

**UTAH STATE BOARD OF EDUCATION  
MEETING MINUTES**

February 8, 2013

A study session and meetings of the Audit, Charter Schools, Communications, and USDB Committees of the Utah State Board of Education were held February 7, 2013 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah, beginning at 3:00 p.m. All Board members were present with the exception of Members Marlin Jensen, Dean Rowley, and Isaiah Spencer.

A regular meeting of the Utah State Board of Education was held February 8, 2013 at the State Office of Education. At the request of the Chair, Vice Chair David Crandall conducted.

Board Members present:

Chair Debra G. Roberts	Member Michael Jensen
Vice Chair David L. Crandall	Member Jennifer A. Johnson
Member Dixie L. Allen	Member Jefferson Moss
Member Laura Belnap (non-voting)	Member James V. (Jim) Olsen (non-voting)
Member Kim R. Burningham	Member C. Mark Openshaw
Member Keith M. Buswell	Member Tami W. Pyfer
Member Leslie B. Castle	Member R. Dean Rowley (non-voting)
Member Craig E. Coleman	Member Isaiah (Ike) Spencer (non-voting)
Member Joel Coleman	Member Teresa L. Theurer (non-voting)
Member Barbara W. Corry	Member David L. Thomas
Member Marlin K. Jensen (non-voting)	

Executive staff present:

Martell Menlove, State Superintendent	Bruce Williams, Associate Superintendent
Brenda Hales, Deputy Superintendent	Don Uchida, USOR Executive Director
Judy Park, Associate Superintendent	Lorraine Austin, Board Secretary

Others present:

Janet Christensen, teacher; Tracey Watson, UEA; Liz Zentner, Utah PTA; Joyce Muhlestein, Utah PTA; Scott Bean, former state superintendent; Jan Ferré, LCPD; Russ Galt, DATC; Ginger Chinn, DATC; Jared Haines, UCAT; Debi Tabor, Utah PTA

**Opening Business**

Vice Chair David Crandall called the meeting to order at 8:15 a.m. Member Teresa Theurer led the Board in the Pledge of Allegiance.

Vice Chair Crandall reminded members of changes on the agenda since it was printed: 1) item 12 was changed to an action item; 2) a contract was added to the Consent Calendar; and 3) an item was added to the Charter Schools Committee for approval of a new charter school.

**Board Member Introductory Remarks**

Member Marlin Jensen commented on the enormous amount of material the Board receives for review each month. He commended to the entire group that the ability to be brief in speech is an executive strength, and is essential to better communication. He followed his remarks with an invocation.

**Promises to Keep Highlight**

Superintendent Martell Menlove reported on a book he received this week that honors the state teachers of the year with quotes from each state teacher. He shared some excerpts he felt would help to refocus the Board on the work it is doing.

**Public Participation**

Pauline Longberg, elementary principal, Granite School District - Ms. Longberg introduced teacher Janet Christensen. She indicated that Ms. Christensen has a vision for educational excellence with a systemic solution to transform the school system from top down to bottom up.

Janet Christensen, teacher - referred to the document, *Powerful Public School Reform in Utah*, that had previously been sent to the Board, and reviewed the fundamentals of the program. [For more details, see General Exhibit No. 12227.]

Tracey Watson, UEA General Counsel - reviewed the system of checks and balances in place between the USBE, UPPAC, and defense counsel to ensure that due process is there for educators. The Board has a substantive and complex role to ensure fundamental fairness. She asked the Board to “put on their judges robes” as they consider UPPAC cases today.

**General Consent Calendar**

Motion was made by Member Keith Buswell 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 meeting held January 10, 2013 were approved.

2. Contracts

The following contracts were approved by the Board.

A. Utah Afterschool Network, \$95,751, 12/01/12 to 11/30/13, Federal, Amendment

To facilitate the development of a comprehensive afterschool/community school professional development system by fostering multiple pathways for training and technical assistance to ensure high quality programs that meet the needs of a diverse population.

B. Center for Persons with Disabilities, \$53,760, 8/1/11 to 6/30/13, Federal, Amendment

For salary and fringe benefits as defined by USU, travel expenses and a graduate assistant for Student Strengths Inventory Project Research Director. Budget includes 10.8 percent indirect costs on salary and benefits.

C. Developower, \$700,000, 2/1/2013 to 1/31/2017, Federal, Amendment

To develop and maintain software for ED Facts.

