

**UTAH STATE BOARD OF EDUCATION  
MEETING MINUTES**

Friday, April 5, 2013

The Utah State Board of Education's Audit, Charter Schools, Communications, and USDB Committees met on Thursday, April 4, 2013 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. The committee meetings commenced at 4:30 p.m. All members were present with the exception of Teresa Theurer, Marlin Jensen, Jefferson Moss, James Olsen, Isaiah Spencer, and David Thomas.

A regular meeting of the Utah State Board of Education was held April 5, 2013 at the Utah State Office of Education.

At the request of the Chair, Vice Chair David L. Crandall conducted.

Board Members present:

Chair Debra G. Roberts	Member Heather Groom
Vice Chair David L. Crandall	Member Jennifer A. Johnson
Member Dixie L. Allen	Member C. Mark Openshaw
Member Laura Belnap (non-voting)	Member Tami W. Pyfer
Member Keith M. Buswell	Member R. Dean Rowley (non-voting)
Member Kim R. Burningham	Member Isaiah (Ike) Spencer (non-voting)
Member Leslie B. Castle	Member Teresa Theurer (non-voting)
Member Joel Coleman	Member David L. Thomas
Member Barbara W. Corry	

Board Members excused:

Member Marlin Jensen (non-voting)  
Member Michael Jensen  
Member Jefferson Moss  
Member James V. (Jim) Olsen (non-voting)

Executive staff present:

Martell Menlove, State Superintendent	Bruce Williams, Associate Superintendent
Brenda Hales, Deputy Superintendent	Lorraine Austin, Board Secretary
Judy Park, Associate Superintendent	

Others present:

Kory Holdaway, UEA; Lydia Nuttall, parent; Bruce Northcott, Daggett School District; Deon Turley, Utah PTA; Jay Blain, UEA; Patti Harrington, Utah School Superintendents Association/Utah Schools Boards Association.

**Opening Business**

Vice Chair David Crandall called the meeting to order at 8:15 a.m. Member Tami Pyfer led the Board in the Pledge of Allegiance. Board members Jefferson Moss, James Olsen, Marlin Jensen and Michael Jensen were excused from the meeting. Heather Groom was welcomed as a new Board member.

**Board Member Message**

Member Teresa Theurer welcomed the Board. She gave a presentation on the influence of teachers on students for a lifetime, and invited Board members to write thank you notes to teachers that influenced them.

**Promises to Keep Highlight**

Superintendent Martell Menlove read excerpts from a magazine article by Michael Herbert, published in *The Utah Special Educator*. The article is about multi-tiered levels of support and the importance of high quality instruction for all students. The author refers to Promises to Keep, quoting its premise and promises. Dr. Menlove emphasized that Promises to Keep is recognized by many groups, and reported that it was not unusual during the last legislative session to hear legislators talking about it.

**Public Comment**

Brad Hanks, Lucid Chart - Lucid Chart is a technology company that makes an online diagramming program. Lucid Chart lets multiple users collaborate in real time on the same document. It is free for educators, and allows teachers to make their own digital instructional materials. Mr. Hanks showed an example to the Board, found on [www.lucidchart.com](http://www.lucidchart.com), and expressed the company's desire to support the Board in providing high quality instruction.

Deborah Gatrell - expressed concerns regarding the application for Kairos Academy Charter School, including: 1) child care will not be offered on site; 2) the transportation proposed will not work for transporting infants; 3) the requested funding of \$1.2 million does not include

child care costs; and 4) the school structure itself is problematic. She feels the model will not provide a quality education for teen parents.

### **General Consent Calendar**

Motion was made by Member Barbara Corry and seconded by Member Dixie Allen that the Board approve the General Consent Calendar.

Motion carried.

1. Minutes of Previous Meeting

Minutes of the State Board of Education meetings held March 8, 2013 and March 20, 2013 were approved.

2. Contracts

The following contracts were approved.

a. Workforce Associates dba TORQWorks, \$14,950, 04/01/2013 to 04/01/2014, Federal

For a subscription to TORQ software. TORQ is an analytical tool that links occupations based on the abilities, skills, and knowledge required by workers in a vast number of occupations.

b. Payson I, L.C., \$325,277.61, 05/01/2013 to 04/30/2018, Federal

To lease office space for the Division of Rehabilitation Services located at 914 East 100 North, Payson, Utah.

c. John F. Bates, 07/01/2013 to 06/30/2016, Amendment, Federal

To conduct administrative reviews (appeals and hearings) for Child Nutrition Programs. Amount is determined upon submission of acceptable Memorandum of Decision and invoice of hours.

