



UTAH STATE BOARD OF EDUCATION

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: May 9, 2014

DISCUSSION/ACTION: Revenue Contracts

Background:

The April 2014 Board meeting included a discussion concerning the possible revenue that might be generated as a result of leasing/renting/selling SAGE Test items. Some concerns were expressed in this meeting and USOE staff was allowed to proceed with caution in developing item leasing agreements.

As per Board direction on April 4, 2014 Superintendent Menlove wrote the attached memorandum on April 11, 2014 and e-mailed a copy of the memorandum to officials at AIR and in Florida.

Board Vice Chair David Thomas has been involved in additional conversations with AIR and Florida concerning a potential contract that may be entered into with Board approval.

Key Points:

In addition to the statements outlining the position of the Utah State Board of Education as outlined in the attached memorandum, the following should be considered in any discussion concerning revenue contracts:

1. Revenue generated as the result of leasing products developed using State funds and received as additional State revenue may not be available unless appropriated to USBE/USOE by the Utah Legislature.
2. Copyright and other protections of developed products may need further consideration.
3. Any plans for the expenditure of contract revenues need input and direction from the State Board.

Anticipated Action:

Following discussion and meaningful consideration, the Board may direct staff to develop a Board rule or a Board policy concerning revenue contracts.

Following appropriate discussion, the Finance Committee may make a recommendation to the Board concerning a contract that would lease Utah test items to Florida.

Contact: Martell Menlove, 801-538-7510

MEMORANDUM

TO: Whom It May Concern

FROM: Martell Menlove, Ph.D.
State Superintendent of Public Instruction

DATE: April 11, 2014

RE: Leasing of Utah SAGE Test Items

On Friday, April 4, 2014 the Utah State Board of Education had a limited discussion concerning the leasing of Utah SAGE test items to Florida. Although some reservations were expressed at that time, the Board also expressed interest in the possibility of a contract with Florida and the possibility of contract with other states. In the past week many conversations between State Board members have occurred. As a result of these conversations I believe the following accurately reflects the current position of the Utah State Board of Education:

1. The superintendent and his staff are authorized to engage in discussions with other states as appropriate and as opportunities arise.
2. The superintendent and his staff will then report back to the board for further direction.
3. If the board decides to enter into an agreement, our legal counsel will assist the superintendent in drafting a contract.
4. The superintendent will present the contract to the board for its approval.
5. If the contract is approved by the board, the superintendent and the Chair of the State Board of Education will then sign the contract.

There is recognition that verbal and/or written agreements between Utah State Office of Education staff and others may have been offered. These agreements do not bind the State Board of Education who maintains ownership of test items.

We will continue to engage in discussions that may lead to a formal contract through the process outlined above.

Please feel free to continue your discussion with Judy Park and if you have specific questions for me, please contact me directly.