D. CCA-Tooele Towne Center, \$0, 11/01/12 to 10/31/17, Federal, Amendment

Change of payment address for office space for the Division of Rehabilitation Services located at 982 North Main Street, Tooele, Utah.

E. NCS Pearson, Inc., \$150,000, 11/1/2012 to 10/31/2013, Federal

To provide enhancements to the UTREx software to comply with the requirements of the legislature and administrative changes in law and Board rule.

F. Waterford Institute, \$0, 7/01/2012 to 6/30/2013, Amendment

Change vendor number from Waterford Schools to Waterford Institute on contract for interactive computer software to address mathematics skills early intervention.

G. Waterford Institute, \$0, 7/01/2012 to 6/30/2013, Amendment

Change Vendor No. from Waterford Schools to Waterford Institute on contract for interactive computer software to address literacy and language skills early intervention.

H. University of Utah, \$18,777, 1/1/2013 to 12/31/2013, Federal

To evaluate collaborative best practices between LEAs and Juvenile Justice Counselors working in secure care facilities.

[For more details, see General Exhibit No. 12228.]

3. R277-101 Utah State Board of Education Procedures

In its January 10, 2013 meeting, the Board approved R277-101, as amended, on first and second reading. The rule was amended to make the definition of Board Leadership consistent with Board Bylaws.

The Board approved R277-101 *Utah State Board of Education Procedures* on third and final reading. [For more details, see General Exhibit No. 12229.]

4. R277-113 Lea Fiscal Policies and Accountability

In its January 10, 2013 meeting, the Board approved new rule R277-113 on first and second reading. The rule sets expectations for local boards to establish fiscal policies and procedures manuals over cash receipting, cash disbursement, fund raising, and donations and gifts.

The Board approved R277-133 *LEA Fiscal Policies and Accountability* on third and final reading. [For more details, see General Exhibit No. 12230.]

5. Monthly Budget Report

The Monthly Budget Report for December 2012 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. 12231.]

6. Requests for Temporary Authorizations

The Board approved temporary authorizations for licenses as submitted by the school districts and charter schools. [For more details, see General Exhibit No. 12232.]

7. Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in January 2013 was provided for Board information. [For more details, see General Exhibit No. 12233.]

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

The full Board reconvened at 10:40 a.m.

### **Achievement Spotlight**

Deputy Superintendent Brenda Hales acknowledged the winners of the Dr. Martin Luther King, Jr. 29<sup>th</sup> Annual Essay and Video Contest. She introduced Jay Orten, Juab Jr. High School, 9<sup>th</sup> Grade Essay winner; Helena Rodriguez, Clayton Middle School, 9<sup>th</sup> Grade Video Winner; Mikinley Weaver and Valerie Morgan, Woods Cross High School, 12<sup>th</sup> Grade Video Winner. Helena Rodriguez's winning video was shown.

A certificate of excellence was given to each by Chair Debra Roberts and State Superintendent Martell Menlove.

[For more details, see General Exhibit No. 12234.]

### **Core Standards Report**

Deputy Superintendent Brenda Hales showed the presentation, *Utah Core Standards, Understanding the Impact on Instruction*. [For more details, see General Exhibit No. 12235.]

**Superintendent's Report**

New USOE employees were introduced.

Deputy Superintendent Hales reported on the progress of the Board's motions on graduation requirements. Ad hoc committees on Financial Literacy, Computer Literacy, and School Grading are in the process of being organized.. A webinar to kick off statewide outreach efforts regarding the proposed changes to graduation requirements will be held March 22 at 10:00 a.m., and a survey to gather information will be made available on the USOE website.

Superintendent Menlove reported that the Board was asked to attend the Administrative Rules Committee recently because some rules had not been completed in a timely manner. Rules must be filed within 180 days from when legislation is enacted.

Dr. Menlove has had positive conversations with charter and district officials in response to the information he has requested on school safety. He expressed his opinion that the State Board rule on emergency preparedness is appropriate; however, the rule may need to be reviewed after the additional information is collected.

An updated State Office of Education organization chart was distributed.

The 2011-2012 Superintendent's Annual Report has been published. It is available online or hard copy by request.

[For more details, see General Exhibit No. 12236.]

**Board Chair's Report**

Audit Report - Internal Auditor Natalie Grange reported on the final EduJobs report. [For more details, see General Exhibit No. 12237.]

