



NOTICE OF MEETING

UTAH STATE BOARD OF EDUCATION

May 7-8, 2015

Utah State Office of Education
Board/Committee Rooms
250 East 500 South
Salt Lake City, Utah

Thursday, May 7

- 4:00 p.m. Study Session - Board Room
- 5:00 p.m. Dinner
- 5:30 p.m. Board Committee Meetings
- Finance Committee - 1st Floor South Conference Room 156
 - Law and Licensing Committee - Basement West Conference Room
 - Standards and Assessment Committee - North Board Room

Friday, May 8

- 8:00 a.m. Board Meeting Begins - Board Room
- 3:40 p.m. Board Meeting Adjourns

Public Participation: To sign up in advance for public comment, contact Board Secretary Lorraine Austin (lorraine.austin@schools.utah.gov or 801-538-7517) prior to the day of the meeting or sign up at the meeting by 8:00 a.m. Priority will be given to those that sign up in advance. You are welcome to send written comment to the Board at board@schools.utah.gov.

Broadcast: The May 7 study session and committee meetings will be broadcast beginning at 4:00 p.m. The May 8 meeting will be broadcast beginning at 8:00 a.m. To view the broadcast, go to <http://uvc.uen.net/videos/channel/78/>. Times are approximate. The executive session will not be broadcast.

Accommodations: In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact Lorraine Austin at 801-538-7517 or lorraine.austin@schools.utah.gov, giving at least three working days notice.

UTAH STATE BOARD OF EDUCATION

BOARD MEMBERS

David L. Crandall, Board Chair
District 10
Draper, Utah 84020

Linda B. Hansen
District 3
West Valley City, Utah 84120

David L. Thomas, First Vice Chair
District 4
South Weber, Utah 84405

Mark Huntsman
District 14
Fillmore, Utah 84631

Jennifer A. Johnson, Second Vice Chair
District 8
Murray, Utah 84107

Jefferson Moss
District 11
Saratoga Springs, Utah 84045

Dixie L. Allen
District 12
Vernal, Utah 84078

C. Mark Openshaw
District 13
Provo, Utah 84694

Laura Belnap
District 5
Bountiful, Utah 84010

Spencer F. Stokes
District 2
Ogden, Utah 84403

Leslie B. Castle
District 7
Salt Lake City, Utah 84108

Terryl Warner
District 1
Hyrum, Utah 84319

Barbara W. Corry
District 15
Cedar City, Utah 84720

Joel Wright
District 9
Cedar Hills, Utah 84062

Brittney Cummins
District 6
West Valley City, Utah 84120

Teresa L. Theurer*
Marlin K. Jensen*
Steven R. Moore**
Freddie Cooper***
Nancy Tingey****
Kristin Elinkowski*****

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

* Appointed Board of Regents Representative
**Appointed UCAT Representative
***Advisory Appointed CMAC Representative
**** Advisory Appointed USBA Representative
*****Appointed State Charter School Board Representative

**UTAH STATE BOARD OF EDUCATION
MEETING AGENDA**

May 7-8, 2015

Study Session/Committees - Thursday, May 7, 2015

4:00 p.m. to 5:00 p.m.

1. **STUDY SESSION** - Budgetary Procedures Act Training

5:00 p.m. to 5:30 p.m.

DINNER - Board Members and Committee Staff

5:30 p.m.

2. **BOARD COMMITTEE MEETINGS**

Finance Committee

1st Floor South Conference Room 156

Time for public comment may be provided prior to each item

- | | |
|--|---------|
| ACTION: Request from the Taxing Entity Committee to the Redevelopment Agency of Box Elder County for the EDA 2015-1 Economic Development Area | Tab 2-A |
| DISCUSSION/ACTION: Interim Budget and Status of Funds Report for the Utah State Office of Rehabilitation | Tab 2-B |
| ACTION: USOR Request for Federal Reallotment Money | Tab 2-C |
| DISCUSSION: USOE/USOR Memorandum of Agreement (MOA) | Tab 2-D |
| INFORMATION: Review of USOR Legislative Requirements | Tab 2-E |
| INFORMATION: USDB Quarterly Budget Report for the 3 rd Quarter (January 1, 2015 - March 31, 2015) of State Fiscal Year 15 | Tab 2-F |
| DISCUSSION: Distribution Formula for Permanent State School Fund | Tab 2-G |
| DISCUSSION/ACTION: Training on Finance and Audit Items | Tab 2-H |
| INFORMATION: Finance Committee Requests for Data | Tab 2-I |

Law and Licensing Committee

Basement West Conference Room

Time for public comment may be provided prior to each item

- ACTION:** R277-609 *Standards for LEA Discipline Plans (Amendment)* Tab 2-J
- ACTION:** Least Restrictive Behavior Interventions (LRBI) Technical Assistance Manual Tab 2-K
- ACTION:** New Utah Professional Practices Advisory Commission Rules R277-200 through R277-206 Tab 2-L
- ACTION:** Repeal of Utah Professional Practices Advisory Commission (UPPAC) Rules R686-100 through R686-105 Tab 2-M
- ACTION:** R277-419 *Pupil Accounting (Amendment)* Tab 2-N
- ACTION:** R277-417 *Prohibiting LEAs from Offering Incentives or Reimbursements for Enrollment or Participation (New)* Tab 2-O
- ACTION:** R277-418 *Nontraditional and Competency Based Program Standards (New)* Tab 2-P
- ACTION:** R277-487 *Public School Data Confidentiality and Disclosure (Amendment)* Tab 2-Q
- ACTION:** R277-500 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks (Amendment and Continuation)* Tab 2-R
- ACTION:** R277-516 *Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees (Amendment)* Tab 2-S

Standards and Assessment Committee

North Board Room

Time for public comment may be provided prior to each item

ACTION: R277-107 <i>Educational Services Outside of Educator's Regular Employment</i> (Continuation and Amendment)	Tab 2-T
ACTION: Standards Adoption Process	Tab 2-U
ACTION: Release of Secondary Mathematics Standards for 90-day Review	Tab 2-V
ACTION: Release of Fine Arts Standards for 90-day Review	Tab 2-W
ACTION: Recalculation of Uniform Growth Goal	Tab 2-X
ACTION: School Readiness Funding	Tab 2-Y
ACTION: Distribution of FY 16 Funds to Science Education Enhancement Institutions (iSEE) and Provider Organizations	Tab 2-Z
ACTION: R277-410 <i>Accreditation of Schools</i> (Amendment and Continuation)	Tab 2-AA

Board Meeting - Friday, May 8, 2015

8:00 a.m. to 8:15 a.m.

