

BOARD OF TRUSTEES MEETING
February 28, 2017

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

1. **Welcome and Chairperson Business:** Chair Betts welcomed members. She excused Scott Carlson, Belinda Johnson, Craig Seegmiller and Mike Savage. She welcomed Mike May who was representing Mr. Carlson.

A. Pledge of Allegiance/Patriotic Thought: Mr. Durst led members in the pledge of allegiance.

B. Reverence/Thought: Mr. Baird was confident that members of the BOT have the best interests of students in mind. He has been impressed in the short time he has served how members work together to solve issues and problems. Mr. Baird offered a prayer.

2. **Layton Christian Academy Request:** Mr. Cuff received a letter from Layton Christian Academy (LCA). A copy of the letter was provided to members. LCA is requesting to be moved up one classification in everything except for football. Mr. Miller said this request is not unprecedented because they moved in 2007. They want to be part of the solution rather than a problem for public schools. He has suggested a multiplier or success factor for private/charter schools. They would like to voluntarily move up. Mr. Young stated that schedules have been developed for regions and that would leave them with only five teams. Would Rowland Hall consider a switch to Region 16? Mr. Holmes asked if the realignment was finalized. Mr. Cuff would like to see schools moved up if they request, but the timing could affect others. Mr. Bawden is concerned to open the door to change the realignment at this point. Mr. Hughes asked if it could be phased in if schedules by sport have not been developed. Ms. Richards asked if there were reasons, like transportation, for the request besides competition. Mr. Miller felt it would relieve tensions and is a better fit. Ms. Richards was concerned to move schools around at this point. Mr. Penrod feels this is an item that should go to the Executive Committee for a recommendation.

MOTION: Ms. Lowe motioned to refer the request of Layton Christian Academy to the Executive Committee for their recommendation. Ms. Richards second. Motion carried.

3. **Legislative Items:** Ms. Betts wanted to discuss House Bill 413.

MOTION: Mr. Muse motioned to go into Executive Session to discuss personnel issues. Mr. Penrod second. Motion carried.

MOTION: Ms. Bennett motioned to leave Executive Session. Ms. Shill second. Motion carried.

Ms. Betts asked if members were ready to hold a second reading on the reduction of board size and membership. Mr. Penrod again voiced his concern for leaving the Executive Committee

outside the loop. Mr. Cuff said, regarding the Board size and the External Hearing Panel, that the two items directly affect the policy-making Board. If we are proactive and initiate some of these things, the State School Board could repeal. Ms. Lowe stated there was a time factor with the legislature and they need to make a decision.

Mr. Pickett didn't like being forced into doing something. He feels there is a flaw with the legislation because some other associations might only have five members. The legislation might be thrown out because it might not be legal. This isn't about individuals and we have allowed the Board to become divided. He isn't opposed to reducing the Board, but the Board should make the decision to change. This legislation is not about kids, but rather a few individuals didn't get their way and want to destroy the Association. Mr. Whitlock asked where the idea of 15 board members came from. Mr. Cuff said they were given input from the legislative committee meetings and research found the UHSAA has one of the largest boards. It was developed to keep the scale of the current board. A smaller board will provide more effectiveness, efficiency, etc. Everyone could continue to be involved with a sub-committee or advisory board for realignment. The percentage of vote is almost identical to the percentage of membership.

Mr. Young agrees the smaller board might create efficiency, but at the same time he worries about the true cross section of the size of schools. Mr. Pickett asked how the smaller board will increase efficiency and do we want to move things through quicker. Mr. Baird would like to know how the sub committees would look. Mr. Brotherson said Mr. Cuff discussed the size of the Board two years ago when six classifications were being discussed. He pointed out the Board would continue to grow as regions were added. Mr. Brotherson felt they should have acted on the issue when it was brought up two years ago. We need to support the leadership and act on suggestions. This was overlooked. Ms. Shill wanted to know how Mr. Cuff and Ms. Betts felt about the reduction. Mr. Cuff reminded members they had a first reading to reduce the board and did not feel it would be wise to go backwards. Mr. Penrod asked why it is so important to them to reduce the board. Ms. Bennett said it is difficult to separate the reduction from the legislation. She believes the reduction will be better. She recognized they will need to determine the process for those changes. Mr. Miller felt that at the last meeting they agreed to a 15-member Board and the external appeal panel, but the legislation would be opposed. He is not sure anything has changed.

Mr. Holmes said when he met with the legislators he told them we didn't want these issues in legislation. Why do they need to continue with legislation? If it is best for the Association, we should make the changes. His vote today will have nothing to do with the legislators, but what is best for the Association. Mr. Oborn said he has seen the Board evolve over time. He has seen the appeals process change mostly because people and schools try to beat the policy. He feels good about a 15-member Board and the possibility of sub-committees and advisory councils.