Ms. Grange also provided to the Board a link to the legislative audit on the Electronic High School.

**Chair's Report**

Chair Roberts announced that Member Craig Coleman has submitted a letter of resignation due to other commitments, and expressed her regret that he is leaving the Board. The Governor will appoint the new Board member. Board members were asked to suggest names.

It was announced that John Pingree has resigned from the State Charter School Board. His position is one that is nominated by the USBE to the Governor for appointment. Board members were asked to submit names.

Chair Roberts presented Member Kim Burningham with a letter of congratulations from the Governor for completing the Utah School Boards Association's Master Boards Award program. Chair Roberts encouraged other board members to do the same, and reminded them to participate in the program's open meetings training to fulfill the yearly requirement for training in that area.

Chair Roberts asked for feedback on an editorial she has prepared.

Information on Prosperity 2020 was distributed, and information about the Women's Education Initiative was made available.

[For more details, see General Exhibit No. 12238.]

### **Utah Professional Practices Advisory Commission Recommendations**

Motion was made by Member Dixie Allen and seconded by Member Michael Jensen that the Board accept the recommendation of UPPAC in Case No. 12-1063 and approve a Stipulated Agreement for Suspension of the educator's Level 3 Secondary Education license.

Motion was made by Member Mark Openshaw and seconded by Member Jennifer Johnson that action on the previous motion be postponed until after Executive Session.

Motion to postpone carried; Member Allen opposed.

Motion was made by Member Debra Roberts and seconded by Member Dixie Allen that the Board accept the recommendation of UPPAC in Case No. 12-1085 and approve a Stipulated Agreement for the Suspension of the educator's Level 2 Elementary and Special Education license.

Without objection, Vice Chair Crandall postponed action on the motion until after Executive Session.

Motion was made by Member Barbara Corry and seconded by Member Dixie Allen that the Board accept the recommendation of UPPAC in Case No. 98-441 and reinstate the educator's Level 2 Educator license.

Without objection, Vice Chair Crandall postponed action on the motion until after Executive Session.

### **Executive Session**

Motion was made by Member Dixie Allen and seconded by Member Jennifer Johnson that the Board move into Executive Session for the purpose of discussing the character, professional competence, and 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 11:45 a.m.

The following were present in Executive Session: Board Members Allen, Belnap, Burningham, Buswell, Castle, J. Coleman, Corry, Crandall, Marlin Jensen, Michael Jensen, Johnson, Moss, Olsen, Openshaw, Pyfer, Roberts, Rowley, Spencer, Theurer and Thomas; Martell Menlove, Brenda Hales, Lorraine Austin, Kristina Kindl, Carol Lear and Heidi Alder.

Motion was made by Member David Crandall and seconded by Member Keith Buswell that the Board reconvene into open session.

Motion carried. The meeting reconvened at 1:15 p.m.

### **Executive Session Items**

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

The following motions postponed until after Executive Session were brought back for action.

Motion to accept the Stipulated Agreement in UPPAC Case No. 12-1063 carried, with Members Allen, Burningham, Buswell, Corry, Jensen, Moss, Roberts and Thomas in favor, and Members Castle, J. Coleman, Crandall, Johnson, Openshaw and Pyfer opposed; Member C. Coleman absent.

All conditions of the signed Stipulated Agreement will apply to the suspension. The educator may request a reinstatement hearing from UPPAC following satisfaction of all conditions in the Stipulated Agreement no sooner than two and a half (2.5) years from the date of formal Board action. Any UPPAC recommendation for reinstatement is subject to Board approval.



Motion to accept the Stipulated Agreement in UPPAC Case No. 12-1085 carried, with Members Allen, Burningham, Buswell, Corry, Jensen, Moss, Roberts and Thomas in favor, and Members Castle, J. Coleman, Crandall, Johnson, Openshaw and Pyfer opposed; Member C. Coleman absent.

All conditions of the signed Stipulated Agreement will apply to the suspension. The educator may request a reinstatement hearing from UPPAC following satisfaction of all conditions in the Stipulated Agreement no sooner than three (3) years from the date of formal Board action. Any UPPAC recommendation for reinstatement is subject to Board approval.

Motion to reinstate the educator's Level 2 Educator license in UPPAC Case No. 98-441 carried, with Members Allen, Burningham, Buswell, Corry, Jensen, Moss, Roberts and Thomas in favor, and Members Castle, J. Coleman, Crandall, Johnson, Openshaw and Pyfer opposed; Member C. Coleman absent.

