

**UTAH STATE BOARD OF EDUCATION  
MEETING MINUTES**

April 13, 2012

The Utah State Board of Education held meetings of its Audit, Charter Schools, Communications, and USDB Committees on April 12, 2012 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. All Board members were present with the exception of Coleman, Spencer, Theurer, and Thomas.

A regular meeting of the Board was held April 13, 2012 at the State Office of Education, Salt Lake City, Utah. Chair Debra Roberts presided.

Board Members present:

Chair Debra G. Roberts	Member Joel Coleman
Vice Chair Dixie L. Allen	Member David L. Crandall
Member Tim Beagley (non-voting)	Member Michael Jensen
Member Keith M. Buswell	Member Carol A. Murphy
Member Laurel O. Brown	Member James V. (Jim) Olsen (non-voting)
Member Kim R. Burningham	Member C. Mark Openshaw
Member Janet A. Cannon	Member Tami W. Pyfer
Member Leslie B. Castle	Member Dean Rowley
Member Wilford Clyde (non-voting)	Member Isaiah Spencer (non-voting)
Member Craig E. Coleman	

Members excused:

Member David L. Thomas  
Member Teresa L. Theurer

Executive staff present:

Larry Shumway, State Superintendent	Judy Park, Associate Superintendent
Martell Menlove, Deputy Supt.	Don Uchida, Executive Director, USOR
Brenda Hales, Associate Superintendent	Steve Noyce, USDB Superintendent
Todd Hauber, Associate Superintendent	Lorraine Austin, Board Secretary

Others present:

Anne Marie Oborn; Kory Holdaway, UEA; Lydia Nuttall, parent; Jakell Sullivan, Angela Seegmiller, Sally Olsen, Kristen Price, Alisa Ellis, Christel Swasey, Sarah Meier, Granite School Board; Joylin Lincoln, Lakeview Academy; Peter Cannon, Davis School Board; Elizabeth Crofts, State Delegate; Debra Bushet, TCSD; Jan Ferré, LCPD, Darren Hensley, Pioneer High School.

**Opening Business**

Chair Debra Roberts called the meeting to order at 8:15 a.m. Members David Thomas and Teresa Theurer were excused from the meeting.

Member Carol Murphy led the Board in the Pledge of Allegiance.

**Board Member Welcome Message**

Member James Olsen offered a prayer. He then related his experience at his recent neighborhood caucus meeting, where he was nominated as precinct chair. One of the issues that came up in the statements by the nominees was the Utah Core Standards. He stated to the caucus his support for the Utah Core Standards, and was elected as the precinct chair. Member Olsen indicated that Core Standards are a major issue for legislative candidates, and recommended that the Board talk now with those running for office to explain the Core, and inform them of the Board's role and constitutional responsibilities. He issued a challenge to all listening to read the Utah Core Standards and let the Board know of specific standards about which they have concern.

**Promises to Keep Highlight - Ensuring Literacy for All Students**

State Superintendent Larry Shumway introduced Tiffany Hall, USOE Specialist for English/Language Arts. He asked her to share a sampling of what is happening in schools that shows the focus on literacy. Ms. Hall showed a slide presentation about literacy programs in various schools. [For complete details, see General Exhibit No. 11878.]

**Public Participation**

The following comments were made to the Board.

McKell Withers, Salt Lake City School District Superintendent - explained that the current pilot model for computer-adaptive testing only adapts up, and to help students that aren't proficient, an assessment tool is needed that is formative over time and has a summative component so teachers' influence in the learning of the students can be measured more thoughtfully. Tools that only adapt up don't inform the non-proficient. He asked the Board not

to misuse the PLAN test, as there are CRTs that could be used appropriately in a transition. He voiced support for the Utah Core Standards.

Terry Whitney, Government Relations Director, College Board - spoke regarding the Board's proposal to switch from the existing Utah Basic Skills Competency test to a Board-designated 10<sup>th</sup> grade college and career readiness assessment . He respectfully suggested the Board consider the option of PSAT, administered by the College Board. The PSAT is aligned to state standards for English/language arts and mathematics in the Core, and measures the knowledge and skills students need to be on track for college and career readiness. In addition, the PSAT offers unique benefits such as comprehensive academic college and career planning services. Information about PSAT was distributed.

Jakell Sullivan - indicated it is well documented that the current federal administration is in violation of three federal laws in a desire to nationalize education standards. She expressed her opinion that the Board rushed to adopt the Common Core almost as soon as it appeared on the national stage, and gave information from Sandra Stotsky that the two common core testing consortia funded by the federal government have plans to create a national curriculum.

Christel Swasey - expressed that Utah has given away its educational sovereignty to a consortium of states overseen by and directed by the federal government. She asked the board to lay aside all opinions, commentary, and undocumented facts and look at the legally binding documents.

Angela Seegmiller - expressed concern over unanswered questions about the Common Core State Standards, including what the standards are connected to and the cost. She asked for more transparency from the Board in providing the legally binding documents and evidence showing why the standards are good.

Patricia Thorpe, teacher, Fremont High School - has worked intensely with the Core Standards in the past year and has seen a renewed enthusiasm for teaching and learning from both teachers and students. The Utah Core Standards are giving students a chance to become more actively involved in their education and become better prepared to handle complex problems and situations.