3. Opening Business

- Pledge of Allegiance
- Board Member Message
- Introduction of New Employees
- Acknowledgment of Student Artwork

8:15 a.m. to 8:25 a.m.

4. Recognition of Outgoing Board Members

8:25 a.m. to 8:40 a.m.

5. Public Participation/Comment

Priority shall be given to those individuals or groups, who, prior to the day of the meeting, have submitted a request to address the Board. Sign up is available the day of the meeting before 8:00 a.m.

8:40 a.m. to 8:45 a.m.

- 6. ACTION:** General Consent Calendar (backup furnished electronically at <http://www.schools.utah.gov/board/Meetings.aspx>).

Tab 6

8:45 a.m. to 9:00 a.m.

- 7. INFORMATION/ACTION:** Report from North Sanpete School District

9:00 a.m. to 9:15 a.m.

- 8. INFORMATION:** Intergenerational Poverty - Casey Cameron, Deputy Director, Division of Workforce Services

9:15 a.m. to 9:25 a.m.

- 9. INFORMATION:** Superintendent's Report

9:25 a.m. to 9:35 a.m.

- 10. INFORMATION:** Board Chair's Report
- Conference Reports

9:35 a.m. to 10:20 a.m.

- 11. ACTION:** New Charter School Applications

Tab 11

10:20 a.m. to 10:35 a.m.

BREAK

10:35 a.m. to 12:30 p.m.

- 12. ACTION:** Committee Reports
- Audit Committee
 - Finance Committee
 - Law and Licensing Committee
 - Standards and Assessment Committee

12:30 p.m. to 1:15 p.m.

LUNCH

1:15 p.m. to 1:35 p.m.

13. **ACTION:** Component Percentages Leading to the Determination of Annual Educator Summative Evaluation Ratings Tab 13

1:35 p.m. to 1:50 p.m.

14. **ACTION:** Digital Teaching and Learning Program Tab 14

1:50 p.m. to 2:05 p.m.

15. **ACTION:** Review of Advisory Groups Tab 15

2:05 p.m. to 2:20 p.m.

16. **INFORMATION:** Board Member Closing Comments

2:20 p.m. to 2:25 p.m.

17. **ACTION:** Utah Professional Practices Advisory Commission Cases Tab 17

2:25 p.m. to 3:30 p.m.

18. **EXECUTIVE SESSION**

3:30 p.m. to 3:40 p.m.

19. **ACTION:** Executive Session Items
- UPPAC Cases
 - Appointments
 - Instructional Materials Commission
 - Governor’s Committee on Employment of People with Disabilities
 - Interpreters Certification Board
 - State Rehabilitation Council
 - Paraeducator Scholarship Selection Committee
 - Others as needed

3:40 p.m.

20. **ADJOURNMENT**

**Utah State Board of Education
Finance Committee**

Jennifer Johnson, Chair	jj@jenniferajohnson.com
Jefferson Moss, Vice Chair	jeffersonRmoss@gmail.com
Barbara Corry	barbara.corry@schools.utah.gov
Mark Huntsman	mhuntsman@sunrise-eng.com
Joel Wright	joel.wright.uted@gmail.com
Staff: Bruce Williams	bruce.williams@schools.utah.gov
Secretary: Cammy Wilcox	cammy.wilcox@schools.utah.gov

Finance Committee

1st Floor South Conference Room 156

Time for public comment may be provided prior to each item

ACTION: Request from the Taxing Entity Committee to the Redevelopment Agency of Box Elder County for the EDA 2015-1 Economic Development Area	Tab 2-A
DISCUSSION/ACTION: Interim Budget and Status of Funds Report for the Utah State Office of Rehabilitation	Tab 2-B
ACTION: USOR Request for Federal Reallotment Money	Tab 2-C
DISCUSSION: USOE/USOR Memorandum of Agreement (MOA)	Tab 2-D
INFORMATION: Review of USOR Legislative Requirements	Tab 2-E
INFORMATION: USDB Quarterly Budget Report for the 3 rd Quarter (January 1, 2015 - March 31, 2015) of State Fiscal Year 15	Tab 2-F
DISCUSSION: Distribution Formula for Permanent State School Fund	Tab 2-G
DISCUSSION/ACTION: Training on Finance and Audit Items	Tab 2-H
INFORMATION: Finance Committee Requests for Data	Tab 2-I



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, Vice Chair

Dixie L. Allen
Kim R. Burningham
Keith M. Buswell
Leslie B. Castle
Barbara W. Corry

Dan Griffiths
Heather Groom
Michael G. Jensen
Jennifer A. Johnson

Jefferson Moss
C. Mark Openshaw
Debra G. Roberts
Terry Warner

Joel Coleman, Interim Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Taxing Entity Committee (TEC) to the Redevelopment Agency of Box Elder County for the EDA 2015-1 Economic Development Area

Background:

The Box Elder County Redevelopment Agency is seeking tax increment participation from the taxing entities in order to incentivize Proctor and Gamble to construct a new manufacturing plant in the EDA 2015-1 Economic Development Area.

Key Points:

The Redevelopment Agency of Box Elder County will be requesting Taxing Entity Committee (TEC) approval to approve the budget for the EDA 2015-1 Economic Development Area.

Anticipated Action:

It is anticipated that the Finance Committee will give specific direction to the Board's TEC representative regarding this proposed TEC budget.

Contact: Bruce D. Williams, Associate Superintendent, 801-538-7514
Natalie Grange, School Finance Director, 801-538-7668

Box Elder County Redevelopment Agency EDA 2015-1 Economic Development Area

The Box Elder County Redevelopment Agency intends to call a Taxing Entity Committee meeting on May 11th to consider approving the EDA plan budget. As part of this meeting, Bruce Williams, as the Board's Taxing Entity Committee representative will be required to vote on the project. It is requested that the Board review the following information and give direction to the Taxing Entity Committee representative concerning how he should vote concerning this project.