[For more details, see General Exhibit No. 12239.]

#### State Rehabilitation Council Appointment

Motion was made by Member Jennifer Johnson and seconded by Member Dixie Allen that the Board appoint Paula Seanez as the Navajo Nation representative to the State Rehabilitation Council for an indefinite term.

Motion carried; Member C. Coleman absent.

#### Utah Instructional Materials Commission Appointments

Motion was made by Member Dixie Allen and seconded by Member Keith Buswell that the Board appoint to the Utah Instructional Materials Commission: Diane Rockwood, representing elementary teachers; Lynn Goodwin and Pamela Smith, representing lay citizens; Beth Foley, representing education deans. All terms of appointment are for 2013-2017.

Motion carried; Member C. Coleman absent.

**Presentation from Representative Steve Eliason**

Representative Steve Eliason was welcomed to the meeting. He discussed his bill, HB 298 *Parent Seminar and Youth Protection*, and distributed information about mental health and suicide data from NAMI Utah. [For more details, see General Exhibit No. 12240.]

**School Trust FY 2012 Annual Report**

Margaret Bird, USOE School Children's Trust Section Director, introduced Tim Donaldson and Paula Plant from the Trust Section, and acknowledged others present that have worked in support of the Trust, including Kevin Carter, David Damschen, Scott Bean, Joyce Muehlstein, Liz Zentner, Debbie Tabor, Pat Rusk, and Sarah Jones. Ms. Bird gave a presentation regarding the status of the Trust, including recommendations.

David Damschen, Deputy State Treasurer, responded to the report, relating concerns with information within the report that the Treasurer's Office feels may be misleading or confusing.

Motion was made by Member Jennifer Johnson and seconded by Member Jefferson Moss that the Board adopt the following resolution:

*Whereas the Utah State Board of Education ("USBE") represents the current and future beneficiaries of the permanent State School Fund ("the Fund"), and therefore, has a duty to represent and advocate for the beneficiaries of the Fund, and*

*Whereas the Fund has grown to a significant size of approximately \$1.4 billion,*

*We resolve, that in order to fulfill its legal duties to the beneficiaries of the Fund, the USBE create a task force to study the appropriate and prudent investment structure of this fund and to make recommended changes, if advisable.*

*The appointed members of the task force shall have outstanding professional experience in the following areas:*

- *institutional asset management,*
- *investment finance,*
- *trust administration,*
- *investment fund accounting,*
- *investment banking, and/or*

- *the practice of law in the areas of capital markets, securities funds, or trusts, foundations, and endowments.*

*The task force shall consist of the following eight members:*

- *Jennifer Johnson, CFA, a member of the USBE, as chair,*
- *two members appointed by the USBE,*
- *two members which we respectfully request be appointed by Governor Herbert,*
- *one member which we respectfully request be appointed by the President of the Utah State Senate, President Niederhauser, and*
- *one member which we respectfully request be appointed by the Speaker of the Utah State House of Representatives, Speaker Lockhart, and*
- *one member which we respectfully request be appointed by the State Treasurer, Richard Ellis.*

*The appointments are respectfully requested by March 15, 2013. Members not appointed by March 15, 2013 or any vacancies will be filled by appointment by the USBE.*

*The task force shall make its final report to the USBE no later than July 18, 2013.*

*The task force is authorized to submit proposed legislation for its recommendations, if necessary.*

*The task force shall be staffed by the School Children's Trust Section of the Utah State Office of Education.*

Motion was made by Member Jennifer Johnson and seconded by Member Mark Openshaw that the Board amend the resolution on line 6, paragraph 3, to read “. . . prudent investment, oversight, process, and structure of this fund . . .”

Motion to amend carried; Member C. Coleman absent.

Motion was made by Member David Thomas and seconded by Member Keith Buswell that the Board amend the Resolution, changing the number appointed by the Governor to one, and changing the total number of members on the task force to seven.

Motion to amend carried; Member C. Coleman absent.

Motion carried.

[For more details, see General Exhibit No. 12241.]

**Charter Schools Committee Report**

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

Paradigm High School Charter Amendment

Motion was forwarded from the Committee that the Board approve an amendment to Paradigm High School's charter to add grades 7-8 with no additional students in 2013-2014, bringing the total student population served to 680 in grades 7-12.

Motion carried; Member C. Coleman absent. [For more details, see General Exhibit No. 12242.]

