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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Deputy Superintendent
Policy and Communication

DATE: November 3-4, 2016

ACTION: R277-106 *UPPAC Appointment Process* (Amendment and Continuation)

Background:

The Advisory Committee Taskforce referred R277-106 to the UPPAC working group to discuss the UPPAC appointment process. The UPPAC working group met and discussed the rule, which has been updated to reflect guidance from the group as well as updated in accordance with the Rulewriting Style Manual. R277-106 is also continued in accordance with Board policy and rulemaking procedures.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan: Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-106, as amended and continued, on first reading and, if approved by the Committee, the Board consider approving R277-106, as amended and continued, on second reading.

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1 **R277. Education, Administration.**

2 **R277-106. Utah Professional Practices Advisory Commission Appointment**
3 **Process.**

4 **R277-106-[2]1. Authority and Purpose.**

5 ~~[A.](1)~~ This rule is ~~[adopted pursuant to]~~ authorized by:

6 (a) Utah Constitution Article X, Section 3, which vests general control and
7 supervision ~~[of]over~~ public education in the Board~~[,];~~;

8 (b) Section 53A-1-401, which allows the Board to make rules to execute the
9 Board's duties and responsibilities under the Utah Constitution and state law; and

10 (c) Subsection 53A-6-303(1)(a), which directs the Board to adopt rules
11 establishing procedures for nominating and appointing UPPAC members~~[, and~~
12 ~~Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its~~
13 ~~responsibilities].~~

14 ~~[B.](2)~~ The purpose of this rule is to establish nomination and appointment
15 procedures for UPPAC members.

16 **R277-106-[4]2. Definitions.**

17 ~~[A. "Board" means the Utah State Board of Education.]~~

18 ~~[B.](1)(a)~~ "Nomination application" means~~[:]~~ a form prepared by the
19 Superintendent as described in R277-106-3.

20 ~~[(1) written and signed statement by the superintendent of the school district~~
21 ~~or charter school director in which the educator is currently employed, that the~~
22 ~~superintendent/director understands the time commitment of UPPAC members and~~
23 ~~supports the educator in applying for one three-year term as identified in statute. If~~
24 ~~the applicant is a school district superintendent or charter school director, the chair~~
25 ~~of the local/charter school board shall provide a statement of support for the~~
26 ~~educator;~~

27 ~~——(2) written and signed statement by the educator's building principal or~~
28 ~~director that the principal/director understands the time commitment of UPPAC~~
29 ~~members and supports the educator in applying for one three-year term. If the~~
30 ~~applicant is a principal, the applicant shall include a statement of understanding of~~
31 ~~the time commitment in the personal statement provided by the applicant;~~

32 ~~—— (3) written and signed personal statement by the applicant expressing the~~
33 ~~applicant's desire to serve as a UPPAC member, a summary of the applicant's~~
34 ~~professional experience, including associations and professional affiliations; and~~
35 ~~—— (4) the applicant's vita.~~

36 ~~—— C. "Superintendent" means the State Superintendent of Public Instruction.]~~
37 ~~[D.](2) "Utah Professional Practices Advisory Commission" or "[U]PPAC")~~
38 ~~means an advisory commission established under Section 53A-6-301 to assist and~~
39 ~~advise the Board in matters relating to the professional practices of educators[;~~
40 ~~under Section 53A-6-301].~~

41 **R277-106-3. UPPAC Notification, Nomination and Application Process.**

42 ~~[A.](1) The UPPAC Executive Secretary shall notify school districts, charter~~
43 ~~schools, and education organizations in writing of openings on UPPAC for the~~
44 ~~upcoming term by May 1[5 of the year in which UPPAC vacancies shall be filled by~~
45 ~~appointment by the Superintendent].~~

46 (2) The Superintendent shall develop a nomination application through which
47 an applicant expresses interest in serving on UPPAC, which outlines the
48 expectations and time commitment required of a UPPAC member.

49 (3) A nomination application must be signed by:

50 (a) the applicant;

51 (b) in the case of a licensed educator whose primary assignment is teaching
52 or school level, the applicant's principal and superintendent or charter school
53 director;

54 (c) in the case of a licensed educator whose assignment is as a principal or
55 at the district level, the applicant's superintendent;

56 (d) in the case of a licensed educator whose assignment is as a district
57 superintendent or charter school director, the applicant's local board or charter
58 school governing board chair; and

59 (e) in the case of an education organization representative, an officer of the
60 education organization as provided in Subsection 53A-6-302(1).