Summary of Issues to be considered:

Tax Increment Participation Timeline

- 20 year total timeline
- 90% increment taken by the project for the first 5 years (10% retained by the Taxing Entities
 - 10% of the Increment from the Basic Rate would flow back to fund the Basic Programs
 - 10% of Box Elder School District local levies would flow to the district
- 70% increment taken by the project for the remaining 15 years (30% retained by the Taxing Entities)
 - 30% of the Increment from the Basic Rate would flow back to fund the Basic Programs
 - 30% of Box Elder School District local levies would flow to the district

Use of Tax Increment

- Total Estimated Tax Increment - \$40,875,000
- EDA Administration 5%
- \$9 to \$12 million – Rail Construction
- Remaining Tax Increment to P&G for manufacturing facility development

Blight Considerations

- No blight considerations associated with this project

Would the Project Proceed without Tax Increment Financing?

- P&G has indicated that without the tax increment financing it would locate the manufacturing facility in another location.
- Tax Increment will be necessary to make the site financially feasible.

Economic Impact of the Project

- Creation of 100 to 200 new jobs within Box Elder County
- Approximately 80% of the jobs would be filled with current county residents
- The new jobs would pay at about \$39,500 which is about 119% of the county average

Position of the Local Board of Education on the Project

- Initial indications from District Representatives indicate that they are in support of the project
- A District Representative will be at the Finance Committee meeting and can brief the Board on their position and the rationale for that position



BOX ELDER COUNTY REDEVELOPMENT AGENCY

EDA 2015_1 Economic Development Area (EDA)

PUBLIC PARTICIPATION

The Box Elder County Redevelopment Agency (the "Agency") is seeking tax increment participation from the taxing entities in order to encourage additional development by Procter & Gamble. In order to accomplish this objective, the Agency is creating the EDA 2015_1 Economic Development Project Area ("EDA") and is requesting that the taxing entities consider participating in this economic development project through tax increment sharing. Participation of the taxing entities will be requested at a Taxing Entity Committee ("TEC") meeting likely to be held in April.

Provided below is a brief summary of the project, its objectives and the financial benefits associated with public participation.

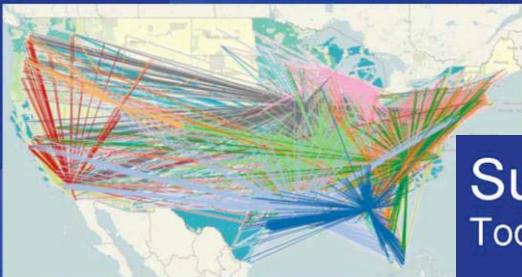
PROJECT SUMMARY

Background on Procter & Gamble:

- Procter & Gamble is a global household products manufacturer.
- Procter & Gamble has an existing manufacturing facility in Box Elder County. The proposed development associated with the EDA 2015_1 project area is in addition to that development and has not previously been considered.
- EDA 2015_1 includes \$400-500 million of private investment in Box Elder County and the creation of 100-200 new jobs.
- Procter & Gamble has indicated that their proposed project is not viable without this incentive. The Box Elder site competes for expansion opportunities internally with other P&G sites in North America, including possible sites in Canada.
- In February 2015, P&G Chairman of the Board, President and CEO A.G. Lafley and Chief Financial Officer Jon Moeller presented at the Consumer Analyst Group of New York Conference. In their presentation, they indicated a supply chain redesign and used the following two graphics. As P&G consolidates their sites, Box Elder would like to secure its regional significance through expanded operations.