Debra Drummond, teacher, Provo School District - shared the positive impact of Utah Core Standards on Utah teachers and students. The standards are more rigorous and relevant and

have had a transforming effect on classroom instruction and student learning. The standards foster teacher collaboration and thoughtful classroom discussions, explicit teaching of reading and writing strategies and academic stamina.

Paula Landeen, special educator, Jordan School District - reported that with the Utah Core Standards, students know exactly what skill they are working on and what is required for mastering that skill. Her special education students are demonstrating mastery in many areas they have not been able to demonstrate in the past, and have become deep thinkers. The district has tied the resources they already had to the state standards, and the resources are being used in a new and innovative way.

Carolyn Taylor, teacher, DaVinci Academy - indicated that the vertical alignment of the Utah Core Standards has allowed the charter school to track student growth from year to year. This coherency is revolutionizing education. The writing standards support critical thinking skills and problem solving, and the reading standards have challenged students to invest more in non-fiction and have connected reading across all the subject areas.

Kenna Rodgers, literacy coach, Glendale Middle School - reported that the Utah Core Standards have yielded dramatic increases in student achievement in her school, and are helping to bridge the achievement gap as all students are held to higher standards. The paradigm has shifted and educators are actively working to engage students in the world with all its complexities, make them think like scientists, make them inquire like historians, and make them observe like writers.

Dawn Davies, legislative vice-president, Utah PTA - expressed appreciation for the upcoming forum where parents will be able to better understand Utah Core Standards. PTA looks forward to an open, vigorous discussion, and thanks the Board for its efforts to provide more rigorous standards for Utah's education.

Ms. Davies also invited Board members to an upcoming PTA event on Saturday, April 21, to honor students that are the winners of their Reflections Program. Utah has the largest number of entrants in the nation.

[For complete details, see General Exhibit No. 11879.]

**General Consent Calendar**

Motion was made by Member Janet Cannon and seconded by Member Kim Burningham that the Board approve its General Consent Calendar with the exception of Tab C, R277-733 *Adult Education Programs*, as there were substantive changes made to the rule since the last action. Motion carried.

Rule R277-733 was sent to the Curriculum Committee for discussion and action.

1. Minutes of Previous Meeting

The Board approved minutes of the State Board of Education meetings held February 16, 2012, February 23, 2012 and March 2, 2012.

2. Contracts

The following contracts were approved by the Board.

a. Parsons Kinghorn Harris, P.C., \$32,000, 3/10/2012 to 3/9/2015, part federal

For Victor Copeland to serve as a hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when all allegations of misconduct or appeals requests have been made, and the Utah State Office of Rehabilitation for fair hearings.

b. Parsons Kinghorn Harris, P.C., \$32,000, 3/10/2012 to 3/9/2015, part federal

For Langdon T. Owen, Jr. to serve as a hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when all allegations of misconduct or appeals requests have been made, and the Utah State Office of Rehabilitation for fair hearings.

c. Carol Clawson, \$32,000, 3/10/2012 to 3/9/2015, part federal

To serve as a hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when all allegations of misconduct or appeals requests have been made, and the Utah State Office of Rehabilitation for fair hearings.

d. Larson Legal Services, \$32,000, 3/10/2012 to 3/9/2015, part federal

To serve as a hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when all allegations of misconduct

or appeals requests have been made, and the Utah State Office of Rehabilitation for fair hearings.

- e. Educational Research & Training Corp., \$119,000, 2/18/2012 to 2/17/2013, Amend, Federal

To provide online Migrant Achievement and Performance System (MAPS), State Migrant Education Program Comprehensive Needs Assessment, State Service Delivery Plan, Migrant Education Program Evaluation, Prospective Re-interview.

- f. Teachers-Teachers.com, Inc., \$115,808, 04/01/2012 to 03/31/2013

Membership to web-based database forum where institutions seeking to hire teachers and administrators can search for employees that have posted resumes and qualifications, and job preferences.

[For complete details, see General Exhibit No. 11880.]

3. R277-104 ADA Complaint Procedure

In its March 2, 2012 meeting the Board approved on second reading R277-104. The rule consolidates USOE and USOR ADA complaint procedures.

The Board approved R277-104 *ADA Complaint Procedure* on third and final reading. [For complete details, see General Exhibit No. 11881.]

4. R280-201 USOR ADA Complaint Procedure

In its March 2, 2012 meeting the Board repealed R280-201 on second reading, as the procedures were incorporated into R270-104 *ADA Complaint Procedure*.

The Board repealed R280-201 *USOR ADA Complaint Procedure* on third and final reading. [For complete details, see General Exhibit No. 11882.]

5. R277-419-7 Pupil Accounting - Student Identification and Tracking

In its March 2, 2012 meeting the Board approved R277-419-7 on second reading. The rule was amended to provide language emphasizing that every student that enters a school within the public education system is immediately assigned a unique student identifier.

The Board approved R277-419-7 *Pupil Accounting - Student Identification and Tracking* on third and final reading. [For complete details, see General Exhibit No. 11883.]

6. R277-420 Aiding Financially Distressed School Districts

In its March 2, 2012 meeting the Board approved R277-420 on second reading. The rule had not been substantively amended since 1987, and terminology changes were needed.

The Board approved R277-420 *Aiding Financially Distressed School Districts* on third and final reading. [For complete details, see General Exhibit No. 11884.]