d. Utah Parent Information & Training Center, \$582,500, 07/01/2013 to 06/30/2018, Federal

The Utah Parent Center (UPC) is the only center in Utah that serves as a clearinghouse for parents with disabled children and youth. UPC provides information, referral, training and positive peer support to parents. The UPC

represents parents as team members on the State Level Validation Teams and parent focus groups. It serves students and youth with disabilities under the Individuals with Disabilities Education Act.

e. ACT, Inc., \$900,000, 02/01/2013 to 08/31/2013

To extend for one year the mandate in H.B. 166 (2010) to administer the ACT, a national college admissions examination.

f. Teacher-Teachers.com, \$716,162.50, 04/01/2013 to 03/31/2018

To provide 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.

g. Department of Workforce Services, \$87,058, 10/31/2012 to 10/31/2013, Amendment, Federal

To provide an onsite benefit specialist to the Department's Central and Wasatch Front Regions.

h. Southern Utah University, \$120,000, 08/14/2012 to 08/14/2015

To provide monitoring and evaluation for Smart Schools Technology.

i. Valcom Salt Lake City, \$0, 02/12/2013 to 02/11/2015, Amendment

Amendment for date change. To provide designated VMWare Virtualization Software.

[For more details, see General Exhibit No. 12310.]

3. R277-469 Instructional Materials Commission Operating Procedures

In its March 8, 2013 meeting, the Board approved amendments to R277-469, and continued the rule, on first and second reading. Amendments were made to delete U-PASS language, simplify mapping and alignment language, and make changes in repository requirements that reflect the changing technology of instructional materials.

The Board approved R277-469 *Instructional Materials Commission Operating Procedures* as amended, and continued the rule, on third and final reading. [For more details, see General Exhibit No. 12311.]

4. R277-483 Persistently Dangerous Schools

In its March 8, 2013 meeting, the Board continued R277-483 on first and second reading in accordance with Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it provides standards to fulfill the requirements of the federal Elementary and Secondary Education Act.

The Board approved continuation of R277-483 *Persistently Dangerous Schools* on third and final reading. [For more details, see General Exhibit No. 12312.]

5. R277-485 Loss of Enrollment

In its March 8, 2013 meeting, the Board continued R277-485 on first and second reading in accordance with Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it provides eligibility, funding, and implementation standards and procedures to financially compensate a school district for an excessive loss in student enrollment due to factors beyond the control of the school district.

The Board approved continuation of R277-485 *Loss of Enrollment* on third and final reading. [For more details, see General Exhibit No. 12313.]

6. R277-508 Employment of Substitute Teachers

In its March 8, 2013 meeting, the Board approved amendments to R277-508, and continued the rule, on first and second reading. Amendments were made to add a definition of LEAs to make the rule consistent with other Board rules, to clarify the duration of a teaching assignment for a substitute teacher, and to add the requirement of a criminal background check for substitute teachers.

The Board approved R277-508 *Employment of Substitute Teachers* as amended, and continued the rule, on third and final reading. [For more details, see General Exhibit No. 12314.]

7. R277-746 Driver Education Programs for Utah Schools

In its March 8, 2013 meeting, the Board continued R277-746 on first and second reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it incorporates the specific standards and procedures for local school districts providing automobile driver education.

The Board approved continuation of R277-746 *Driver Education Programs for Utah Schools*, on third and final reading. [For more details, see General Exhibit No. 12315.]

8. R277-751 *Special Education Extended Year (ESY)*

In its March 8, 2013 meeting, the Board approved amendments to R277-751, and continued the rule, on first and second reading. Amendments to the definition of Extended School Year were made.

The Board approved R277-751 *Special Education Extended Year (ESY)* as amended, and continued the rule, on third and final reading. [For more details, see General Exhibit No. 12316.]

9. R280-200 *Rehabilitation*

In its March 8, 2013 meeting, the Board approved amendments to R280-200, and continued the rule, on first and second reading. Amendments were made to update the revision dates of the Rehabilitation Act of 1973 and the Case Service Manual for the Vocational Rehabilitation Program.

The Board approved R280-200 *Rehabilitation* as amended, and continued the rule, on third and final reading. [For more details, see General Exhibit No. 12317.]

10. Monthly Budget Report

The Monthly Budget Report for February 2013 was provided to give information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind. [For more details, see General Exhibit No. 12318.]

11. Requests for Temporary Authorizations

The Board approved temporary authorizations for licenses as submitted by school districts and charter schools. [For more details, see General Exhibit No. 12319.]

12. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in March 2013 was provided for Board information. [For more details, see General Exhibit No. 12320.]

