Italian immigrant. He served in World War II in the Pacific Islands and was a graduate of Tintic HS. His father was a recon patrol sergeant. The survival rate for an individual with that the job was about 80%. A year into his tour he received a bronze star with oak leaf clusters for putting himself in danger to save his patrol. His father was given leave and he came home to a celebration, but then had a difficult time returning because of his experiences. He finally returned and was discharged honorably. Mr. Schena has a fellow school board member who is a retired Lt. Colonel and he reported that 22 soldiers commit suicide every day since the Middle East conflict. Mr. Schena reminded members that we should honor soldiers and the immigrants who sacrifice their lives for us and never forget. He then led the members in the pledge of allegiance.

B. Reverence/Thought: Mr. Bawden offered a prayer.

2. **State Board Rule R277-409:** Mr. Cuff reported he had attended the State School Board meeting on the previous Friday. The Board decided to put the rule in a holding pattern and delay a decision until at least the March meeting. Mr. Cuff discussed the latest draft which eliminated the JV level free movement. They have retained the five “automatic” transfer of eligibility. They are discussing a “play where you enter.” If transfer is from a charter or private, student will only be eligible at their boundary school. Legal custody or full and complete guardianship of the student was added to the draft. The State School Board will reconsider on March 13 after the legislative session ends on March 9. Mr. Carlson asked if the five automatics are not already currently considered and this list seems more restrictive. Mr. Cuff said the BOT would have the ability to add more circumstances than just the five listed. The draft being discussed is from the State Board of Education.

3. **Legislative Items:** Mr. Spatafore said the legislature is generally responding to more transparency and openness on any organization that is either a government non-profit or any organization dealing with government. HB55 goes into great detail about government non-profits. He said the language has been carefully crafted to exclude UHSAA. These entities are using public money and the legislature wants more financial responsibility and accountability for these entities. Many of these organizations have large boards and they want to reduce the board size.

Mr. Spatafore reported that he, Ms. Betts and Mr. Cuff were invited to meetings held twice a week with Speaker Greg Hughes, Representative Francis Gibson, Representative Brad Last, Superintendent Styler, Superintendent Bergeson, Superintendent Holmes, Terry Shoemaker, two football coaches, (Dustin Pierce, Herriman HS and Brody Benson, Highland HS), Kathy Howa, Rickie Stewart and two members of the media. Francis Gibson will be the sponsor of the Bill. Mr. Spatafore stated we have more support in the Senate than the House. Can we kill the Bill? He said it depended on what we don't like about the Bill. He reported there are 132 education bills and the superintendents and school board are looking at priorities such as funding and curriculum. Extra-curricular activities might not be a priority. Where will they want to spend their political capital?

Mr. Spatafore reported on proposed legislation. (1) Change the current Board of Trustees to a 15-member Board. The UHSAA would maintain the appointment mechanism. (2) An external 3-person appeal panel. Representative Gibson has stated he doesn't want a transfer rule in state statute. He is looking for a "play where you enter."

Mr. Schena voiced support for more restrictive transfer rules that are very specific.

Mr. Holmes reported on the superintendent's meeting on Friday. He said a vote was not taken, but there was consent by a large number to support the staff and the efforts made at the legislative meeting. He personally feels it is a good direction to reduce the size of the BOT. He felt the process for realignment worked well because of the smaller group discussions. But, as far as the smaller sized BOT, he feels there is value with the ability to be more proactive and move issues quicker. He understands the concern and the desire to have representation for each region. He thinks this is the right thing to do for the betterment of the Association.

Mr. Spatafore discussed the data provided to the Board that indicated the number of board members in other states. He stated there is a lot of uncertainty and feels there is a target on our backs and fronts and that won't go away. Some may argue we lose some of the integrity of the organization if we are in state code. But that could change at any time. If we can negotiate legislation that maintains the integrity of the organization, maintains the appointment power of the BOT and an independent appeal panel, it would not be a bad piece of legislation.

Mr. Cuff discussed the option of advisory boards or standing committees along with the 15-member BOT. These advisory boards could increase the representation for the realignment process or other issues. In 1992, the BOT had 20 members. Prior to 1992 there was a legislative council and topped out with 54 members in 1988-1989. A reduction in the policy making body of the UHSAA has happened previously. We can keep the Executive Committee and the Region Board of Managers at the grass roots. The success of the realignment process this year can be attributed to the smaller working groups and then coming together as a whole.