7. R277-483 Persistently Dangerous Schools

In its March 2, 2012 meeting the Board approved R277-420 on second reading. The rule had not been substantively amended since 2003, and was amended to change some dates.

The Board approved R277-483 *Persistently Dangerous Schools* on third and final reading. [For complete details, see General Exhibit No. 11885.]

8. R277-486 Professional Staff Cost Program

In its March 2, 2012 meeting the Board approved R277-486 on second reading. The rule had not been substantively amended since 2004, and amendments were made to provide updated terminology and include charter schools.

The Board approved R277-486 *Professional Staff Cost Program* on third and final reading. [For complete details, see General Exhibit No. 11886.]

9. R277-503 Licensing Routes

In its March 2, 2012 meeting the Board approved R277-503 on second reading. The rule was amended to allow for an extended eminence letter of authorization with adequate documentation in specific circumstances, as well as adding levels to competency-based licenses, and adding the Utah Schools for the Deaf and the Blind.

The Board approved R277-503 *Licensing Routes* on third and final reading. [For complete details, see General Exhibit No. 11887.]

10. R277-520-6 Appropriate Licensing and Assignment of Teachers - Eminence

In its March 2, 2012 meeting the Board approved R277-520-6 on second reading. The rule was amended to allow for an extended eminence letter of authorization with adequate documentation in specific circumstances.

The Board approved R277-520-6 *Appropriate Licensing and Assignment of Teachers - Eminence* on third and final reading. [For complete details, see General Exhibit No. 11888.]

11. R277-700 *The Elementary and Secondary School Core Curriculum*

In its March 2, 2012 meeting the Board approved R277-700 on second reading. The Utah State Office of Education has designed new secondary mathematics courses aligned to the Utah Core Standards. Implementation of the new courses will take place over a four-year period. During a transition period, graduation requirements in mathematics will need to be flexible to allow for old and new class work. Changes to R277-700 address that need for flexibility.

The Board approved R277-700 *The Elementary and Secondary School Core Curriculum* on third and final reading. [For complete details, see General Exhibit No. 11889.]

12. Requests for Temporary Authorizations

The Board approved requests for temporary authorizations as submitted by the school districts. [For complete details, see General Exhibit No. 11890.]

13. Monthly Budget Report

The Monthly Budget Report was provided to give information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. [For complete details, see General Exhibit No. 11891.]

14. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in March 2012 was provided for Board information. [For complete details, see General Exhibit No. 11892.]

The Board recessed to committees at 9:00 a.m. The Board reconvened at 10:50 a.m.

### **Achievement Spotlight - Schools to Watch**

Associate Superintendent Brenda Hales reported that Tooele Jr. High School has been given a Schools to Watch designation. The designation is given across the nation to schools that meet strict criteria for being academically excellent, developmentally responsive, and socially

equitable. The school has over the last three years created professional learning communities with support from the school district. Tooele Jr. High School is number one in student growth compared to fifteen other middle schools of similar size and demographics that applied for this honor.

A Certificate of Excellence was presented to Principal Larry Abraham by Superintendent Larry Shumway and Vice Chair Dixie Allen. Principal Abraham gave a heartfelt speech, expressing appreciation for the support of his district, superintendent, and board for the pilot programs and implementation of school improvement through Schools to Watch.

### **Assessment RFP Committee Report**

Dr. Gary Carlston, Chair of the Board's Assessment RFP Committee, distributed and reviewed information about the work of the Committee. The RFP (request for proposal) to be developed will include science, mathematics, and English/language arts. Dr. Carlston reviewed the roles and suggested work, indicating that the work group will determine the contents of the RFP and State Office of Education staff will write the RFP. The group will bring the RFP that meets all of the technical and educational requirements of the legislation and State Purchasing back to the Board. The Board will then review the RFP, and once approved, the RFP will go out for interested bidders.

The next step would be bid selection. Part of the RFP Committee's work will be to develop an objective scoring criteria for the bid selection committee. The RFP committee will meet in May and plan to have the RFP to the Board in June, with the contract possibly awarded in August or September. Clarification is needed as to the membership of the selection committee. Under State Purchasing guidelines, the selection committee does the objective review of the RFP. Once the selection committee has been empaneled by the Board and makes a recommendation to the Board, it would be unusual and somewhat problematic for the Board not to take their recommendation. Ultimately, the Board will approve the contract.

Dr. Carlston reported that a selection committee is generally a small committee (6-8 individuals) with expertise, but with diverse representation. He indicated the Board could be the selection committee, but it requires a very large time commitment. Chair Roberts felt there should be a strong presence from the Board on the selection committee.

Chair Roberts asked if the Board would be comfortable approving a contract brought to them by the selection committee, or if there is desire for Board members to hear oral presentations from a selected group of those who responded to the RFP. Superintendent Shumway indicated that guidance from State Purchasing is needed as to what is appropriate. Member Tami Pyfer mentioned that the RFP Committee discussed this as well, and cautioned that the Board must be careful not to open the process up to bias, which could stop the process. It was determined that more information will be obtained from State Purchasing to ensure that all state procurement policies are being followed, with a report back to the Board in May.

Motion was made by Member David Crandall and seconded by Member Joel Coleman that an employee of a charter school that is involved in daily operations be added to the committee. Member Tim Beagley suggested that the individual be a teacher, because there are only two teachers on the committee. Member Crandall was comfortable with the person being either a teacher or an assessment specialist. Motion carried.