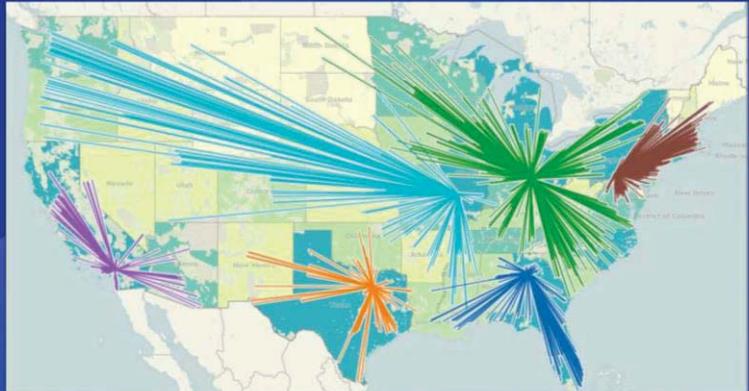
Supply Chain Redesign

Previous



Supply Chain Redesign

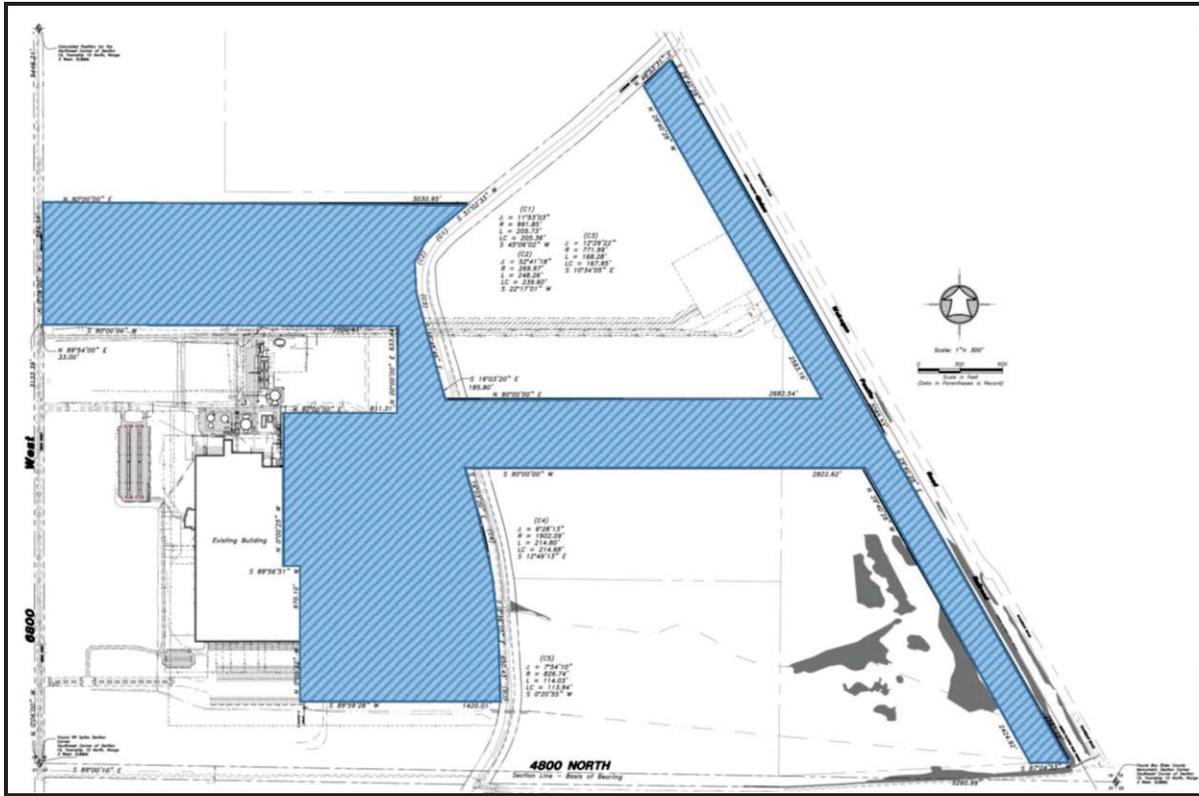
Today



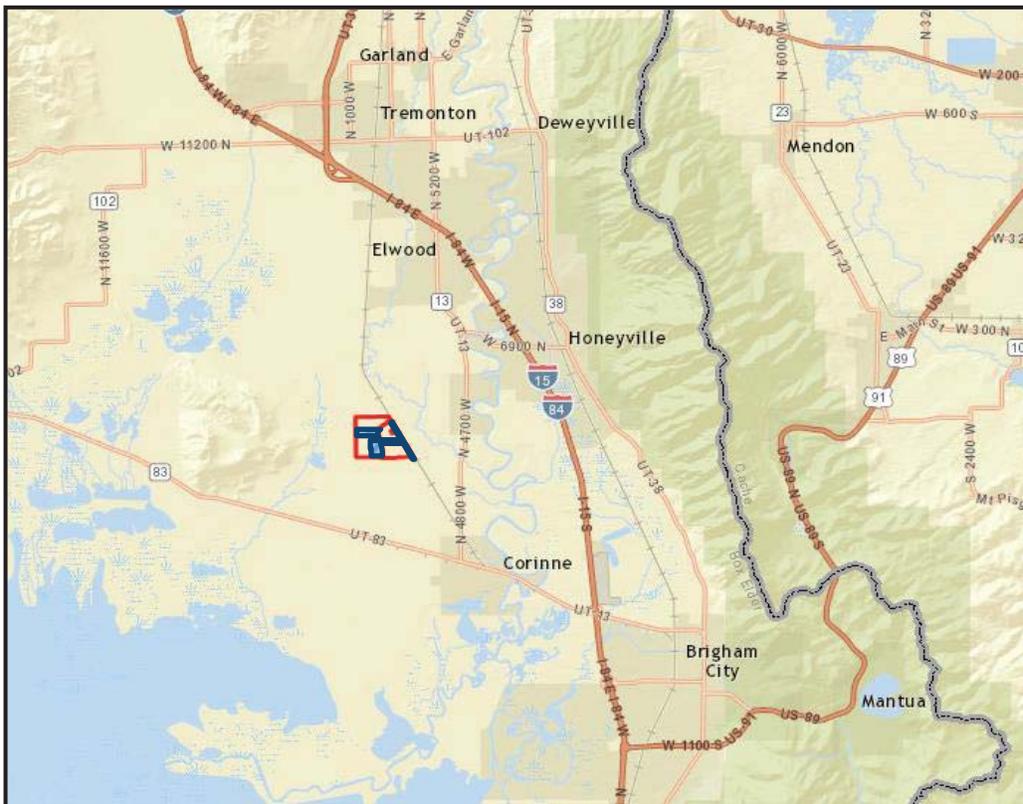


- ☞ Reasons for EDA Project Area:
 - EDA 2015_1 is wholly encompassed within the existing EDA 2008 project area. 2015-1 EDA would supersede EDA 2008 in the geographic area where they overlap. In essence, this will remove EDA 2015_1 from EDA 2008 and then both areas would continue separately and according to their individual governing documents.
 - The additional development in EDA 2015_1 would expand the tax base and promote job creation. 100-200 new jobs with an average annual wage of \$39,500 are anticipated. These jobs would be about 119% of the County average wage.
 - P&G also plans to construct \$9-12 million in new rail lines as part of the project development.
- ☞ Participation Request:
 - 20 year timeframe
 - 90% participation from all taxing entities for the first 5 years and 70% thereafter
- ☞ Total Tax Increment Generated for Project Area: \$40.9 million (NPV@5%: \$26.0 million)
- ☞ Total Tax Increment Passed through to Taxing Entities: \$13.7 million (NPV@5%: \$7.9 million)

PROJECT AREA MAP



Red Outline: Procter and Gamble Parcel 04-065-0008
 Blue Outline: 2015_1 EDA Project Area Boundary



DRAFT PROJECT AREA BUDGET

EDA_2015_1 ECONOMIC DEVELOPMENT AREA (EDA)
"PROJECT MAPLE"

BOX ELDER COUNTY
REDEVELOPMENT AGENCY, UTAH



APRIL 20, 2015


**LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.**

GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101
(P) 801-596-0700 - (TF) 800-581-1100 - (F) 801-596-2800 - WWW.LEWISYOUNG.COM



TABLE OF CONTENTS

SECTION 1: INTRODUCTION 3

SECTION 2: DESCRIPTION OF ECONOMIC DEVELOPMENT PROJECT AREA 3

SECTION 3: GENERAL OVERVIEW OF PROJECT AREA BUDGET 4

SECTION 4: PROPERTY TAX INCREMENT 5

SECTION 5: COST/BENEFIT ANALYSIS..... 7

APPENDIX A: PARCEL LIST..... 8

APPENDIX B: MAP AND LEGAL DESCRIPTION..... 9

APPENDIX C: MULTI-YEAR BUDGET AND DEVELOPMENT ASSUMPTIONS..... 11



SECTION 1: INTRODUCTION

The Box Elder County Redevelopment Agency (the "Agency"), following thorough consideration of the needs and desires of Box Elder County (the "County") and its residents, as well as understanding the County's capacity for new development, has carefully crafted the Project Area Plan (the "Plan") for the EDA_2015_1 Economic Development Project Area (the "Project Area"). The Plan is the end result of a comprehensive evaluation of the types of appropriate land-uses and economic development opportunities for the land encompassed by the Project Area which is located west of Bear River City near Wakegan Road and 5600 North.