NUAMES Charter Amendment

Motion was forwarded from the Committee that the Board approve an amendment to the charter of Northern Utah Academy of Math, Engineering and Science (NUAMES) to add 50 students in 2013-2014, 100 students in 2014-2015, and 100 students in 2015-2016, bringing the total student population served to 750 students, and that the Board approve a waiver of R277-482-5(B), *Charter School Timelines and Approval Processes*.

Motion carried; Member C. Coleman absent. [For more details, see General Exhibit No. 12243.]

Renaissance Academy Charter Amendment

Motion was forwarded from the Committee that the Board approve amendments to the charter of Renaissance Academy to clarify meaning, remove extraneous information, and align goals with the school's mission.

Motion carried; Member C. Coleman absent. [For more details, see General Exhibit No. 12244.]

Provo Freedom Academy Charter Amendment (Freedom Preparatory Academy)

Motion was forwarded from the Committee that the Board approve amendments to the charter of Provo Freedom Academy, including changing its name to Freedom Preparatory Academy, modifying its mission statement, and removing the governance section. In addition,

that 145 students be added in 2014-2015, bringing the total student population served to 1,120 students.

Motion carried; Member C. Coleman absent. [For more details, see General Exhibit No. 12245.]

#### Noah Webster Academy and Freedom Preparatory Academy Matriculation Agreement

Noah Webster Academy and Provo Freedom Academy (now Freedom Preparatory Academy) entered into the state's first charter school matriculation agreement in 2012. The State Charter School Board limited the agreement to one year, pending a report from the schools on the program's success. The matriculation agreement sets aside ten seats in 7<sup>th</sup> grade at Freedom Preparatory Academy for eligible Noah Webster Academy students. Eligibility requirements include an attendance piece, academic piece, and charter school enrollment piece.

Motion was forwarded from the Committee that the Board approve a five-year extension to the matriculation agreement, including annual reports to the State Charter School Board.

Motion carried; Member C. Coleman absent. [For more details, see General Exhibit No. 12246.]

#### Utah Career Path High Charter School

Utah Code 53A-1a-521 grants authority for the board of trustees of specific institutions of higher education to authorize charter schools. The Utah College of Applied Technology (UCAT) Board of Trustees approved the request of the Davis Applied Technology College Board of Directors to authorize the Utah Career Path High Charter School and its application on February 6, 2013.

Utah Career Path High requests to open in fall 2013 and plans to enter into a contractual agreement with Davis Applied Technology College for facilities. The school proposes to serve a maximum of 500 students in grades 9–12. Its requested growth model is to serve 175 students in 2013-2014, 300 students in 2014-2015, 400 students in 2015-2016, and 500 students in 2016-2017. The request requires a waiver from Board Rule R277-482-5(B), *Charter School Timelines and Approval Processes*.

The Committee forwarded a motion that the Board approve Utah College of Applied Technology's authorized charter school—Career Path High Charter School as outlined in its charter application, and that a waiver of the timeline in R277-482–5(B) be granted.

Chair Roberts informed the Board that as she has a family member on the UCAT Board of Trustees and one working for UCAT, she will abstain from voting.

Member Barbara Corry moved that the question be divided, with the waiver of timeline being considered separately. Member Allen seconded.

Motion to divide failed.

The Board discussed the advantages and disadvantages of delaying the vote. Some members expressed concern that as the item was just added to the agenda, there had not been time for adequate review. Concerns were also expressed that if the vote is delayed, there wouldn't be time for the legislature to consider the school in its counts for funding. It was noted that Senator Howard Stephenson, Public Education Appropriations Subcommittee Co-chair, submitted a letter of support with a commitment of his willingness to recommend an increase in appropriations to the charter numbers previously submitted.

Member Mark Openshaw called the question, seconded by Member Michael Jensen. With no objection, Vice Chair Crandall called for the vote.

Motion carried, with Members Allen, Buswell, Castle, J. Coleman, Crandall, Jensen, Johnson, Moss, Openshaw, Pyfer and Thomas in favor, and Members Burningham and Corry opposed; Member Roberts abstained; Member C. Coleman absent.

[For more details, see General Exhibit No. 12247.]