[For complete details, see General Exhibit No. 11893.]

### **State Superintendent Report**

Superintendent Larry Shumway reported on the following:

- USBA regional meetings were very productive. Appreciation was expressed for State Board participation.
- A schedule of small group superintendent meetings and district visits was distributed, and the Board was invited to join in the meetings.
- The State Board's forum to hear comments on the Utah Core Standards will be held April 26, 6:00 p.m. to 8:00 p.m. at Granite School District.
- Information and news reports of an under-calculation in the weighted pupil units used to determine Utah's minimum school program (MSP) funding for the 2012-13 school year were reviewed. The error was identified by USOE staff. In addition to immediate responses, the office is taking steps to engage with others to examine management of the MSP and the office's partnership with the Legislative Fiscal Analyst, Governor's Office of Planning and Budget, and school districts to identify changes that can be made that will clarify and improve the equity and transparency of the process. Mr.

Bruce Williams has been appointed as Associate Superintendent for Business and Operations, and one of his first assignments will be a complete review of the budget process.

- Natalie Grange, Internal Auditor, reported on training sessions for student activity and club accounts that will be held around the state.
- Associate Superintendent Brenda Hales reported that the *Human Sexuality Education Curriculum Guide* has been sent to LEAs. In addition, Superintendent Shumway sent a letter to all LEA heads reiterating that they should know the materials and must have a health committee in place before any human sexuality instruction is conducted. Local boards must vote on the instruction in open meeting and receive comment.
- Mary Shumway, USOE CTE Director, invited Board members to the Career and Technical Education Scholarships and Tuition Awards Banquet on May 2.
- Sydnee Dickson, USOE Director of Teaching and Learning, reported on the upcoming Educator Evaluation Summit on April 24.
- The Superintendent's Challenge 5K Fun Run will take place on May 5 at Wheeler Farm. All were invited to participate.

[For complete details, see General Exhibit No. 11894.]

### **Board Chair Report**

Board Chair Debra Roberts reported on the following:

- On behalf of the Board, Chair Roberts thanked Superintendents Shumway and Menlove and USOE staff for how they handled the legislative session, and for the "Capitol Book" review of the education legislation.
- A Board work/study session to review the Board's strategic plan will take place in June. There will be no overnight retreat in August.
- The Governor's Education Excellence Commission is moving forward on the goal of having 66 percent of adult Utahns attain a postsecondary degree or professional certification by 2020. The acronym of PACE has been adopted to guide that work: Prepare young learners, Access for all students, Complete certificates and degrees,

Economic and personal prosperity. The Commission has asked the Board to develop a matrix to judge how public education is meeting the goal.

- In accordance with the Smart School Technology Act, passed in the 2012 Legislative Session, Chair Roberts has selected Members Mark Openshaw, David Crandall, and Janet Cannon to serve on an independent evaluation committee.
- In the Board Bylaws, it is required for the Board to have a self-evaluation in even years. Board members were asked for input on the evaluation process.
- Chair Roberts introduced a thought from Philip Boyle. He opined that the reason there are elected boards is because when there are public problems, a decision is being made between values. A balancing act between the science of things and the art of things is done. The people who are the greatest success are those who have a balance between those two things. Chair Roberts challenged the board to find that balance.

### **Review of 2012 Legislative Session**

Deputy Superintendent Martell Menlove reviewed the *Utah Public Education Summary of the 2012 General Session of the Legislature*. As a result of the sixty-six education bills passed in the 2012 Legislative Session, twenty-two State Board rules are being rewritten, six new RFPs are being developed, and procedures for seven new grants are being written. Dr. Menlove reported that almost \$105 million was funded this year to address the Board's priorities. Of the 21 bills on which the Board took positions, 18 ended on the Board's position. [For complete details, see General Exhibit No. 11895.]

The Session next year begins January 28, 2013 and ends March 14.

### **Board Standing Committee Reports**

#### CHARTER SCHOOLS COMMITTEE

Committee Chair Carol Murphy reported on the following items from the committee.

#### Legacy Preparatory Academy Charter Amendment Request

The State Charter School Board recommended that Legacy Preparatory Academy be granted an amendment to its charter to add 489 students over the next six years beginning in the 2012-2013 school year, which requires a waiver from the timeline in R277-482-7 *Charter School Timelines and Approval Process - Approved Charter School Expansion*.

The State Charter School Board and the Charter Schools Committee had questions due to some internal audit issues that were identified, but it appears the school was proactive and quick to respond to what was found in the internal audits, and is in the process of changing internal controls and a program for the school to become more stable in an overall way.

Motion from committee that the Board approve the amendments to Legacy Preparatory Academy's charter, and set aside the timeline in R277-487-7 so the changes can take place in the fall of 2012. Motion carried. [For complete details, see General Exhibit No. 11896.]

#### Lakeview Academy Charter Amendment Request

The State Charter School Board recommended that Lakeview Academy be granted an amendment to its charter to add 250 new students beginning in 2012-2013, and a waiver from the timeline in R277-482-7 *Charter School Timelines and Approval Process - Approved Charter School Expansion*. The amendment also changes the school's configuration to be more in line with the expansion plan of Alpine School District.

Motion from committee that the Board approve the amendment of Lakeview Academy's charter and waive the timeline in R277-487-7. Motion carried. [For complete details, see General Exhibit No. 11897.]