The Board recessed to standing committees at 8:40 a.m.

The full Board reconvened at 10:28 a.m.

**Achievement Spotlight**

Deputy Superintendent Brenda Hales recognized the sixteen Utah students that had the outstanding achievement of receiving a perfect score on the ACT test in 2013. The ACT measures a student's general education knowledge and is an indicator of college readiness.

Chair Debra Roberts and Superintendent Martell Menlove presented Certificates of Excellence to the ACT scholars present, including: Jacob Brown, Hillcrest High; Chris Carey, Woods Cross High; David Elliott, West High; Jenica Jessen, Riverton High; Madeline Knowlton, Davis High; Clement Lee, West High; Abraham Moffat, Skyline High; Peter Rosen, Murray High; and Peter Young, Timpview High. The students shared their future plans with the Board. Their parents and educators were also acknowledged.

**Computer Adaptive Assessment System**

Associate Superintendent Judy Park updated the Board on Utah's computer adaptive assessment system—SAGE (Student Assessment for Growth and Excellence). Information on Utah assessment systems, public school data and educators' school information displays, and computer adaptive testing regional meetings was distributed. Dr. Park also shared SAGE sample items at <http://Demo.TDS.airast.org/AIRAssessment>. [For more details, see General Exhibit No. 12321.]

**Superintendent's Report**

Superintendent Menlove reported on the following items.

In Fall 2012, the Board held a discussion regarding the release of student data and possible conflicts that exist in the Utah Code. Since the legislature did not reconcile the conflicts, Superintendent Menlove sought guidance from the Board as to whether he should request an Attorney General opinion to clarify what data must be released and what data needs to be protected. He asked the Board for input on a draft letter.

A draft Policies and Procedures Manual required by R277-113 *LEA Fiscal Policies and Accountability* is being completed. The Board may receive communications with concerns regarding a model being developed by the State Office of Education (USOE) for LEAs (local education associations). He reported that USOE staff has considered those concerns.

New employees Kory Williams, Sean Loth, and Marci Woodward were introduced.

Board members and USOE staff have participated in regional meetings of the Utah School Boards Association. Staff was thanked for compiling the Public Education Summary of the 2013 General Session of the Legislature.

Associate Superintendent Judy Park gave an update of issues concerning SB 271 3<sup>rd</sup> Substitute *School Grading Amendments*. In 2011, the grading schools accountability system was put into law, with a requirement that the Board model the data and make recommendations to the legislature for changes. All of that occurred under the Board's leadership, resulting in UCAS (Utah's Comprehensive Accountability System); however, the recommendations were never put into Code.

2013 legislation SB 271 did not include a description of the model accountability system, UCAS, but also did not include a description of the original law. The bill was suggesting a very different system, which was problematic. As USOE staff worked with the sponsors, improvements in the legislation were made in SB 271 3<sup>rd</sup> Substitute. The biggest concern still with the 3<sup>rd</sup> Substitute is the measurement of growth. The Governor signed the bill into law.

To this point, staff has only been able to do a basic analysis of the system under SB 271 3<sup>rd</sup> Substitute, so it is unknown how the system under the new law will match with UCAS. Dr. Park met last week with Lt. Governor Gregg Bell and Senate President Niederhauser regarding the accountability systems. Both committed to working with the Board to gain an understanding of the ramifications of implementing the new system, and if there is a problem, will consider a special legislative session.

Information was announced regarding a Career, Technical and Adult Education (CTAE) Scholarship Banquet on May 1, and CTAE summer professional development.

A schedule of 2013 legislative interim committees was distributed.

Deputy Superintendent Hales reported on the Board's Graduation Initiative. A very successful webinar on the Initiative was held on March 22. There is an active online survey on the USOE website, and Superintendent Hales is beginning to meet with education groups regarding the Initiative. The Board-approved task forces will begin meeting in the next few weeks.



Dr. Menlove reported that the organization, Digital Learning Now, recently released a report card where Utah was only state in the nation to receive an A. He recognized the efforts of multiple groups, including the legislature, who have helped create opportunities for digital learning.

[For more details, see General Exhibit No. 12322.]

## **Board Chair's Report**

### Audit Report

Internal Auditor Natalie Grange reviewed the memorandum, *Summary of the review of all fiscal year 2012 financial and single audits for all local education authorities (LEAs)*. Utah Code 53A-1-402 and 405 require the Board to receive and verify all of the audits that are required by LEAs, and require the Board to establish minimum standards for compliance. The reviews are also conducted under the guidelines for subrecipient monitoring in federal compliance supplements and OMB Circular A133. Ms. Grange acknowledged that the review of financial statements is a cooperative effort between the Internal Audit Section and School Finance Section. She noted that all LEAs fulfilled their statutory requirement to obtain a financial statement audit, if applicable. She reported on audit findings and follow up.