The Plan is envisioned to define the method and means of development for the Project Area from its current state to a higher and better use. The County has determined that it is in the best interest of its citizens to assist in the development of the Project Area. This **Project Area Budget** document (the "Budget") is predicated upon certain elements, objectives and conditions outlined in the Plan and intended to be used as a financing tool to assist the Agency in meeting Plan objectives discussed herein and more specifically referenced and identified in the Plan.

The Project is being undertaken as an economic development project area pursuant to certain provisions of Chapters 1 and 3 of the Utah Community Development and Renewal Agencies Act (the "Act", Utah Code Annotated ("UCA") Title 17C). The requirements of the Act, including notice and hearing obligations, have been observed at all times throughout the establishment of the Project Area. The Project Area Budget was presented to the Taxing Entity Committee on May 11, 2015 and approved by Resolution No. BECTEC 2015-XX. On July 1, 2015, the Agency adopted Resolution No. XXX and by virtue of said resolution this document becomes the "Official Project Area Budget" for the EDA_2015_1 Project Area.

SECTION 2: DESCRIPTION OF ECONOMIC DEVELOPMENT PROJECT AREA

The Project Area lies entirely within the boundaries of the County in an unincorporated area which is located west of Bear River City near Wakegan Road and 5600 North. The property encompasses approximately 185.66 acres and is wholly owned by Procter and Gamble ("P&G"). The Project Area is part of a larger parent parcel within the existing 2008 EDA Project Area created by Box Elder County and the Agency in 2008. It is anticipated that the 185.66 acres associated with EDA_2015_1 will be subdivided into its own parcel and will take priority for tax increment collection ahead of the existing 2008 EDA.

TABLE 2.1: DESCRIPTION OF PROJECT AREA

Existing Land Uses	Acres	% of Area
Agricultural/Industrial	185.66	100%
Residential	0.00	0%

The Project Area encompasses all of the parcels detailed in **APPENDIX A**.

A map and legal description of the Project Area are attached hereto in **APPENDIX B**.



SECTION 3: GENERAL OVERVIEW OF PROJECT AREA BUDGET

The purpose of the Project Area Budget is to provide the financial framework necessary to implement the Project Area Plan and to comply with the provisions outlined in 17C-3-201 of the Act. The following information will detail the sources and uses of tax increment and other necessary details needed for public officials, interested parties, and the public in general to understand the mechanics of the Project Area Budget. Specifically, the Project Area Budget defines (i) the number of tax years for which the Agency will be entitled to receive tax increment from the Project Area, and (ii) the percentage of tax increment the Agency will be permitted to receive under the Project Area Budget.

BASE YEAR VALUE

The base year property tax value for the Project Area Budget will be the total taxable value for the 2015 tax year which is estimated to be **\$2,102,711**. Using the 2014 tax rates established within the Project Area the property taxes levied equate to **\$23,285 annually**. Although about \$15,796 of this annual base tax will be captured by the 2008 EDA until that project area finishes. Accordingly, about \$7,489 will continue to flow through to each taxing entity proportional to the amount of the tax rate being levied until the 2008 EDA expires and then about \$23,285 will flow through each year.

PAYMENT TRIGGER

This Project Area Budget will have a twenty year (20) duration from the date of the first tax increment receipt. The collection of tax increment will be triggered at the discretion of the Agency prior to March 1 of the tax year in which they intend to begin the collection of increment. The following year in which this increment will be remitted to the Agency will be Year 1. In no case will the Agency trigger increment collection after March 1, 2020.

PROJECTED TAX INCREMENT REVENUE – TOTAL GENERATION

Development within the Project Area will commence upon favorable market conditions which will include both horizontal and vertical infrastructure and development. Development is anticipated to begin in 2015. Additional projects may also be completed in future years. The contemplated development will generate significant additional property tax above what is currently generated within the Project Area.

Property tax increment will begin to be generated in the tax year (ending Dec 1st) following construction completion and tax increment will actually be paid to the Agency in March or April after collection. It is projected that property tax increment generation within the Project Area could begin as early as 2016 or as late as 2020. It is currently estimated that during the 20-year life of the Project Area Budget, property tax increment could be generated within the Project Area in the approximate amount of **\$54.6 million** or **\$33.9 million** in terms of net present value (NPV).¹ This amount is over and above the \$466,000 of base taxes that the property would generate over 20 years at the \$23,285 annual amount it currently generates.

¹ Net Present Value of future cash flows assumes a 5% discount rate. The same 5% discount rate is used in all remaining NPV calculations. This total is prior to accounting for the flow-through of tax increment to the respective taxing entities.



SECTION 4: PROPERTY TAX INCREMENT

PROPERTY TAX INCREMENT SHARED WITH AGENCY

While property tax increment generated within the Project Area is expected to be approximately **\$54.6 million** over 20 years, only a portion of this increment will be shared with the Agency. It is anticipated that all taxing entities that receive property tax generated within the Project Area will share at least a portion of that increment generation with the Agency. This Project Area Budget contemplates that all taxing entities will contribute 90% of their respective tax increment for the first five (5) years and 70% for the remaining fifteen (15) years. Table 4.1 shows the amount of tax increment shared with the Agency assuming the participation levels discussed above.

TABLE 4.1: SOURCES OF TAX INCREMENT FUNDS

ENTITY	PERCENTAGE	LENGTH	TOTAL	NPV AT 5%
Box Elder County	90% Years 1-5 70% Years 6-20	20 Years	\$7,873,074	\$5,007,472
Box Elder School District			\$30,953,397	\$19,687,135
Box Elder Mosquito Abatement District			\$764,054	\$485,957
Bear River Water Conservancy District			\$730,834	\$464,829
Box Elder County Library			\$553,662	\$352,143
Total Sources of Tax Increment Funds			\$40,875,020	\$25,997,535

MAXIMUM AMOUNT OF TAX INCREMENT TO AGENCY

The maximum cumulative dollar amount of tax increment that the agency may receive from the project area under this Project Area Budget is **\$49 million**.

USES OF TAX INCREMENT

The majority of the tax increment collected by the Agency will be used for development incentives in order to meet the objectives and goals outlined in the Project Area Plan. Development incentives will be negotiated with P&G in order to make the Box Elder site competitive with other sites being considered by P&G for their development project. Approximately 5% will be used to offset the administration costs of the Agency. P&G has indicated that they would use \$9-12 million for rail construction.