#### Provo Freedom Academy Charter Amendment Request

The State Charter School Board recommended that Provo Freedom Academy be granted an amendment to its charter to give enrollment preference to students consistent with its Articulation Agreement with Noah Webster Academy. The agreement requires a change in the school's charter in how ten of the lottery spots are allocated. The rest of the school's process for selecting students will continue as before.

Motion from committee that the Board approve the amendment to Provo Freedom Academy's charter. Motion carried. [For complete details, see General Exhibit No. 11898.]

Noah Webster Academy and Provo Freedom Academy Matriculation Agreement

Matriculation agreements between charter schools are allowable under UCA 53A-1a-506 *Eligible Students*. Noah Webster and Freedom will allow some number of students to flow between schools. In the agreement, one of the requirements is that the student must have attended a charter school for two years before moving schools and that the student have not more than five percent unexcused absences.

Motion from committee that the Board approve the request for a matriculation agreement between Noah Webster Academy and Provo Freedom Academy. Motion carried. [For complete details, see General Exhibit No. 11899.]

New Charter School Applications for 2012-2013 and 2013-2014

The State Charter School Board received the following seven applications for new schools.

Utah International High School - Granite School District is the chartering entity for the school and has recommended that the school be approved to open in 2013-2014. A school chartered by a district does not need approval from the State Charter School Board.

Motion from committee that the Board approve the Utah International School chartered by the Granite School District. Motion carried. [For complete details, see General Exhibit No. 11900.]

Pioneer High School for the Performing Arts - the school is a blended model with an online feature for Core courses and a performing arts portion that will be housed at Thanksgiving Point. There is also a request that the timeline in R277-482-7 *Charter School Timelines and Approval Process - Approved Charter School Expansion* be waived so the school can begin in the fall of 2012, and that the lottery notice timeline be waived to shorten the timeline from 60 days to 30 days in order to get the student population in place.

Motion from committee that the Board approve the application of Pioneer High School and waive the timelines for opening and the lottery. Motion carried. [For complete details, see General Exhibit No. 11901.]

Esperanza Elementary Charter School - the school's aim is to serve English Language Learners in a specialized way. It is proposed that the school will be a model for a community center school. Member Tim Beagley encouraged the Board to see how the performance framework that the Board has put in place is working for this school.

Motion from the committee that the Board approve the application of Esperanza Elementary Charter School. Motion carried. [For complete details, see General Exhibit No. 11902.]

Leadership Learning Academy - the school is affiliated with a national project called Project Child.

Motion from committee that the Board approve the application of Leadership Learning Academy. Motion carried. [For complete details, see General Exhibit No. 11903.]

Salt Lake Charter School - the school's unique mission is to work with under-represented cultures—particularly Tongan and Pacific Islander cultures. The State Charter School Board has reviewed with the school the open enrollment requirements.

Motion from committee that the Board approve the application of Salt Lake Charter School. Motion carried. [For complete details, see General Exhibit No. 11904.]

Wasatch Institute of Technology - the school's emphasis will be on computer science and graduates that will exit with marketable skills.

Motion from committee that the Board approve the application of Wasatch Institute of Technology. Motion carried. [For complete details, see General Exhibit No. 11905.]

Voyage Academy - the school's intent is to embrace the expeditionary learning model, which is a hands-on learning model. There have been some challenges with overlaying the Utah Core with the expeditionary learning model, and the school is aware of the requirements

Motion from committee that the Board approve the application of Voyage Academy. Motion carried. [For complete details, see General Exhibit No. 11906.]

Deputy Superintendent Martell Menlove reported that the State Charter School Board terminated the charter of Baer Canyon School. No action is required by the Board of Education.

#### USDB COMMITTEE

Committee Vice Chair Leslie Castle reported on the following items from the committee.

#### R277-800 *Utah Schools for the Deaf and the Blind*

Due to the recent passage of HB 230 *Utah Schools for the Deaf and the Blind Amendments*, rule R277-800 required revision to include qualifications and duties of the USDB superintendent, and the addition of data collection and annual reporting on the performance and progress of current and past students who have received services from USDB. The committee made additional amendments as follows:

- Lines 176-177 (Section 3E) - strike reference to Section 53A-25b-203(8), which is no longer in code.
- Lines 228-234 (Section 4A) changed to read: “The Board shall establish the Advisory Council for USDB and appoint and support Advisory Council members as directed in Section 53A-25b-201. The purpose of the Advisory Council is to provide advice and recommendations to the Board and USDB administration regarding the instruction of students, and the needs of children and students with sensory impairments served statewide by USDB.”
- Line 235 (Section 4B) - replace “only” with “not more than.”
- Lines 632 and 638-639 (Section 12H(2)(b) and Section 12H(2)(b)(ii) - strike “at no cost to the USIMAC.”
- Line 641 (Section 12H(2)(b)(iii) - strike “for a fee.”

The committee approved R277-800 *Utah Schools for the Deaf and the Blind* on first reading, as amended, and moved the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11907.]

## COMMUNICATIONS COMMITTEE

Committee Chair Tami Pyfer reported on the following items from the committee.

Board Website

Board members answered a survey about the Website. The information was summarized and given to staff for changes.

Social Media Policy

A draft policy for social media use with the USOE was reviewed.