#### Charter Approval Process Streamline

The current process for making changes to a charter contract requires consideration and approval of the full State Board of Education and takes approximately three months from start to finish. The State Charter School Board has requested that a more streamlined process be implemented for modifying charter contracts. The Committee reviewed a chart outlining the proposed level of approval necessary for charters and charter amendments. Staff was directed to make changes, and an updated chart was distributed to the Board. [For more details, see General Exhibit No. 12248.]

**2013 Legislative Session**

An updated State Board of Education Funding Priorities sheet and a list of bills for possible consideration were distributed.

Motion was made by Member Tami Pyfer and seconded by Member Kim Burningham that the Board make the following statement: *The Utah State Board of Education believes that the existing system of selecting state board members restricts public decision making on the matter. Two bills being considered by the state legislature, HB 59 and HB 267, would make significant changes to this process. The majority of the locally-elected State Board members believe either alternative would be a considerable improvement and would return decision making to the public. The advantages and disadvantages of one bill over the other is a matter for the decision of the Legislature, but a move in either direction is a vast improvement over the current system.*

Motion carried, with Members Allen, Burningham, Buswell, Castle, Corry, Jensen, Johnson, Pyfer and Roberts in favor, and Members J. Coleman, Crandall, Johnson, Moss and Thomas opposed; Member C. Coleman absent.

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board oppose SB 110 *School Based Budgeting Amendments*.

Motion carried, with Members Allen, Burningham, Buswell, Castle, Corry, Johnson, Pyfer and Roberts in favor, and Members J. Coleman, Crandall, Jensen, Moss, Openshaw and Thomas opposed; Member C. Coleman absent.

Motion was made by Member Dixie Allen and seconded by Member Barbara Corry that the Board oppose SJR 5 *Joint Resolution on State Superintendent of Public Instruction*.

Motion carried; Member C. Coleman absent.

Motion was made by Member Tami Pyfer and seconded by Member Joel Coleman that the Board support SB 10 *Retirement Eligibility Amendments*.

Motion carried; Member C. Coleman absent.

Motion was made by Member Keith Buswell and seconded by Member Tami Pyfer that the Board support HB 298 *Parent Seminar on Youth Protection*.

Motion carried; Member C. Coleman absent.

Motion was made by Member David Thomas and seconded by Member Mark Openshaw that the Board support HB 173 *Necessarily Existent Small Schools Funding Amendments*.

Motion carried; Member C. Coleman absent.

Motion was made by Member Mark Openshaw and seconded by Member David Thomas that the Board support SB 175 *Assessment of College Readiness*.

Motion carried; Members C. Coleman and Roberts absent.

Motion was made by Member David Thomas and seconded by Member Keith Buswell that the Board support SCR 5 *Concurrent Resolution Endorsing the Utah Education Excellence Commission*.

Motion carried; Members C. Coleman and Roberts absent.

Motion was made by Member David Thomas and seconded by Member Joel Coleman that the Board oppose SB 43 1<sup>st</sup> Substitute *Financial and Economic Literacy Education*.

Amended motion was made by Member Kim Burningham and seconded by Member Dixie Allen, that the Board oppose SB 43 as it is a board governance issue [listed as BG on the legislative bill tracking sheet.]

Motion to amend carried.

Motion carried; Members C. Coleman and Roberts absent.

Motion was made by Member Jennifer Johnson and seconded by Member David Thomas that the Board direct Superintendent Menlove to continue requesting that a representative of the USBE be added to the task force outlined in SB 169 *Education Task Force*.

Member Keith Buswell called for the question, and without objection, a vote was taken.

Motion carried; Members C. Coleman and Roberts absent.

[For more details, see General Exhibit No. 12249.]

### **State Board of Education Strategic Plan**

Motion was made by Member Joel Coleman and seconded by Member Dixie Allen that this item be postponed until the next regular meeting of the Board.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12250.]



**Board Standing Committee Reports**

## USDB COMMITTEE

Committee Chair Joel Coleman reported on the following items from the committee.

USDB Superintendent Search

The Committee discussed the search process and determined that a committee will be formed for screening the applicants. Another meeting of the USDB Committee was scheduled for February 21, 2013. [For more details, see General Exhibit No. 12251.]

## COMMUNICATIONS COMMITTEE

Committee Chair Tami Pyfer reported that the Committee reviewed information briefs on legislative items. The briefs can be found on the USOE website. [For more details, see General Exhibit No. 12252.]