Ms. Grange also reviewed audit Report No. 2012-09B, *Review of Carson Smith Scholarship Monitoring Process at the Utah State Office of Education, School Years 2011-2012 and 2012-2013*.

[For more details, see General Exhibit No. 12323.]

### Chair's Report

Chair Debra Roberts reported on the following items.

Member Jennifer Johnson gave update on the School Trust Investment Task Force. A recent *Salt Lake Tribune* article highlighted the Task Force. The group met last week to determine its of scope of work.

Member Joel Coleman reported on the recent NASBE Legislative Conference he attended, along with Members Pyfer, Crandall, Moss and Openshaw. Utah is ahead of the curve

in some significant areas, including Core Standards implementation, claiming the standards as Utah standards, and creating our own assessments.

Board Secretary Lorraine Austin discussed Board member emails, giving the option to use personal emails or those created by the USOE. She also reminded the Board of its retreat on May 30-31.

Chair Roberts noted the updated Strategic Plan which was distributed. [For more details, see General Exhibit No. 12324.]

It was announced that Mark Openshaw will represent the Board on the new STEM Action Center.

Chair Roberts reported that the Governor's Education Excellence Commission voted to change its plan from PACE to the Utah Unified Education Plan, emphasizing the concept of bringing all the entities together. The Governor has indicated he will make school counseling a priority next year.

An article in *City Weekly*, highlighting Member Isaiah Spencer, was distributed.

Chair Roberts thanked Board members and USOE staff, under the direction of Superintendent Menlove, for their work during the legislative session, and the patience, grace, and professionalism they exhibited.

### **Utah Professional Practices Advisory Commission (UPPAC) Recommendations**

Motion was made by Member Dixie Allen and seconded by Member Keith Buswell that the Board accept the recommendation of UPPAC in Case No. 12-1086 and suspend the educator's Level 2 Elementary and Secondary License. The educator may request a reinstatement hearing following satisfaction of all conditions in the Stipulated Agreement and completion of a criminal background check, no sooner than two years from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

With no objection, discussion was referred to Executive Session, and the motion was postponed until after the closed meeting.

Motion was made by Member Barbara Corry and seconded by Member Dixie Allen that the Board accept the recommendation of UPPAC in Case No. 09-923 and suspend the educator's

Administrative/Supervisory License. The educator's license was suspended by the Board for two years beginning November 2011. UPPAC recommends a suspension of the educator's license until at least November 2016 with specific conditions—resulting in a minimum five-year suspension for the educator. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

With no objection, discussion was referred to Executive Session, and the motion was postponed until after the closed meeting.

Motion was made by Member Dixie Allen and seconded by Member Barbara Corry that the Board accept the recommendation of UPPAC in Case No. 12-1109 and suspend the educator's Level 2 Administrative/Supervisory License. The educator may request a reinstatement hearing following satisfaction of all conditions in the Stipulated Agreement and completion of a criminal background check, no sooner than one year from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

With no objection, discussion was referred to Executive Session, and the motion was postponed until after the closed meeting.

### **Executive Session**

Motion was made by Member Dixie Allen and seconded by Member Barbara Corry that the Board move into closed session for the purpose of discussing the character, professional competence, or physical or mental health of individuals.

A voice vote was taken, and upon unanimous consent of those present, the Board moved into Executive Session at 12:00 p.m.

The following were present in Executive Session: Board Members Allen, Belnap, Burningham, Buswell, Castle, Coleman, Corry, Crandall, Groom, Johnson, Openshaw, Pyfer, Roberts, Rowley, Spencer, Theurer and Thomas; Lorraine Austin, Martell Menlove, Brenda Hales, Carol Lear, Heidi Alder, Kristina Kindl, Heather Waite-Grover, and Natalie Grange.

Motion was made by Member Dixie Allen and seconded by Member Barbara Corry that the Board reconvene into open session.

Motion carried. The meeting reconvened at 1:10 p.m.

**Executive Session Items**Utah Schools for the Deaf and the Blind (USDB) Advisory Council Appointment

Motion was made by Member Tami Pyfer and seconded by Member Keith Buswell that the Board appoint Dr. Christine Clark Bischke to the USDB Advisory Council, representing individuals with an interest in and knowledge of the needs and education of students who are deaf, blind, or deafblind, for a term expiring June 30, 2014.

Motion carried.