TABLE 4.2: USES OF TAX INCREMENT

ESTIMATED USES	TOTAL	NPV AT 5%
Project Area Administration @ 5%	\$2,043,751	\$1,299,877
Economic Incentive Fund @ 95%	\$38,831,269	\$24,697,659
Total Uses of Tax Increment Funds	\$40,875,020	\$25,997,535

PROJECTED TAX INCREMENT REMAINING WITH TAXING ENTITIES

It is anticipated that all taxing entities will receive 10% of their respective property tax increment generated within the Project Area during the first five years of the Project Area Budget, 30% of their respective property tax increment in years six through twenty, and all tax increment thereafter. The County and the State will retain their entire portion of incremental sales tax, although no taxable sales are anticipated within the Project Area. The table below describes the forecasted property tax benefit that each taxing entity will retain during the duration of the Project Area Budget. This is in addition to the base taxes currently being generated within the Project Area. This **\$13,730,874** increase is over and above current tax revenue being generated with the Project Area and without the development of infrastructure within this Project Area and the assistance of tax increment this revenue increase would not occur. A multi-year projection of tax increment along with development assumptions is including in **APPENDIX C**.

TABLE 4.3: RETAINED PROPERTY TAX INCREMENT

ENTITY	TOTAL	NPV AT 5%
Box Elder County	\$2,644,749	\$1,530,885
Box Elder School District	\$10,397,969	\$6,018,755
Box Elder Mosquito Abatement District	\$256,663	\$148,567
Bear River Water Conservancy District	\$245,504	\$142,108
Box Elder County Library	\$185,988	\$107,657
Total Revenue	\$13,730,874	\$7,947,972



BASE YEAR PROPERTY TAX REVENUE AND RETAINED TAX INCREMENT FOR TAXING ENTITIES

The taxing entities will continue to receive property tax revenue from the current assessed value of the property within the Project Area ("Base Taxes"), less the amount that is captured by the 2008 EDA which already exists in the area. The current assessed value is estimated to be \$2,102,711. Based upon the 2014 tax rates in the area, the collective taxing entities are receiving \$23,285 in property tax annually from this Project Area, although about \$15,796 of that amount will be captured as part of the 2008 EDA tax increment until the 2008 EDA finishes. Excluding the amount retained by the 2008 EDA, approximately \$228,767 over the twenty year life of the Project Area will be passed through to the taxing entities. In addition to the Base Taxes received by the taxing entities, an additional \$13.7 million of property tax increment is expected to be retained by the taxing entities over 20 years, totaling approximately \$14.0 million of property tax revenue.

TABLE 4.4: TOTAL BASE YEAR AND PROPERTY TAX INCREMENT TO TAXING ENTITIES (OVER 20 YEARS)

ENTITY	TOTAL BASE YEAR PROPERTY TAX	LESS BASE TAX CAPTURED BY 2008 EDA	TOTAL RETAINED TAX INCREMENT	TOTAL BASE AND RETAINED TAXES
Box Elder County	\$89,702	(\$45,638)	\$2,644,749	\$2,688,813
Box Elder School District	\$352,667	(\$179,428)	\$10,397,969	\$10,571,208
Box Elder Mosquito Abatement District	\$8,705	(\$4,429)	\$256,663	\$260,940
Bear River Water Conservancy District	\$8,327	(\$4,236)	\$245,504	\$249,594
Box Elder County Library	\$6,308	(\$3,209)	\$185,988	\$189,087
Total Revenue	\$465,708	(\$236,941)	\$13,730,874	\$13,959,641

TOTAL ANNUAL PROPERTY TAX REVENUE FOR TAXING ENTITIES AT CONCLUSION OF PROJECT

As described above, the collective taxing entities are currently receiving approximately \$23,285 in property taxes annually from this Project Area. At the end of the life of the Project Area, the taxing entities will receive all of their respective tax increment thereafter. At the end of 20 years an additional \$2.5 million in property taxes annually is anticipated, totaling approximately \$2.6 million in property taxes annually for the Project Area. But for the assistance provided by the Agency through tax increment revenues, this increase of approximately 10,934 percent in property taxes generated for the taxing entities would not be possible because P&G would choose another site for their new facilities.

TABLE 4.5: TOTAL BASE YEAR AND END OF PROJECT LIFE ANNUAL PROPERTY TAXES

ENTITY	ANNUAL BASE YEAR PROPERTY TAXES	ANNUAL PROPERTY TAX INCREMENT AT CONCLUSION OF PROJECT	TOTAL ANNUAL PROPERTY TAXES
Box Elder County	\$4,485	\$490,377	\$494,862
Box Elder School District	\$17,633	\$1,927,941	\$1,945,575
Box Elder Mosquito Abatement District	\$435	\$47,589	\$48,025
Bear River Water Conservancy District	\$416	\$45,520	\$45,937
Box Elder County Library	\$315	\$34,485	\$34,800
Total Revenue	\$23,285	\$2,545,913	\$2,569,198



SECTION 5: COST/BENEFIT ANALYSIS

ADDITIONAL REVENUES

The development within the Project Area may also generate additional sales and use taxes, although no taxable sales are currently planned within the Project Area at the current time. Table 5.1 shows the total revenues generated by the project. This total includes the anticipated property tax increment shared with the Agency by the taxing entities, the County's portion of incremental property tax, the County's portion of sales taxes, telecom tax, and energy sales and use tax.

TABLE 5.1: TOTAL REVENUES

	TOTAL	NPV AT 5%
Property Tax Increment (Shared by Taxing Entities)	\$40,875,020	\$25,997,535
Property Tax (Box Elder County and Library)	\$2,830,737	\$1,638,543
Sales Tax	\$0	\$0
Telecom Tax	\$0	\$0
Energy Sales & Use Tax (Natural Gas)	\$0	\$0
Energy Sales and Use Tax (Electric)	\$0	\$0
Total Revenues	\$43,705,757	\$27,636,078

ADDITIONAL COSTS

The developments anticipated within the Project Area will also likely result in additional general government services which include administration, public works, public safety costs, etc. These costs, along with the estimated budget to implement the Project Area Plan are identified below.

TABLE 5.2: TOTAL EXPENDITURES

OTHER COUNTY EXPENDITURES	TOTAL	NPV AT 5%
Estimated Budget	\$40,875,020	\$25,997,535
General Government Services	\$415,901	\$251,714
Total Expenditures	\$41,290,921	\$26,249,250

The total net benefit to the County of implementing the project area is approximately **\$2,414,837** or **\$1,386,828** NPV.