## ACCOUNTABILITY AND FINANCE COMMITTEE

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

Taxing Entity Committee to the Redevelopment Agency of Salina City's Salina Tipperary Industrial Park Economic Development Project

The Salina City Redevelopment Agency will be requesting Taxing Entity Committee approval for the budget of the Salina Tipperary Industrial Park Economic Development Project Area Plan Budget. [For more details, see General Exhibit No. 12253.]

The Accountability Committee directed Cathy Dudley, the Board's TEC representative, to vote in favor of the project as long as the school district is in favor.

Outcomes of Taxing Entity Committee Meetings

A report of the Taxing Entity Committee meeting for the Redevelopment Agency of Weber County, held January 14, 2013, was given to the Committee. [For more details, see General Exhibit No. 12254.]

R277-445 *Classifying Small Schools as Necessarily Existent*

R277-445 is the rule that governs the distribution of Necessarily Existent Small Schools funding. The Board amended the rule in November 2012 and added section 3(7)B that allows for a portion of the funds to be distributed to districts based on the tax effort of the local board of education. The Legislative Administrative Rules Committee has determined that distributing a portion of the funds based on tax effort is inconsistent with Utah Code 3A-17a-109, and therefore plans to sunset this section of the rule in the 2013 Legislative Session. In an effort to avoid legislative action, the rule was amended to remove 3(7)B.

The Committee approved R277-445 *Classifying Small Schools as Necessarily Existent*, as amended, on first reading, and moved that the Board approve the rule on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12255.]

R277-600 *Student Transportation Standards and Procedures*

The Committee reviewed amendments to R277-600 that provide clarification on transportation services for students with disabilities, eliminate the requirement for Annual Program Reports (APR), and provide clarification on approved “to and from” school expenses. The Committee made further amendments outlined on a distributed sheet.

The Committee approved R277-600 *Student Transportation Standards and Procedures*, as amended, and continuation of the rule, on first reading, and moved that the Board approve R277-600, as amended, and continue the rule, on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12256.]

R277-610 *Released-Time Classes*

The Committee reviewed amendments to R277-610 that provide appropriate flexibility and interaction between public schools and released-time programs.

The Committee approved R277-610 *Released-Time Classes*, as amended, and continued the rule, on first reading, and moved that the Board approve R277-610, as amended, and continue the rule, on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12257.]

R277-719 Standards for Selling Foods Outside of the Reimbursable Meal in Schools

The Committee reviewed R277-719 for continuation, in accordance with the Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it provides requirements for school district and charter school policies regarding foods sold outside of the reimbursable meal service.

The Committee continued R277-719 *Standards for Selling Foods Outside of the Reimbursable Meal in Schools* on first reading, and moved that the Board continue the rule on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12258.]

USDB FY 2013 2<sup>nd</sup> Quarter Fiscal Results

Staff of the Utah Schools for the Deaf and the Blind reported to the Committee on the USDB FY 2013 budget. Present spending levels indicate that expenditures are in line with the current budget and are providing some budget savings. [For more details, see General Exhibit No. 12259.]

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

Committee Chair Dixie Allen reported on the following items from the Committee.

R277-498 Grants for Math Teaching and Training

New rule R277-498 has been created to award funds, consistent with 2012 legislation, to institution(s) of higher education to encourage prospective educators to earn mathematics endorsements as they earn their educator licenses. The rule provides procedures for distributing funds and for accountability and documentation.

The Committee approved R277-498 *Grants for Math Teaching and Training* on first reading, and moved that the Board approve the rule on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12260.]

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

The Committee reviewed R277-700 for continuation, in accordance with the Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it specifies the minimum Core Curriculum and Core Standards requirements for the public schools.

The Committee continued R277-700 *The Elementary and Secondary School Core Curriculum* on first reading, and moved that the Board continue the rule on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12261.]

R277-702 *Procedures for the Utah High School Completion Diploma*

The Committee reviewed R277-702 for continuation, in accordance with the Utah Administrative Rulemaking Act five-year review requirement. The rule was amended to provide updated provisions and terminology changes. The rule continues to be necessary because it describes the standards and procedures for obtaining a Utah High School Completion Diploma.

The Committee approved R277-702 *Procedures for the Utah High School Completion Diploma*, as amended, and continued the rule, on first reading, and moved that the Board approve R277-702, as amended, and continue the rule, on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12262.]

R277-709 *Education Programs Serving Youth in Custody*

The Committee reviewed R277-709 for continuation, in accordance with the Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it specifies operation standards, procedures, and distribution of funds for youth in custody programs.