61 (3) An educator shall submit a statement of interest and resume or vita along
62 with the nomination application.

63 (4) An applicant who is interested in serving on UPPAC shall submit a
64 nomination application to the Superintendent by May 31.

65 ~~[B. As provided under Section 53A-6-303(1)(b), nomination petitions shall be~~
66 ~~filed with the Superintendent.]~~

67 **R277-106-4. UPPAC Selection Process.**

68 ~~[A.](1) The UPPAC Executive Secretary shall review all complete and properly~~
69 ~~filed applications and may make recommendation[({s})], [per direction from the~~
70 ~~Superintendent], to the Superintendent and Board prior to [May 30 of the year in~~
71 ~~which membership on UPPAC is sought]June 1.~~

72 ~~[(1)2] Prior to making the recommendations described in Subsection (1),~~
73 ~~[F]the Executive Secretary may seek additional information to provide to the~~
74 ~~Superintendent and Board about the experience and qualification of UPPAC~~
75 ~~applicants.~~

76 ~~[(2) Recommendations shall maintain a representative balance of six~~
77 ~~teachers and three other educators.]~~

78 ~~(3) Prior to making the [R]recommendations described in Subsection (1), the~~
79 ~~Executive Secretary shall consider demographic diversity, including:~~

80 ~~(i) rural[~~f~~] and urban representation[~~;~~];~~

81 ~~(ii) geographical balance;~~

82 ~~(iii) elementary[~~f~~] and secondary representation[~~;~~];~~

83 ~~(iv) gender diversity[~~;~~];~~

84 ~~(v) ethnic diversity[~~;~~]; [geographical balance of UPPAC members.]~~

85 ~~(vi) specialized knowledge of an applicant; and~~

86 ~~(vii) representation of LEA superintendents, principals, or charter school~~
87 ~~administrators.~~

88 ~~(4) In addition to receiving recommendations from the UPPAC Executive~~
89 ~~Secretary, as described in Subsection (1), the Superintendent shall solicit~~
90 ~~recommendations from the Board prior to making[~~

91 ~~——B. The Superintendent shall make] UPPAC appointments consistent with~~
92 ~~Section 53A-6-303.~~

93 ~~[C. Community members]~~

94 ~~[D.](6)~~ If a current UPPAC member~~[s]~~ desires to serve~~[for]~~ a second term, the
95 member shall indicate the desire to serve an additional term in writing to the
96 Superintendent prior to May 1~~[5]~~ of the year in which the member's term expires.

97 ~~[E.](7)~~ The application~~[(s)]~~ of ~~[(a)]~~ UPPAC member~~[(s)]~~ seeking
98 reappointment shall be considered for recommendation at the same time that new
99 appointments are considered.

100 ~~[F.](8)~~ The Executive Secretary may retain nomination applications for
101 consideration ~~[for]~~in the event of mid-term vacancies or for vacancies in subsequent
102 years.

103 **R277-106-5. Education Organization Member Appointments.**

104 (1) ~~[Community members may be nominated by t]~~The state organization or
105 a local chapter of the education organization with the largest membership of parents
106 of students and teachers in the state may nominate community members to serve
107 on UPPAC.

108 (2) Community members~~[who are members of a parent/teacher,~~
109 ~~parent/teacher/student organization]~~ may submit their names to the education
110 organization described in Section 53A-6-302(1) for nomination by the organization.

111 (3) The two ~~[community]~~education organization members ~~[shall]~~may not serve
112 concurrent terms.

113 **R277-106-~~[5]~~6. Filling of Vacancies.**

114 ~~[A.](1)~~ The UPPAC Executive Secretary shall recommend names to the
115 Superintendent and Board to fill UPPAC vacancies that occur midyear.

116 ~~[B.](2)~~ The UPPAC Executive Secretary may recommend names of previous
117 applicants for UPPAC vacancies or names from school districts or charter schools
118 or other groups or areas of the state that are under represented~~[to fill vacancies].~~

119 **KEY: professional competency, professional practices**

120 **Date of Enactment or Last Substantive Amendment: ~~[November 7, 2013]~~2017**

121 **Notice of Continuation: ~~[September 9, 2013]~~2016**

122 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-303(1)(a);**

123 53A-1-401[(3)]