Post-Legislative Thank You Letters

The committee suggested that individual Board members write thank you notes to legislators in their districts. An email with a small sample content will be sent to Board members along with a list of legislators in their areas.

FAQ (Frequently Asked Questions) Document

A draft of the FAQ document was reviewed and will be emailed to the Board. The information could be used as talking points.

## INSTRUCTION, SUPPORT AND TECHNOLOGY COMMITTEE

Committee Chair Janet Cannon reported on the following items from the committee.

R277-491 School Community Councils

Rule R277-491 was amended to reflect changes in the law from the 2012 Legislative Session and recommendations from the Legislative Audit, *A Review of School Community Council Election Practices*, released in January 2012.

The committee approved R277-491 *School Community Councils* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11908.]

R277-477 *Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program*

Rule R277-477 was amended to reflect changes in the law from the 2012 Legislative Session and recommendations from the Legislative Audit, *A Review of School Community Council Election Practices* released in January 2012. The committee made further amendments on pages one and seven as outlined on a distributed sheet.

The committee approved R277-477 *Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program* on first reading, amended, and moved that the Board approve the rule on second reading.

Motion was made by Member Janet Cannon and seconded by Member Laurel Brown that the rule be further amended on Line 326 (Section 4B) to add as a new B, “The Board appoints the director of the School Children’s Trust Section, in accordance with Section 53A-16-101.6.” The rest of the section would be renumbered. Motion to amend carried.

Motion to approve R277-477 on second reading, as amended, carried. [For complete details, see General Exhibit No. 11909.]

R277-500 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks*

Rule R277-500 contains language and processes that need to be updated in response to Educator Evaluation Committee recommendations, as well as requirements in state law. The committee approved R277-500 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11910.]

R277-501 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks*

Rule R277-501 was recommended for repeal because R277-500 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks* will replace the rule effective July 1, 2012.

The committee approved repeal of R277-501 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks* on first reading, and moved that the Board approve repeal of the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11911.]

### 180-Day Waiver Request

Funding for professional development (Quality Teaching Block Grants) was essentially removed from the Minimum School Program three years ago. For the past two years, the State Board has allowed local districts and charter schools the option of holding school for less than 180 days. Conditions of this waiver have varied each year. For the 2011-2012 school year, districts and charters were allowed up to two days (11 hours) for professional development on the Utah Core Standards where teachers were in attendance, but students were not, and the time was counted as part of the 180-day and 990-hour requirement.

It was reported that 19 school districts and 23 charter schools took advantage of the two days for the 2011-2012 school year. Districts and charters have again requested the waiver of two days to be used for training on the Utah Core.

With the idea that Utah teachers will be better teachers and students will be greatly benefitted by teachers that are knowledgeable about Utah Core math standards, the committee approved a waiver of up to two days from the 180-day requirement, with the conditions that: 1) the time must be used for training on Utah Core Standards; 2) the professional development days must be part of a formally adopted school calendar; 3) the days must be used before April 15, 2013; and 4) an agenda for the professional development must be provided to the USOE.

Motion from committee that the Board approve a waiver of two days from the 180-day and 990-hour requirement in Board rule, as outlined above. Motion carried. [For complete details, see General Exhibit No. 11912.]

### Public Employment Reform Implementation

Staff at the State Office of Education continue to move forward with their work on the Educator Effectiveness Project, including creating model teacher and principal evaluations. They

are engaged in a variety of activities including determining the best implementation of SB 64 *Public Education Employment Reform*. SB 64 includes multiple references to the State Board making rules, and aligns with R277-531 *Public Educator Evaluation Requirements (PEER)* and practices being developed by Educator Effectiveness Project committees. USOE staff reviewed an overview of the process, and information about employment reform was distributed. [For complete details, see General Exhibit No. 11913.]

#### CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

Committee Chair Laurel Brown reported on the following items from the committee.

##### State Board of Education Bylaws

The committee reviewed recommended changes to the Board Bylaws and tabled the item until the June meeting. [For complete details, see General Exhibit No. 11914.]

##### R277-437-3 Local School Board and District Responsibilities

Rule R277-437-3 was amended to emphasize adjusted open enrollment timelines required under HB 454 *Open Enrollment Amendments*, 2012 Legislative Session. The new language in the rule provides for school districts to review and/or revise policies to provide for an extended early enrollment period if a school district is reconfiguring grades district-wide for its elementary, middle, junior, or senior high schools, and the grade reconfiguration will be implemented in the next school year.

The committee approved R277-437-3 *Local School Board and District Responsibilities* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11915.]

##### R277-475 Patriotic, Civic and Character Education

Amendments to the R277-475 were presented in response to HB 223 *Pledge of Allegiance Amendments*, 2012 Legislative Session.

The Committee approved the R277-475 *Patriotic, Civic and Character Education* on first reading, as amended, and moved that the Board approve the rule on second reading.

Member Carol Murphy questioned that if it is voluntary to say the Pledge, then why is there an opt out clause? Also, does it apply to students that are 18 years of age. Member David Crandall questioned why the rule repeats what is in statute, rather than just adding what is required, which is to teach about the flag.

Substitute motion was made by Member David Crandall and seconded by Member Kim Burningham that the rule be returned to the committee to consider elimination of the portions of the rule that are repetitive with state statute and are not required.