The Committee continued R277-709 *Education Programs Serving Youth in Custody* on first reading, and moved that the Board continue the rule on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12263.]

#### Comprehensive Counseling and Guidance Programs Report

Board Rule R277-462 *Comprehensive Counseling and Guidance Program* requires an annual report to the Board and Legislature regarding counselor-to-student ratios. The Committee heard the report. [For more details, see General Exhibit No. 12264.]

#### INSTRUCTION, ASSESSMENT AND TECHNOLOGY COMMITTEE

Committee Chair Mark Openshaw reported on the following items from the Committee.

#### R277-532 *Local Board Policies for Evaluation of Non-Licensed Public Education Employees*

Under SB 64 *Public Education Employment Reform* passed in the 2012 Legislative Session, the Board is required to write a rule that provides requirements for school districts to adopt policies for public employee evaluation and dismissal. The rule was approved on first and second reading in the Board's October 5, 2012 meeting, but was not approved on third reading.

State law (63G-3-301) requires that a state agency initiate rulemaking no later than 180 days after the effective date of the statutory provision that specifically requires the rulemaking. In order to be in compliance with the law, it was necessary for the Board to give final approval to the rule.

The Committee approved R277-532 *Local Board Policies for Evaluation of Non-Licensed Public Education Employees* on second reading, and moved that the Board approve R277-532 on third and final reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12265.]

R277-518 *Career and Technical Education Licenses*

The Committee reviewed R277-518 for continuation, in accordance with the Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it provides standards for a CTE license area and endorsements.

The Committee continued R277-518 *Career and Technical Education Licenses* on first reading, and moved that the Board continue the rule on second reading.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12266.]

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

The Committee reviewed amendments to R277-531-3 to make the section of the rule consistent with state law (3A-81-406(3)). The inconsistency was identified as a serious concern by district superintendents.

The Committee approved R277-531-3 *Public Educator Evaluation Requirements (PEER), Public Educator Evaluation Framework*, as amended, on first reading, with Member Kim Burningham abstaining.

Motion from Committee that the Board approve R277-531-3, as amended, on second reading.

It was suggested that adding a definition of “procedures” would be helpful. Staff was directed to add the definition and bring the rule back to the Committee.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12267.]

R277-605 *Coaching Standards and Athletic Clinics*

The Committee reviewed R277-605 for continuation, in accordance with the Utah Administrative Rulemaking Act five-year review requirement. The rule continues to be necessary because it provides standards for school athletic and activity coaches and standards for athletic clinics and workshops.

Member Openshaw noted that he serves on the Utah High School Activities Association Board of Trustees, and indicated there may be an interest in the USBE discussing athletics.

The Committee continued R277-605 *Coaching Standards and Athletic Clinics* on first reading, and moved that the Board continue R277-605 on second reading, and direct staff to create a committee of stakeholders to address issues surrounding athletics and consider potential resolutions or actions.

Motion carried; Members Buswell, Castle, C. Coleman and Roberts absent. [For more details, see General Exhibit No. 12268.]

#### State Board of Education Bylaws

This item was postponed until the next regular meeting of the Board.

#### LEA and Student Progress Report

A one-time appropriation of \$300,000 from the Education Fund was provided in SB 196 *Software for Special Needs Children* (2012 Legislative Session). The appropriation is for LEA software and activity manuals to improve social skills and student achievement for students with autism and other special needs during the 2012-2013 school year. A report of how the funding was used was given to the Committee by Glenna Gallo, USOE Special Education Director, and Scott Frey from Teach Town®. [For more details, see General Exhibit No. 12269.]

#### IDEA Part B Annual Performance Plan (APR) Report

Under the federal Individuals with Disabilities Education Improvement Act (IDEA), each state must report on its annual performance on the twenty compliance and performance indicators of the State Performance Plan. The Committee heard a report of the performance indicators. Utah continues to be in substantial compliance with IDEA requirements, has substantially improved school to post-school transition rates, and continues efforts and activities to improve students with disabilities graduation rates and performance on statewide assessments, and to decrease dropout rates. [For more details, see General Exhibit No. 12270.]

**Adjournment**

Motion was made by Member Tami Pyfer and seconded by Member Mark Openshaw that the meeting adjourn.

Motion carried. The meeting adjourned at 4:47 p.m.

Lorraine Austin, Secretary to the Board  
Minutes approved March 8, 2013