Disability Determination Services (DDS) Advisory Council Appointment

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board appoint Brian Butler to the DDS Advisory Council, representing Wasatch Mental Health, for the term, June 2013 to June 2017.

Motion carried.

Division of Services for the Blind and Visually Impaired (DSBVI) Advisory Council

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board appoint the following to the DSBVI Advisory Council, all for terms June 1, 2013 to June 30, 2016: Deja Powell, representing the National Federation of the Blind; Aunilie Hathaway, representing the Utah Council of the Blind; Carla Van Gaalen, representing the Ogden Association of the Blind; Dr. Ray B. Jones and John Clements, representing consumers.

Motion carried.

UPPAC Recommendations

Motion to accept the UPPAC recommendation in Case No. 12-1086 failed, with Members Allen, Burningham, Buswell, Corry, Roberts and Thomas in favor, and Members Castle, Coleman, Crandall, Groom, Johnson, Openshaw and Pyfer opposed.

Motion to accept the UPPAC recommendation in Case No. 09-923 carried, with Members Allen, Burningham, Buswell, Coleman, Corry, Crandall, Roberts and Thomas in favor, and Members Castle, Groom, Johnson, Openshaw and Pyfer opposed.

Motion to accept the UPPAC recommendation in Case No. 12-1109 carried, with Members Allen, Burningham, Buswell, Coleman, Corry, Openshaw, Pyfer, Roberts and Thomas in favor, and Members Castle, Groom and Johnson opposed.

[For more details, see General Exhibit No. 12325.]

### **UPPAC Issues**

Dr. Menlove suggested that the following items be put on a future agenda for discussion:

- 1) Responsibilities of UPPAC, USOE or the Board to report criminal activity;
- 2) whether mitigating circumstances should be considered on the form provided to the Board for those individuals where the action is pending suspension or revocation;
- 3) how extensive should the list be on the form that is provided for the Board listing applicable laws that may apply to a situation;
- 4) what needs to be dealt with as far as suspension versus revocation based upon the change in the definition that occurred in a former meeting;
- 5) whether the Board's attorney should review stipulated agreements prior to having them signed by the Board Chair;
- 6) a clarification of the role of the Board in pre-licensing issues.

### **2013 Legislative Summary**

The 2013 General Session of the Legislature concluded March 14, 2013. Each year, the State Office of Education prepares a publication that provides summarized information about the bills passed by the legislature that affect education in some way. Superintendent Menlove reviewed the Public Education Summary of the 2013 General Session of the Legislature, including twenty-three Board rules that will need to be modified or written, and two model policies, two model funding policies, and six RFPs that will need to be written.

Superintendent Menlove also reviewed fiscal highlights and compared them with the with Board's budget request. Overall, he felt the Board was successful in having its priorities funded.

[For more details, see General Exhibit No. 12326.]

### **UPPAC Review Task Force Update**

In its December 7, 2012 meeting, the State Board determined that a Board UPPAC Review Task Force would be organized for the purpose of making specific recommendations for

changes to state statute, Board rules, and UPPAC rules regarding the work of the Utah Professional Practices Advisory Commission. The Task Force has met several times and has considered necessary steps to move forward with the work involved.

In its March meeting, Board members received a proposed scope of work from the Task Force for an independent contractor. The scope of work has since been revised by the Task Force and an updated copy distributed. It was noted that two items from the original scope of work were pulled out of the document and will be assigned to USOE staff and the Board's attorney to complete. Task Force members shared the feelings of the Task Force that some independence is needed in moving forward with the work.

Motion was made by Member Joel Coleman and seconded by Member David Thomas that the Board approve the UPPAC Review Task Force Scope of Work for an independent contractor, with a change in the last sentence of the first paragraph to read "two critical areas," and instruct Superintendent Menlove to move forward with preparing a Request for Proposal (RFP).

It was suggested that Dr. Menlove be given a chance to respond to the Harrington study on UPPAC if he wishes. It was also suggested that Superintendent Menlove be given an opportunity to determine whether his staff could do all the work, come back with a recommendation, then have the Board reevaluate the need for an RFP at that time. Superintendent Menlove responded that he is comfortable with an independent contractor, and encouraged communication if Board members feel his staff isn't doing what is expected.

Motion carried, with Member Allen opposed; Members Johnson and Openshaw absent.  
[For more details, see General Exhibit No. 12327.]

## **Board Committee Reports**

### CHARTER SCHOOLS COMMITTEE

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

New Charter School Applications [For more details, see General Exhibit No. 12328.]

