

**UTAH STATE BOARD OF EDUCATION LAW AND LICENSING COMMITTEE
MEETING MINUTES**

October 6-7, 2016

Members Present: Leslie Castle, Linda Hansen, Terryl Warner, Dave Thomas, Stan Lockhart

Members Absent: N/A

Committee Staff: Angie Stallings, Cybil Prideaux, Ben Rasmussen, Nicole Call, Bryan Quesenberry

Others Present: Brad Asay, Sara Jones, Kass Harstead, Lisa Nentl-Bloom, Jennifer Moulder, Kevin John, Jon McQueary, Tamra Dayhy, Shelly Teuscher

Committee Chair Leslie Castle called the meeting to order at 5:45pm.

USBELaw and Licensing Committee Minutes Review

COMMITTEE MOTION: The Committee voted unanimously to approve September minutes.

Freedom Preparatory Academy Charter Amendment Request

The Committee discussed the State Charter School Board's approval of an enrollment increase request for Freedom Preparatory Academy's Provo campus. Over the next four years, the school's enrollment is authorized to grow by 340 students.

COMMITTEE MOTION: The Committee voted unanimously to approve Freedom Preparatory Academy's Governing Board's request to increase school enrollment by 340 students at the Provo campus, ultimately serving 1,640 students and deny the request to increase school enrollment at the Vineyard campus and recommends the State Board approve the request at the Provo campus and deny the request at the Vineyard campus.

Wasatch Waldorf Charter School Charter Amendment Request

The Committee discussed the State Charter School Board's conditional approval of an enrollment increase of 100 students for Wasatch Waldorf Charter School. A change to the school's enrollment in grade bands was also conditionally approved. The Committee agreed there needs to be more data, at least a three year minimum, before making a motion and determining that the Charter School is on track to approve their enrollment request.

COMMITTEE MOTION: The Committee voted unanimously to deny Wasatch Waldorf Charter School's Governing Board's request to increase enrollment of 100 students and recommends the State Board deny Wasatch Waldorf Charter School's request.

Vista at Entrada Charter Amendment Request

The Committee discussed the State Charter School Board's approval of an enrollment increase of 25 students for Vista at Entrada School for Performing Arts and Technology. A change to the school's enrollment in grade bands was also approved.

COMMITTEE MOTION: The Committee voted unanimously to approve Vista at Entrada School for Performing Arts and Technology's Governing Board's request to increase enrollment of 25 students and recommends the State Board approve the request.

Charter Revolving Loan Approvals

Ivy Preparatory Academy and Bonneville Academy are new charter schools that were both approved by the Utah State Board of Education at the Board's June 2016 meeting. Since gaining approval, the schools have applied for a revolving loan. The Charter School Revolving Account Committee approved both of the schools' loan applications on August 23, 2016. The State Charter School Board approved both of the schools' loan applications at its September 8, 2016 meeting.

COMMITTEE MOTION: The Committee tabled the Ivy Preparatory Academy and Bonneville Academy revolving loan applications and recommends the Board table the revolving loan applications until further legal research is completed.

R277-531 Public Educator Evaluation Requirements (PEER)(Amendment) R277-533 District Educator Evaluation Systems (Amendment)

In September, the Law and Licensing Committee discussed amending R277-531 and R277-533 to eliminate any provisions not required by Utah Code. The rules are amended to eliminate provisions not required by Utah Code and to include a requirement that, no later than the 2018-19 school year, a school district implement an employee compensation system that is solely based on the school district's educator evaluation system.

COMMITTEE MOTION: The Committee voted unanimously to approve R277-531, as amended, on first reading and recommends the Board approve R277-531, as amended, on second reading.

COMMITTEE MOTION: The Committee voted unanimously to approve R277-533, as amended, on first reading and recommends the Board approve R277-533, as amended, on second reading.

R277-726 Statewide Online Education Program (Amendment)

In September the Board adopted amendments to R277-726 that allow any student in grades 6-12 to enroll in the Statewide Online Education Program. Since last month, staff found that additional amendments are necessary. The Committee discussed and approved the amendments.

COMMITTEE MOTION: The Committee voted unanimously to approve R277-726, as amended and continued, on second reading and recommends the Board approve R277-726, as amended and continued, on third and final reading.

R277-517 LEA Code of Conduct Requirements (New)

Board staff received direction to prepare a new rule requiring LEA's to adopt codes of conduct for their employees. This new rule incorporates content requirements for an LEA's code of conduct and requires that an LEA's code of conduct be posted in a conspicuous place for staff to see.

COMMITTEE MOTION: The Committee approved R277-517 on first reading and recommends the Board approve R277-517 on second reading.