Substitute motion carried unanimously. [For complete details, see General Exhibit No. 11916.]

#### R277-524 Paraprofessional Qualifications

Rule R277-524 contains language that needed to be updated in response to SB 81 *Paraeducator Funding*, 2012 Legislative Session. Changes include which Title I schools are eligible for funds to hire additional paraprofessionals, the allocation of those funds, and annual reporting requirements for schools that accept the funding.

The committee approved R277-524 *Paraprofessional Qualifications* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11917.]

#### R277-612 Foreign Exchange Students

Consistent with the Utah Administrative Rulemaking Act five-year review requirement, the committee reviewed R277-612 to determine whether the rule should be continued.

The Committee approved continuation of R277-612 *Foreign Exchange Students* on first reading, and moved that the Board approve continuation of the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11918.]

#### Standards, Curriculum and Assessments Discussion

Discussion was held regarding Utah Core Standards and a fact sheet was reviewed. [For complete details, see General Exhibit No. 11919.]

R277-733 Adult Education Programs

Rule R277-733 *Adult Education Programs* was passed on second reading in the Board's March 2, 2012 meeting. Since that time there were substantive changes to the rule, including a definition of the Northwest Accreditation Commission and a definition of the Student Education/Occupation Plan.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board approve R277-733, as amended, on third and final reading. Motion carried.

[For complete details, see General Exhibit No. 11920.]

## ACCOUNTABILITY, FINANCE AND ASSESSMENT COMMITTEE

Committee Vice Chair Kim Burningham reported on the following items from the committee.

Charter School Revolving Account Loan Recommendations

The State Charter Board is charged with approving loans to charter schools per UCA 53A-21-522(3) *Charter School Revolving Account*, specifically to pay for the costs of: 1) planning expenses; 2) constructing or renovating charter school buildings; 3) equipment and supplies; and 4) other start-up or expansion expenses. On December 8, 2011, the State Charter Board recommended that five charter schools receive loans for purposes consistent with state law. Two of the loans were pending charter approval, which was given previously in this meeting. [For complete details, see General Exhibit No. 11921.]

Pioneer High School - Motion from committee that the Board approve a loan of \$272,548 to Pioneer High School for the Performing Arts.

Member Murphy questioned the necessity of the loan, as the information Pioneer High School gave to the Charter Schools Committee indicated the school was ready to go, and there would be no need for advertising, which is one of the costs detailed in the loan application. Member Tim Beagley responded that the school has a waiver to enroll 500 students in the fall with an additional 500 students in its growth model. Advertising is necessary to ensure that those that have expressed interest enroll, and so the school reaches its intended enrollment.

Member Crandall also expressed that an advertising campaign would expand interests from just the local level.

Motion carried, with Members Cannon and Murphy opposed.

Leadership Learning Academy - Motion from committee that the Board approve a loan of \$297,657 to Leadership Learning Academy. Motion carried.

R277-407-3 Classes and Activities During the Regular School Day

Changes to R277-407-3 were made to incorporate amendments to 53A-12-102 under HB 62 *Provisions Regarding School Supplies*, 2012 Legislative Session. The new language provides that an elementary school or elementary school teacher may provide to a student's parent or guardian a suggested list of supplies for use during the regular school day. The new law and rule require that a suggested list of supplies includes specific language.

The committee approved R277-407-3 *Classes and Activities During the Regular School Day* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11922.]

R277-405 Requirements for Assessment Pilot Programs

R277-473 Testing Procedures

R277-705 Secondary Schools Completion and Diplomas

During the 2012 Legislative Session, the requirement to administer the Utah Basic Skills Competency Test (UBSCT) was not changed. After careful review of statute 53A-1-611 *Standards and assessment processes to measure student performance – Basic skills competency test*, USOE staff have determined that a 10<sup>th</sup> grade college and career ready assessment would comply with the law and not cost more than the current funding available for the UBSCT.

In addition, the review of R277-405 also included the process and requirements for LEA grants for \$7,600,000 appropriated in one-time funding for online testing.

Associate Superintendent Judy Park reviewed changes in the rules. She made the recommendation that the Board approve PLAN as the assessment for 10<sup>th</sup> grade students. She indicated that district assessment directors are supportive of PLAN and have recommended the

test not be administered until the spring. Also, districts that participated in the assessment pilot program are very positive about PLAN, and would like to continue its use. Other tests that would comply are the PSAT and the CRTs in language arts and math.

Areas of concern voiced were setting a passing score on the PLAN assessment, and making accommodations. Dr. Park explained that PLAN is not designed to have cut scores, but ACT has assured her they will help set the score. PLAN also provides all of the accommodations needed. Member Laurel Brown suggested that as an alternative, the ASVAB test could be used for at-risk students.

The use of the funding that was appropriated also needs to be determined. If PLAN is used, there would be money available to continue the ACT pilots.

The committee approved R277-405 *Requirements for Assessment Pilot Programs* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11923.]

The committee approved R277-473 *Testing Procedures* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11924.]

The committee approved R277-705 *Secondary Schools Completion and Diplomas* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11925.]

Motion from committee that the Board direct USOE staff to go to the Education Interim Committee in May and fully appraise the committee of the Board's action, and also request that the committee take on College and Career Readiness Assessment as a committee bill. Motion carried.