Scholar Academy Charter Application - Motion from Committee that the Board approve the charter application of Scholar Academy. The school will begin operation in the Tooele School District in the 2014-2015 school year, serving grades K-6 with a maximum allowable enrollment of 589 students.

Motion carried; Members Johnson and Openshaw absent.

Dixie Montessori Academy - Motion from Committee that the Board approve the charter application of Dixie Montessori Academy. The school will begin operation in Washington School District in the 2014-2015 school year, serving grades K-7 with a maximum allowable enrollment of 410 students.

Member Laura Belnap expressed her concern that the school is coming from a private school model and may not be the most innovative.

Motion carried; Members Johnson and Openshaw absent.

Mountain West Montessori Academy Charter Application - Motion from Committee that the Board approve the charter application of Mountain West Montessori Academy to begin operation in the Jordan School District in the 2014-2015 school year, serving grades K-8 with a maximum allowable enrollment of 536 students.

Motion carried; Members Johnson and Openshaw absent.

American International School of Utah Charter Application - Motion from Committee that the Board approve the charter application of American International School of Utah. The school will begin operation in either Murray City School District or Jordan School District in the 2014-2015 school year, serving grades K-12 with a maximum allowable enrollment of 1,400 students.

It was clarified that American International is a private-charter school mix. The portion that serves out-of-state and international students will be private, with the charter serving in-state students. It was also clarified that 1,000 students are planned for the charter portion.

Motion carried; Members Johnson and Openshaw absent.

Ascent Academies of Utah Charter Application - Motion from Committee that the Board approve the charter application of Ascent Academies of Utah. The school will be on three separate campuses, and will begin operation in the Jordan and Davis School Districts in the 2014-2015 school year, and Granite School District in the 2015-2016 school year

Motion carried; Members Johnson and Openshaw absent.

Winter Sports School Charter Application - Motion from Committee that the Board approve the charter application of Winter Sports School. The school will begin operation in the Park City School District in the 2014-2015 school year, serving grades 9-12 with a maximum allowable enrollment of 200 students.

The school will meet the requirements of students that are winter athletes, and will span two different fiscal years so students can train in the winter. The school understands it will start the year with no WPU funding. The application also asks for a waiver of Board rule R277-419 to accommodate a 144-day schedule.

Motion carried; Members Johnson and Openshaw absent.

Kairos Academy Charter Application - The committee considered the application of Kairos Academy, but did not have enough votes to approve the application, therefore did not forward a recommendation to the Board.

Board members discussed the application and expressed concerns about the lack of child care at the school and transportation issues, including transporting children in car seats. Others felt that the market-driven nature of charter schools should play out, and if the needs cannot be met, students will not attend.

Motion was made by Member David Thomas and seconded by Member Debra Roberts that the Board approve the application of Kairos Academy, with the specific condition that child care be provided on site.

Motion carried; Members Johnson and Openshaw absent.



Itineris Early College High School Charter Amendment

Motion from Committee that the Board approve the rechartering agreement for Itineris Early College High School with the Utah State Charter School Board, and approve an amendment request to expand the school's enrollment by 115 students beginning with the 2014-2015 school year.

Motion carried; Members Johnson and Openshaw absent. [For more details, see General Exhibit No. 12329.]

Quail Run Primary Academy

The Committee considered Quail Run Primary Academy's request to make changes to its charter agreement by changing its name, modifying the mission statement and organization structure, pioneering single gender classrooms, and adding a distance learning program. The Committee did not forward a recommendation, but brought the matter to the full Board for discussion.

It was noted that Quail Run is on probation, and is addressing its problems through restructuring as proposed. Board members questioned whether the changes would remedy the problems, and if those coming in to restructure will not be permanent, what will happen to the school after they leave.

The issue of single gender classes was addressed, and Board members questioned whether research has been done on single gender classes for particular subjects. USOE Charter Schools Director Marlies Burns indicated that research has been done on single-gender schools, and there is quite a bit of interest from the community.

The Board took no action on this item. [For more details, see General Exhibit No. 12330.]

## USDB COMMITTEE

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

Utah Schools for the Deaf and the Blind (USDB) Superintendent Search

The Committee was apprised of logistics of the search for a USDB Superintendent.

## COMMUNICATIONS COMMITTEE

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

General Communications

The Committee discussed how to improve communications with the Board's constituents and the legislature throughout the year. Member Pyfer reported that she has sent information to legislators regarding the regional meetings on the new assessment system.