R277-512 Online Licensure (Amendment and Continuation)

In September, the Law and Licensing Committee approved amendments to R277-512 on first reading. Amendments provide for Licensing to roll out the public licensee look-up tool and grant the public access to information on educator licenses. Technical and conforming changes were also approved, as well as continuation of the rule. The Board approved the amendments to R277-512 on second reading, but requested a legal review of the rule prior to final approval. The rule is returned to the Law and Licensing Committee for discussion on the legal review.

COMMITTEE MOTION: The Committee voted unanimously to table R277-512 and send the rule to the UPPAC Task Force for further legal review and consideration. The Committee recommends the Board table R277-512 and send the rule to the UPPAC Task Force for further legal review and consideration.

R277-503 Licensing Routes (Continuation and Amendment)

The Law and Licensing Committee discussed Administrative rule R277-503 Licensing Routes, which is coming due for its five-year review and continuation with an expiration date of March 15, 2017. Board staff have reviewed the rule and determined that the rule continues to be necessary. R277-503 is amended to provide technical and conforming changes consistent with the administrative rulemaking style manual.

COMMITTEE MOTION: The Committee voted unanimously to approve R277-503, as amended and continued, on first reading and recommends the Board approve R277-503, as amended and continued, on second and final reading.

R277-507 Driver Education Endorsement (Amendment and Continuation)

The Committee discussed R277-507, which is amended to provide clarification to endorsement procedures and update training requirements, and to provide technical and conforming changes consistent with the Utah Administrative Rulemaking Act and the Rulewriting Manual for Utah. R277-507 is also coming due for its five-year review and continuation with an expiration date of March 15, 2017. Staff has reviewed the rule and determined that the rule continues to be necessary.

COMMITTEE MOTION: The Committee approved R277-507, as amended and continued, on first reading and recommends the Board approve R277-507, as amended and continued, on second reading.

~~R277-113 LEA Fiscal Policies and Accountability (Amendment)~~

COMMITTEE INFORMATION: Item was pulled from the Committee's agenda.

~~R277-425 Budgeting, Accounting, and Auditing for Utah Local Education Agencies (Repeal)~~

COMMITTEE INFORMATION: Item was pulled from the Committee's agenda.

R277-915 Work-based Learning Programs for Interns (Amendment and Continuation)

R277-915 is amended to provide updates to terminology, move provisions regarding WorkBased Learning from R277-916 to this rule, and provide technical and conforming changes consistent with the Utah Administrative Rulemaking Act and the Rulewriting Manual for Utah. R277-915 is also coming due for its five-year review and continuation with an expiration date of February 2, 2017. Board staff has reviewed this rule and determined that the rule continues to be necessary.

COMMITTEE MOTION: The Committee voted unanimously to table R277-915 for further discussion until November Board meeting.

Transition from Interagency Agreement to Board Rule

COMMITTEE INFORMATION: An Interagency Agreement (IA) between the Utah State Office of Education (USOE) Special Education Services, local education agencies (LEAs), and the Utah Schools for the Deaf and the Blind (USDB) has been in place for years, and updated every few years. The IA assigns responsibility between USDB and LEAs for services for students with sensory disabilities, dependent upon specific scenarios and factors, and is referred to as part of R277-800. As USOE no longer exists, Utah State Board of Education staff have started to draft an updated Interagency Agreement. While drafting the new IA, staff identified issues that may be more appropriate for the Board to govern through Board rule. USBE staff plan to bring a draft rule before the Board for review and discussion in November 2016.

COMMITTEE ACTION: The Committee directed staff to draft a new rule and bring the proposal to the Law and Licensing Committee in its November meeting.

Board Bylaws (Amendment)

Since reviewing and amending the Bylaws at the Board's August meeting, Board staff has received additional feedback from Board members requesting additional updates to the Bylaws. Changes have been incorporated and are presented for Board consideration.

COMMITTEE MOTION: The Committee approved the Board Bylaws, as amended and recommends the Board approve the Board Bylaws, as amended.

Board Policy 2002 Board Officers Election Procedures

A policy for Board officer election procedures has been in place as part of the Board Bylaws. The policy has now been put into the Board's numbered policy format and is presented for review and approval.

COMMITTEE MOTION: The Committee approved Board Policy 2002, as amended, and recommends the Board approve the Board Policy 2002, as amended.

Proposed Amendment to NASDTEC Bylaws

NASDTEC, the National Association of State Directors of Teachers Education and Certification, maintains a nationwide database with information on licensed educators who have been subject to licensing discipline. NASDTEC has proposed an amendment to its bylaws that would expand access to its Clearing house to LEAS, private schools and national certification organizations, such as NBPTS and NASP. NASDTEC has asked that each jurisdiction sign an acknowledgement ratifying the proposed bylaws change.

COMMITTEE MOTION: The Committee recommends that the full Board authorize the Board chair to execute the Member Jurisdiction Acknowledgment of the Terms and Conditions of Participation in the NASDTEC Educator Identification Clearinghouse.

The Law and Licensing Committee meeting adjourned at 9:15pm.