#### R277-497 School Grading System

Utah Code 53A-1-1101 through 1113 *School Grading Act* requires the State Board to develop a system and make rules to grade schools. The Board approved the system for grading schools in its November 2011 meeting, and has created R277-497 *Grading Schools*. In the 2012 Legislative Session, SB 175 *School Grading Amendments* delayed the implementation of the Grading Schools system until the 2012-2013 school year.

The committee approved R277-497 *School Grading System*, as amended, on first reading, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11926.]

### Reading Assessment Waivers

A letter from Superintendent Larry Shumway was sent to local education agencies in September 2011 indicating they could request a waiver of the USOE's requirements (R277-403 *Student Reading Proficiency and Notice to Parents*) for a mid-year reading assessment for grades 1-3 using the DIBELS assessment. In October 2011, the Board approved a waiver request from Canyons School District. In November 2011, the Board approved waiver requests from Uintah and Alpine School Districts with a one-year limitation.

It was proposed that the one-year limitation for the waivers for Uintah and Alpine Districts be removed to make them consistent with Canyon District's waiver.

The committee approved the recommendation to change the waivers for Uintah and Alpine School Districts unlimited, and moved that the Board approve the change in the waivers. Member Murphy expressed discomfort with having no time limit, and Member Burningham responded that the Board may pull back the waiver at any time.

Motion carried, with Members Murphy and Pyfer opposed. [For complete details, see General Exhibit No. 11827.]

### **Executive Session**

Motion was made by Member Keith Buswell and seconded by Member Janet Cannon that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

The Board was polled, and upon unanimous consent of those present, moved into Executive Session at 4:50 p.m.

Motion was made by Member Janet Cannon and seconded by Member Michael Jensen that the Board reconvene into open meeting. Motion carried.

The meeting reconvened at 4:48 p.m.

**Executive Session Action Items**Division of Services for the Blind and Visually Impaired Advisory Council Appointments

Motion was made by Member Tami Pyfer and seconded by Member Mark Openshaw that the Board appoint Linda Collins, representing the Utah Council of the Blind, and Lee Robinson, representing the Ogden Association of the Blind, to the DSBVI Advisory Council, for terms ending June 30, 2014.

Motion carried.

State Rehabilitation Council Appointments

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board appoint to the State Rehabilitation Council: Amy Powell, representing Business, Labor and Industry, for a term ending September 30, 2014; Sharon Hinton Brand, representing Business, Labor and Industry, for a term ending September 30, 2015; Kenneth Gourdin, as a Consumer representative, for a term ending September 30, 2015; and Sachin Pavithran, as a representative for the Division of Services for the Blind and Visually Impaired Board, for a term ending September 30, 2015.

Motion carried.

Utah Schools for the Deaf and the Blind Advisory Council Appointments

Motion was made by Member Joel Coleman and seconded by Member Dixie Allen that the following individuals be appointed to the Utah Schools for the Deaf and the Blind Advisory Council: Tony Jepson and Sandra Ruconich, representing Blind or Visually Impaired; Scot Ferre and Jeff Pollock, representing Deaf or Hard of Hearing; Jennifer Chapman Lloyd and Darran Zenger, representing Deafblind or parent of a Deafblind Child; and Martin Blair, Scott McAward, and Clough Shelton, representing individuals who have knowledge of the needs and education of students who are deaf, blind, or deafblind. All terms will expire on June 30, 2014.

Motion carried.

Coalition of Minorities Advisory Council Appointments

Motion was made by Member Joel Coleman and seconded by Member Dixie Allen that the Board appoint Ze Min Xiao as an Asian American representative to the Coalition of Minorities Advisory Council, for a term expiring June 30, 2013.

Motion carried.

Peer (Public Educator Evaluation Requirements) Advisory Committee Appointments

In accordance with R277-531-4a *Public Educator Evaluation Requirements (PEER)*, the Board shall establish a state evaluation advisory committee to provide ongoing review and support for LEAs as they develop and implement evaluation systems consistent with the law and Board rule.

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board appoint the following individuals to the PEER Advisory Committee: Linda Alder, Dixie Allen, Lynne Baty, Todd Billings, Nedra Call, Janet Cannon, Suzanne Cottrell, Lyle Cox, Robert Cox, Sydnee Dickson, Laura Grzymkowski, John Jesse, Sara Jones, Steven Laing, Kerrie Naylor, Jeff Ojeda, Andrea Rorrer, Ken Rowley, Brenda Ruffier, Robert Shaw, Mike Smith, Selena Terry, Deon Turley, Leah Voorhies, and Barry Walker.

Motion carried.

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 11-1041 to accept a stipulated agreement for suspension of the Level 1 Special Education License of a former educator in the Granite School District.

Motion carried. [For complete details, see General Exhibit No. 11928.]

UPPAC Case No. 06-772

Motion was made by Member Kim Burningham and seconded by Member Dixie Allen that the Board lift the suspension of the educator's license in Case No. 06-772.

Motion failed with Members Allen, Brown, Burningham, Buswell, and Roberts in favor, and Members Cannon, Castle, C. Coleman, J. Coleman, Crandall, Jensen, Murphy, Openshaw, and Pyfer opposed.

**Adjournment**

Motion was made by Member Dixie Allen and seconded by Member Mark Openshaw that the meeting adjourn. The meeting adjourned 4:48 p.m.

Lorraine Austin, Secretary to the Board

Approved May 3, 2012