Core Standards App

The Committee discussed the Board sponsoring a student contest to develop an App for the Utah Core Standards which would show each of the standards. The Committee recommended that a prize of \$500 be offered for the best App. It was suggested that there might be different versions geared to students, parents and legislators. It was also suggested that the contest could be a partnership between the Board and other organizations, such as the Utah School Boards Association (USBA). Member Dean Rowley agreed to check with USBA to determine their interest. Member Pyfer will coordinate getting the community partner.

Superintendent Menlove was directed to move forward with the contest. He will make sure the money offered meets the intent of the legislature for using funds.

Website

The Committee suggested improvements to the Board's website to make it more user friendly and applicable.

## ACCOUNTABILITY AND FINANCE COMMITTEE

Committee Chair David Thomas reported on the following items from the Committee.

R277-104 ADA Complaint Procedures

The Committee approved continuation of R277-104 *ADA Compliant Procedures* on first reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement, and moved that the Board continue the rule on second reading.

The rule continues to be necessary because it provides Utah State Office of Education and Utah State Office of Rehabilitation procedures for non-USOE, non-USOR and non-Board employees to file complaints under the federal law.

Motion carried. [For more details, see General Exhibit No. 12331.]

#### R277-491 School Community Councils

In the 2013 Legislative Session, changes were made to statute in H.B. 306 *School LAND Trust Program Amendments*. In order to address those changes and to simplify and reorganize rule R277-491 for consistency and clarity, it was proposed that the rule be repealed and reenacted. The reenacted rule allows greater flexibility at the local level for school community council elections, provides clarification regarding the size of the council, includes requirements for a parent chair and annual training of members, and removes term limits. The Committee made further amendments outlined on a distributed sheet.

The Committee repealed R277-491 *School Community Councils*, reenacted the rule as amended, and continued the rule on first reading. Motion from Committee that the Board repeal, reenact as amended, and continue R277-491 on second reading.

Motion carried. [For more details, see General Exhibit No. 12332.]

#### Taxing Entity Committee (TEC) Meetings Report

The outcome of the Taxing Entity Committee meeting for the Redevelopment Agency of Ogden City was reported to the Committee. The TEC unanimously approved the project budget, with the school district in favor. [For more details, see General Exhibit No. 12333.]

#### Board Financial Report

Each month, the Board receives a report with budget information from the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind.

The Committee reviewed a number of items with regard to the budget, including looking at a new format in terms of the fiscal information the Board receives monthly, and a possible

threshold level for contracts that come to the Board. The Committee will continue to consider these items in the next few months.

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE  
Committee Chair Dixie Allen reported on the following items from the Committee.

Daggett School District Four-day Week Request

The Daggett Board of Education has requested a variance from R277-419-5 *Pupil Accounting—Minimum School Days*, to allow Daggett District schools to go on a four-day week schedule.

The Committee approved the request and moved that the Board approve the waiver of R277-419-5 for Daggett School for the purpose of going on a four-day week schedule.

Motion carried; Members Johnson and Openshaw absent. [For more details, see General Exhibit No. 12334.]

Waiver Request for Professional Development

Funding for professional development (Quality Teaching Block Grants) was essentially removed from the Minimum School Program four years ago. For the past three years, the State Board has allowed local districts and charters the option to convene professional development by holding school for less than the required 180 days. A similar proposal for the 2013-2014 school year was considered by the Committee.

The Committee approved a waiver for school districts and charters of up to two days from the 180-day requirement in R277-419-4 *Pupil Accounting—Minimum School Days* for professional development, with the following conditions. Waivers would be granted when districts and charters notify the USOE: 1) that the professional development days are part of a formally adopted school calendar; 2) of the dates of the professional development; and 3) of the agenda for the professional development.

It was noted that the committee vote was not unanimous. Committee Chair Allen explained that a feeling was expressed that professional development is a responsibility of LEAs,

and they should find a way to fund it. Others felt that because of the expectations of the Board regarding curriculum and assessment, the Board should support professional development.

Motion carried, with Member Coleman opposed. Members Johnson and Openshaw absent.

R277-436 *Gang Prevention and Intervention Programs in the Schools*

The Committee approved continuation of R277-436 on first reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it provides standards and procedures for distributing funding for gang prevention and intervention programs in the public schools.

Motion from Committee that the Board approve continuation of R277-436 *Gang Prevention and Intervention Program in the Schools* on second reading.

Motion carried; Members Johnson and Openshaw absent. [For more details, see General Exhibit No. 12335.]

R277-460 *Distribution of Substance Abuse Prevention Account*

The Committee approved continuation of R277-460 on first reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it provides procedures for the distribution of the USOE's share of the Substance Abuse Prevention Account.

Motion from Committee that the Board approve continuation of R277-436 *Distribution of Substance Abuse Prevention Account* on second reading.