MOTION: Ms. Bennett motioned as a second reading to support the reduction of the Board to 15 members as outlined. Ms. Shill second. Motion carried.

Ms. Betts then asked whether there is support for a non-UHSAA external appeal panel. Six names will be submitted to the State School Board and the State School Board will have 45-days to select three names. Compensation is being discussed. There is a committee meeting on March 9 and then on March 13 the entire State School Board will make a determination on R277-409 depending on legislation. Mr. Holmes pointed out that this appeals panel will be different from appeal panels of the past. Appeals will only be made if individuals feel the original decision did not follow the policies and procedures of the transfer rule.

MOTION: Ms. Bennett motioned to approve the second reading of the external appeals panel as outlined. Ms. Lowe second. Mr. Muse said an un-bias panel will look at whether the hearing panel followed the Association rules. He thinks this is the right thing to do. Mr. Cuff pointed out that legislation states the appeals is limited to whether the Association properly followed the Association’s rule and procedures in regard to a decision. There is no do over. The initial decision will be by a staff review. If the transfer is not approved, then it could go to a hearing. If not approved by the hearing panel, it could go to the external appeals panel to determine if procedures were followed. Ms. Gravier stated the goal is to repeal R277-409. She felt this motion would show support and go a long way to repeal the rule. Mr. Cuff said implementing the five points of the transfer rule will also help. Ms. Kaufusi motioned to close discussion. Ms. Lowe second. Motion carried. Call for the question on original motion was made by Mr. Hughes. Motion carried.

Mr. Whitlock reported on the meeting with the Constitution By-Laws Committee. Brian and Angie from the State School Board were in attendance. He felt the meeting went smooth. Members received the rough draft of the transfer rule developed by the Constitution By-Laws Committee. The State School Board Rule R277-409 includes the same (a) – (e) five reasons for transfers with proper documentation. This will provide “bright lines.”

The Constitution By-Laws Committee suggested the following: If the five reasons do not apply, Item C states: A student whose situation does not meet the criteria above may continue participation at the first-entry school while completing academic requirements at the school he/she transferred to, or the student may sit out 12 months from the date enrolled in the new school. Once a student has submitted a transfer of eligibility request, that student is no longer eligible at the former and/or first-entry school.

Mr. Hughes felt they needed legal counsel. It was discussed they could obtain the counsel prior to the second reading.

MOTION: Mr. Hughes motioned to accept revisions to the transfer rule as a first reading. Mr. Holmes second. Mr. Hughes wants the Executive Committee and Constitution By-Laws Committee to review prior to second reading. Ms. Bennett is concerned with “D” which reads: Charter and private schools shall share the school boundary with the district school in which they reside. Mr. Cuff said the thought is we need to define a boundary for privates and charters if we implement the five reasons for transfer (a–e). Ms. Lowe wanted to amend the motion to implement the first five reasons (a-e). Mr. Hughes felt the Executive Committee and Constitution By- Laws Committee should recommend. Mr. Muse said changes normally go from the Constitution By-Law Committee to the Executive Committee who makes recommendations to the BOT. Mr. Cuff felt we needed to be proactive and initiate the process. Mr. Hughes accepted the friendly amendment to implement the five reasons for transfer made by Ms. Lowe. Mr. Oborn seconded the amendment. Motion carried with the amendment, but not unanimously.

Ms. Betts next discussed the statement, “We would prefer the BOT be allowed to govern itself and not be legislated.” As a board, we will oppose. Mr. Pickett said we need to oppose so we don’t deal with this continuously.

MOTION: Ms. Bennett motioned that we believe the UHSAA has the right and the desire to govern itself. We are interested in listening to and value all members of society with a stake in

high school activities, but we oppose legislation that imposes governance on this organization. Mr. Penrod second. Motion carried unanimously.

Ms. Betts is hopeful this can be resolved. We will know more on March 23.

Mr. Cuff said House Bill 413 will be on the House Education Committee Agenda at 8:00 in the morning at the Capitol. Members were welcome to attend. Mr. Hughes said that legislators need to be contacted directly. As a local school board member and as a patron, they have a right to express opinion and opposition. Mr. Cuff said to please contact both House and Senate representatives. Mr. Pickett said to concentrate on the Committee members for tomorrow. Mr. Cuff suggested they share the positive things the Board has initiated and been proactive. We are looking at ways to improve and this has brought awareness to the Board.

Meeting adjourned at 10:30.