Ms. Monkres voiced her concern with any legislation because Speaker Hughes has said the UHSAA is corrupt so that means he thinks the office is corrupt. Speaker Hughes has never met us. What happens when they want to be more involved? This legislation brings no comfort. Why can't the BOT fix any problems? Mr. Spatafore thinks the legislators don't think this Board will support the reduction. If this reduction is accepted today, it will go a long way to work out a final conclusion of acceptable legislation. If an acceptable bill passes by March 9 then the target will be removed. Mr. Holmes said if the Board takes action to reduce its size, we can still fight legislation.

Ms. Bennett asked if the reduced board will produce improvements. Ms. Shill asked what the reasons for the reduction are. Mr. Pickett feels the legislators have agendas and this may or may not remove the target. They will continue to push their agendas. We should determine changes in the Association. Mr. Holmes feels the smaller BOT will ensure that the members will provide broader thinking because they will be representing a larger group. Discussion will happen quicker and movement will be quicker. A 15-member board will still create thoroughness. Ms. Lowe pointed out there are fights worth fighting and she would prefer not to spend political capital on this because there are bigger fights for school board members and superintendents. If there is an advisory committee for realignment she feels they will be well represented. Mr. Schena is not concerned with a smaller board. He is passionate about the transfer rule and give and take is part of the political process. A smaller board could give us leverage with the transfer rule. Mr. Brotherson said something is going to happen and he would rather be a player at the table than not. If we can help in the decision it is better for all of us. He trusts Representative Gibson. Ms. Betts feels the Executive Committee is important to coaches. She thinks Mr. Gibson is trying to help the UHSAA the best way he knows how. Speaker Hughes listens to coaches and the media reps in the meetings they have held. Ms. Betts said it is difficult trying to protect all the groups we represent, coaches, principals, superintendents and board members. Mr. Kodey Hughes was surprised at the size of the board when he started. He had already felt it was difficult to manage the meeting with a 30-member board. There are complexities with a large board. He recognizes that it can also create great relationships and rewards. He thinks the smaller board will create more clear and transparent decisions.

Ms. Betts and Mr. Cuff will be meeting again this afternoon with Speaker Hughes and they need to report the Board's standing.

4. Legal Items: Mr. Van Wagoner feels the 30-member Board has always been willing to do the right thing. He read a letter he composed to the BOT. Major points:

- Since 1974 there has been no legislation or litigation
- Obligation to do the will of the schools
- Demand to reduce board to 15
- Experience in negotiating difficult issues for clients
- Confrontation is only one tool and failure to use all your tools is foolish
- Independence of Activity Association is not negotiable
- Quotes from Speaker Hughes
- Reconfirm the will of schools and districts
- Oppose any legislation, formulate plan
- Make changes to BOT, determine what they will concede
- Willing to accept legislation that affects board's power and composition, they should carefully define those terms and what would be considered too much.
- Every effort to have School Board not implement the transfer rule
- He will do anything and everything to help them achieve their decisions

Staff was excused. Ms. Betts asked for direction for her and Mr. Cuff for the next meeting with legislators. Members discussed next steps. Staff was invited back to continue discussion. Mr. Henrie is concerned with the legislation and it is time to draw the line in the sand. We have the procedure in place to reduce the size of the Board of Trustees. We need to fight. Mr. Pickett said they want us agree to something we don't know what we are agreeing. Mr. Brotherson said this is not unusual with the legislature.

Mr. Bishop said it has taught him to be more proactive in the beginning so as not to be placed in the reactive position. He said he had some concerns with six classifications and didn't share them and now some of those things are coming to fruition. It is difficult to have critical conversations in a large group. He has appreciated the members and their support, but agrees the reduction in board size could be helpful.

Mr. Cluff said it has been a privilege to work with the board members. He had not worked within the high school realm, but in college governance. He has found it refreshing, enlightening, and frustrating coming to high school. He feels we are at a crossroads as an organization and there are many opinions. He concurs that we are forced to be reactive at this point and it feels helpless. It is a difficult position because they are in the positions they hold because they are leaders. They are used to being in control, knowing who they are and the decisions that need to be made.

Mr. Taylor said there is a small picture and a large picture. By agreeing to the small picture, a smaller board, will that help us with the big picture of running our own Association? Do we continue to fight for our own turf or agree to the small picture and control the big picture?

Ms. Monkres said she sees value in a smaller board, although she values each member and would not want to minimize their insight and support. Her fear is the voice of the schools goes away as an outside group directs the organization. She wonders if we can negotiate, but where is the line drawn. She wants schools to know who they can call when there are issues.