Motion carried; Members Johnson and Openshaw absent. [For more details, see General Exhibit No. 12336.]

R277-411 *School District Sponsored School Seminar on Youth Protection-Related Issues*

R277-411 was created to address new legislation passed in the 2013 Legislative Session—H.B. 134 *Parental Notification Related to Student Safety*, H. B. 298 *Parent Seminar on Youth Protection*, and H.B. 154 *Suicide Prevention Programs*. The law requires that the USOE

provide resources and model curricula to schools districts and make staff and consultants available to assist districts with anticipated training and parent meetings.

The new rule provides information and timelines to school districts that will allow and assist school districts in satisfying their responsibilities under the law, including providing timelines for local school board opt-out notification to the Board.

The Committee approved new rule R277-411 *School District Sponsored School Seminar on Youth Protection-Related Issues* on first reading, and moved that the Board approve the rule on second reading.

Motion carried; Members Johnson and Openshaw absent. [For more details, see General Exhibit No. 12337.]

#### Cursive Writing in the Utah Core

The Committee reviewed draft additions to the Utah Core on development of handwriting skills. The new Utah Core Standards do not currently include language regarding the teaching of handwriting (manuscript and cursive) in elementary school. The State Office of Education assembled a committee to consider the research and determine whether it is in the best interest of Utah students to amend the Utah Core Standards for English/Language Arts to include explicit teaching of handwriting in grades K-5.

The handwriting committee, after considering the research base on handwriting and its influence on reading, complex thinking, and fluent writing, determined that teaching handwriting (manuscript and cursive) is a critical component of elementary education.

The Curriculum Committee approved the draft standards, and moved that the Board approve the draft standards and direct USOE staff to move forward with obtaining public comment from throughout the state.

Motion carried; Members Johnson and Openshaw absent. [For more details, see General Exhibit No. 12338.]

#### INSTRUCTION, ASSESSMENT AND TECHNOLOGY COMMITTEE

Committee Member Kim Burningham reported on the following items from the Committee.

R277-531-3 Public Educator Evaluation Requirements (PEER)—Public Educator Evaluation Framework

In its February 8, 2013 meeting, the Board approved amendments to R277-531-3 on first and second reading. Amendments included changing the word “conclusions” to “procedures” in R277-531-3F(8). However, the Committee directed that USOE staff discuss concerns and alternative language for the rule consistent with ideas raised in the meeting. After meeting with teacher representatives and consulting with local superintendents, staff proposed minimal wording changes.

The Committee approved R277-531-3 *Public Educator Evaluation Requirements (PEER)—Public Educator Evaluation Framework* as amended, on second reading, and proposed that the Board approve R277-531-3 on third and final reading.

Motion carried; Members Johnson and Openshaw absent. [For more details, see General Exhibit No. 12339.]

R277-614 Athletes and Students with Head Injuries

In the 2013 Legislative Session, H.B. 58 *Protection of Athletes with Head Injuries Act* was passed. R277-614 was amended to provide new language consistent with the law, including language that excludes recess and play time as periods to which R277-614 and Section 26-53 apply. Further amendments were made by the Committee on a distributed amendments sheet.

The Committee approved amendments to R277-614, and continued the rule, on first reading, and moved that the Board approve R277-614, as amended, and continue the rule, on second reading.

Member David Thomas questioned whether free play should be defined, since it’s a term used in the legislation.

Without objection, the motion was amended to approve R277-614 as amended, and continue the rule, on second reading, and that a definition of “free play” be added to the rule prior to it coming back to the Board for third and final reading.

Motion carried; Members Johnson and Openshaw absent. [For more details, see General Exhibit No. 12340.]

State Board of Education Bylaws

The Committee discussed suggested changes to the Bylaws and determined that more time is needed for in-depth discussion. An extra meeting of the Instruction, Assessment and Technology Committee was scheduled for April 18 at 1:00 p.m. for further discussion on the Bylaws.

The Committee discussed the responsibility assigned to the Board Secretary to provide support to the State Board Nominating and Recruiting Committee, and determined that the assignment is inappropriate. The intent is to remove that section from the Bylaws. The Committee forwarded a recommendation that Board Leadership talk with the Governor's Education Director regarding the work and indicate that other arrangements for the support of the Nominating Committee need to be made.

[For more details, see General Exhibit No. 12341.]

**Adjournment**

Motion was made by Member Corry and seconded by Member Allen that the meeting adjourn.

Motion carried. The meeting adjourned at 4:25 p.m.

Lorraine Austin, Board Secretary  
Minutes approved May 2, 2013