Mr. Cuff said it has been a hard month. He said he personally doesn't see anything wrong with the Association. Things are good. In attending the meetings with the legislature and State School Board, for some reason there is a perception there is not a level of trust with us. He feels bad about that having worked in the Association for sixteen years. He feels we have done our best to do what is best. We are in a no win situation with transfers because with two schools involved, one will feel they have lost. Everyone is competitive and that is why we do what we do. We love athletics. We want to win this battle and it would be helpful if we can agree to a few things that will build some trust. We need to show we can be trusted. He feels we should agree to the 15-member board (same scale of representation as present) and the external 3-person appeal panel. We are coming to the table and willing to do these two things.

Mr. Henrie shared his experience with a master teacher at his school. When the Utah Effective Teaching Instrument came out, Mr. Henrie went through the instrument with the teacher and by those standards the teacher ranked minimally effective. Just because the state adopted the tool, the standard does not take away the teacher's level of effectiveness. Just because a few people have said they don't trust the Association, doesn't make this organization any less trustworthy. This is a fine organization. If they don't trust us, they need to come and see the process and meet with the members and participate. Mr. Holmes said we need to trust Mr. Cuff because there have been times the Board has placed him in difficult positions. Let's let him lead. Mr. Pickett said sometimes "trust" is more about if you "agree with me." He feels the question is whether we should make the decisions or the State. He thinks some of the suggestions are good, but will it ever end? Mr. Miller said nobody has the information that Mr. Cuff has because of his experience and years at the Association. Not everything can be communicated. He has put his heart and soul into this Association. He is going to be put a lot of weight into his recommendation. Mr. Hughes said the organization has to look to its leadership. Good relationships with the State School Board and State Legislature matters. The education budget is 90 billion dollars and the legislature wants to have a say. We need to create relationships with the legislators. Ms. Monkres said if the Board is agreeable to these items, what do we get in

return? She would like to have them sit down and talk with the organization and work things out. Mr. Holmes said we need to do what is best for right now. The legislation is not going away. Ms. Monkres would like some time to see if the changes work before legislation. Mr. Schena feels they need to come to some consensus then build relationships and earn legislative “chips” to deal with people on a cooperative level without backing down. It won’t go away. If the Board is not responsive, it will get worse. Mr. Van Wagoner said the first determination is if the Board is willing to be put under statute and not oppose it. Mr. Preece said he has great respect for the Board members. He thinks it would be appropriate to ask for time to make it work.

Mr. Whitlock suggests that they meet with the legislators and say the Board is willing to change to a 15-member board and 3-person appeal panel, but what do we get back – no legislation. We want to remain independent and continue to fight legislation and the State School Board. Mr. Van Wagoner feels the Board needs to give a bright line as to the legislation.

MOTION: Ms. Bennett motioned to empower Mr. Cuff to attend the legislative meeting reporting that the Board members have agreed to a 15-member board as outlined. Ms. Lowe second. Mr. Penrod said there has been no study to see if it fits the organization. Mr. Muse said he has concerns to put a specific number on the board reduction. Motion failed because Ms. Bennett had to leave and the motion could not be amended.

MOTION: Mr. Penrod motioned the board will agree to reduce the numbers of BOT and put in place an appeals panel independent from the Activities Association. They agree to do make these changes dependent on what the author of the bill agrees to do for the Association. Mr. Carlson second. Mr. Cuff said they will propose a 15-member board of trustees and the 3-person appeal panel. They can either play in sandbox or oppose and put their trust on hold. Mr. Carlson said it is difficult when the bill is not available to them. Mr. Van Wagoner said he is trying to maintain the integrity of the Association. Mr. Holmes said the superintendents are trying to protect the Association and the process. Motion failed.

MOTION: Ms. Lowe motioned to allow Mr. Cuff to represent the feelings he has heard from the Board and do what is best for the Association in the legislative meeting. He would be allowed to agree to the reduction in board size and the appeals panel. The members don’t like being on a slippery slope and would like to remove ourselves from the slope. Mr. Brotherson second. Mr. Durst felt Mr. Cuff needed the power to support the two changes. Mr. Hughes made a substitute motion that we approve the reduction in board to 15 members and external 3-person appeal panel as a first reading. Ms. Lowe accepts the amendment. Ms. Johnson second. Mr. Van Wagoner does not know the dynamics of the legislation. If we concede we will accept the legislation then we would not be able to fight the two provisions. This is a clear departure from anything any Board of Trustees has ever done. It doesn’t mean it is wrong or can’t be done. Mr. Miller said this is a first reading and if something comes out in the bill we would not pass a second reading. Mr. Cuff thinks the two items, board reduction and external panel, will be in legislation. Mr. Muse thinks we operate in good faith with the legislators. Mr. Holmes said a first reading gives members some time. Ms. Johnson said following policy and the process shows transparency. Mr. Miller said if it passes the House they can talk to their Senators. Motion carried, but not unanimously.

Meeting adjourned at 12:20.