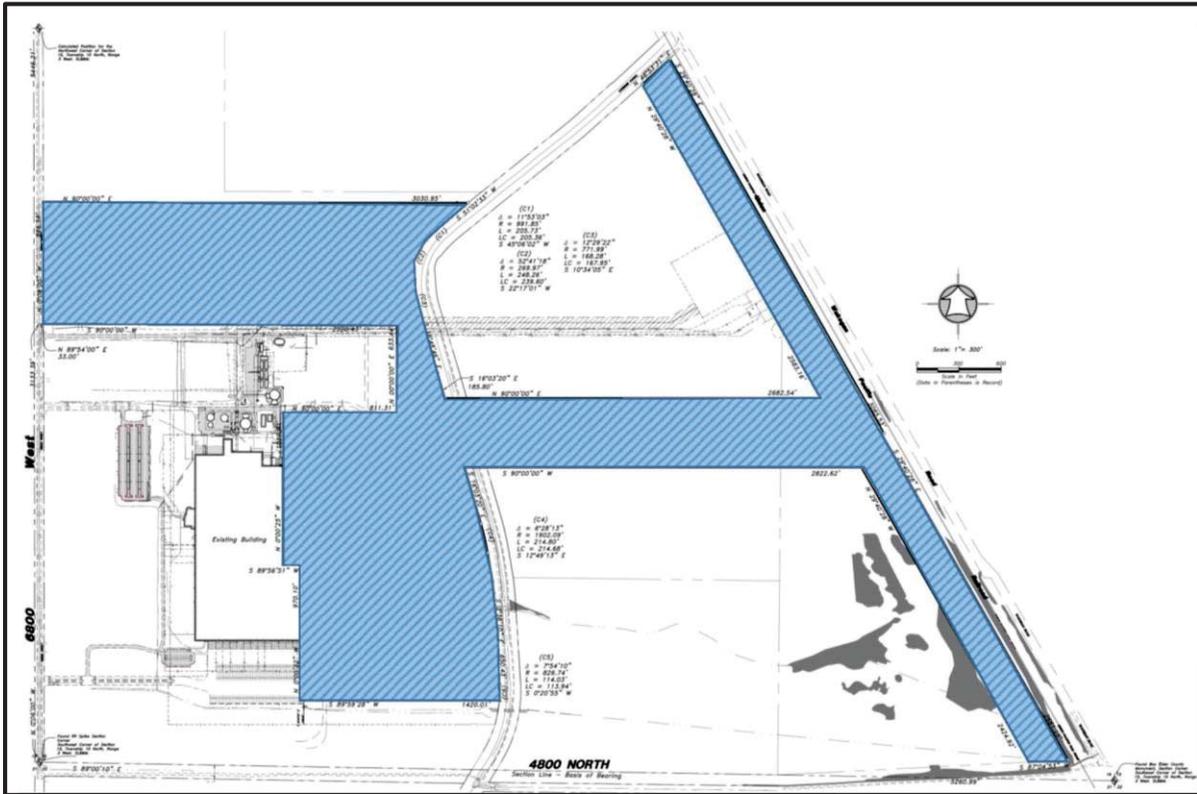


APPENDIX A: PARCEL LIST

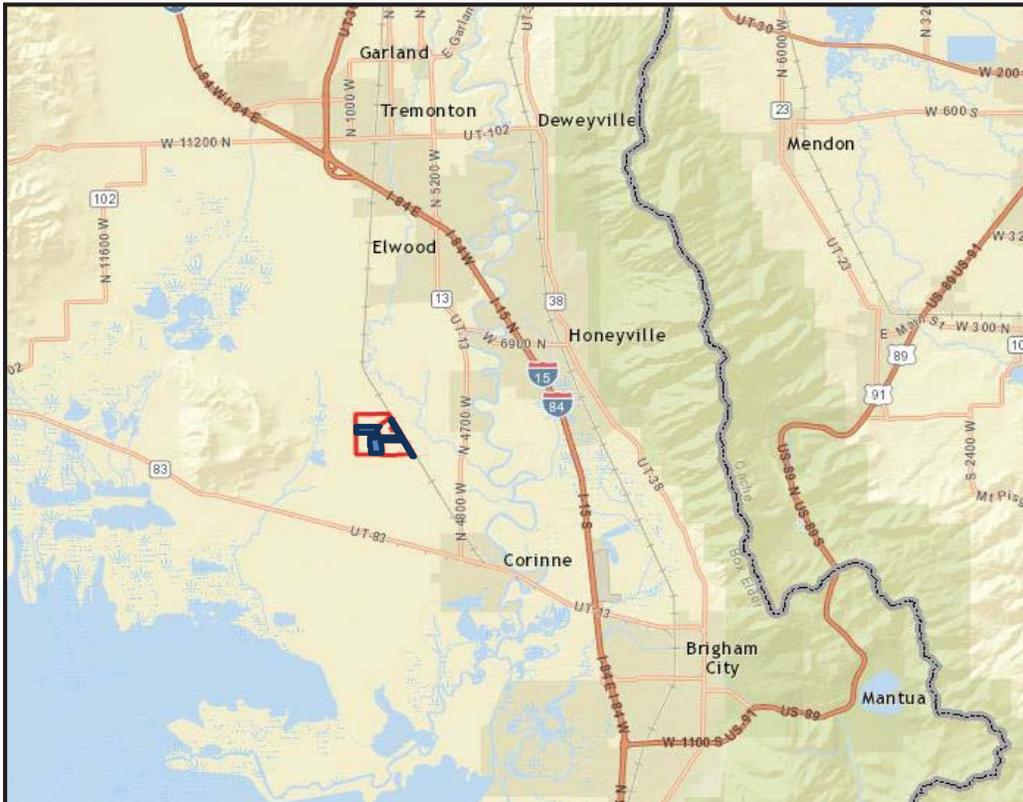
PARCEL NUMBER	OWNER	ACRES
04-065-0008	PROCTER & GAMBLE PAPER PRODUCTS CO	709.12
	LESS Portion of Parcel Staying in 2008 EDA	(523.46)
Total 2015_1 EDA		185.66



APPENDIX B: MAP AND LEGAL DESCRIPTION



Red Outline: Procter and Gamble Parcel 04-065-0008
 Blue Outline: 2015_1 EDA Project Area Boundary





That certain real property located in Box Elder County, State of Utah, described as follows:

A PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 6800 WEST STREET LOCATED 3133.39 FEET NORTH 00°06'00" WEST ALONG THE WEST LINE OF SAID SECTION 15 AND 33.00 FEET NORTH 89°54'00" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 10;

RUNNING THENCE NORTH 00°06'00" WEST 866.56 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 90°00'00" EAST 3030.95 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE CORINNE CANAL; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES; (1) SOUTH 51°02'33" WEST 195.93 FEET; (2) TO THE LEFT ALONG THE ARC OF A 991.85 FOOT RADIUS CURVE, A DISTANCE OF 205.73 FEET, CHORD BEARS SOUTH 45°06'02" WEST 205.36 FEET, HAVING A CENTRAL ANGLE OF 11°53'03"; (3) IN A SOUTHERLY DIRECTION TO THE LEFT OF A NON-TANGENT 269.97 FOOT RADIUS CURVE, A DISTANCE OF 248.26 FEET, CHORD BEARS SOUTH 22°17'01" WEST 239.60 FEET, HAVING A CENTRAL ANGLE OF 52°41'18"; (4) SOUTH 04°19'24" EAST 132.16 FEET; (5) TO THE LEFT ALONG THE ARC OF A 771.99 FOOT RADIUS CURVE, A DISTANCE OF 168.28 FEET, CHORD BEARS SOUTH 10°34'05" EAST 167.95 FEET, HAVING A CENTRAL ANGLE OF 12°29'22"; (6) SOUTH 16°48'46" EAST 450.28 FEET; AND (7) SOUTH 16°03'20" EAST 185.80 FEET; THENCE NORTH 90°00'00" EAST 2682.54 FEET; THENCE NORTH 29°40'28" WEST 2583.16 FEET; THENCE NORTH 46°53'31" EAST 269.88 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; (1) SOUTH 29°40'28" EAST 3085.53 FEET; (2) SOUTH 60°19'32" WEST 16.00 FEET; AND (3) SOUTH 29°40'28" EAST 2681.25 FEET; THENCE SOUTH 87°04'53" WEST 276.06 FEET; THENCE NORTH 29°40'28" WEST 2424.92 FEET; THENCE SOUTH 90°00'00" WEST 2822.62 FEET TO THE WEST RIGHT-OF-WAY OF SAID CORINNE CANAL; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSE; (1) SOUTH 16°03'20" EAST 417.53 FEET; (2) TO THE RIGHT ALONG THE ARC OF A 1902.09 FOOT RADIUS CURVE, A DISTANCE OF 214.80 FEET, CHORD BEARS SOUTH 12°49'13" EAST 214.68 FEET, HAVING A CENTRAL ANGLE OF 06°28'13"; (3) SOUTH 09°35'07" EAST 207.36 FEET; (4) SOUTH 05°59'07" EAST 86.01 FEET; (5) SOUTH 03°36'10" EAST 650.43 FEET; AND (6) TO THE RIGHT ALONG THE ARC OF A 826.74 FOOT RADIUS CURVE, A DISTANCE OF 114.03 FEET, CHORD BEARS SOUTH 00°20'55" WEST 113.94 FEET, HAVING A CENTRAL ANGLE OF 07°54'10"; THENCE SOUTH 89°59'28" WEST 1420.01 FEET TO A POINT SOUTH OF THE PROJECTION OF THE EAST FACE OF AN EXISTING BUILDING; THENCE NORTH 00°00'32" WEST 970.10 FEET ALONG SAID BUILDING PROJECTION AND THEN BUILDING FACE; THENCE SOUTH 89°56'51" WEST 123.51 FEET ALONG THE FACE OF SAID BUILDING; THENCE NORTH 00°00'25" WEST 1086.97 FEET ALONG THE FACE OF SAID BUILDING AND THEN TO A POINT NORTH OF THE PROJECTION OF THE EAST FACE OF SAID BUILDING; THENCE NORTH 90°00'00" EAST 811.31 FEET; THENCE NORTH 00°00'00" EAST 633.44 FEET; THENCE SOUTH 90°00'00" WEST 2520.43 FEET TO THE POINT OF BEGINNING. LESS THAT PORTION OF LAND WITHIN THE CORINNE CANAL RIGHT-OF-WAY WHICH CONTAINS 1.78 ACRES FOR A NET AREA OF 185.66 ACRES.



APPENDIX C: MULTI-YEAR BUDGET AND DEVELOPMENT ASSUMPTIONS

Box Elder County Redevelopment Agency

EDA 2015_1 (Project Maple)
Table A.4.1: Development Absorption Schedule and Assumptions

2016		SF Conversion		43560		
Land Value Assumptions	Acreage	Per SF Land Value	Base Land Value	Total Finished Land Value	Unit	Property Tax Exemption
1. Existing Value	185.66	0.35	2,102,711	2,102,711	per square foot	0%
2. Additional Real Property	-	-	-	-	per square foot	0%
3. Additional Personal Property	-	-	-	-	per square foot	0%
TOTAL	185.66		2,102,711	2,102,711		

Building Value Assumptions	Taxable Value	Units	Total Finished Value
1. Existing Value	2,102,711	1	2,102,711
2. Additional Real Property	100,000,000	1	100,000,000
3. Additional Personal Property	300,000,000	1	300,000,000
TOTAL	402,102,711		

Additional Assumptions	92%	86%	74%	67%	58%	49%	38%	28%	14%	100%	86%	74%	67%	58%	49%	38%	28%	14%	14%	14%	
Personal Property Depreciation Schedule																					

Absorption Schedule (Taxable Value)	Year of Construction																			
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
1. Existing Value	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2. Additional Real Property	20,000,000	30,000,000	30,000,000	20,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3. Additional Personal Property	60,000,000	90,000,000	90,000,000	60,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Absorption Schedule	Year of Construction																			
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
1. Existing Value	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Values	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711
Building Value	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Property Values	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less Residential Exemption	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total 1. Existing Value	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711	2,102,711
2. Additional Real Property	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Values	20,000,000	30,000,000	30,000,000	20,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Building Value	20,000,000	50,000,000	80,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
Personal Property Values	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less Residential Exemption	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total 2. Additional Real Property	20,000,000	50,000,000	80,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
3. Additional Personal Property	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Values	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Building Value	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Property Values	55,200,000	134,400,000	204,600,000	239,400,000	213,300,000	186,300,000	159,300,000	129,900,000	97,200,000	120,600,000	171,000,000	220,200,000	244,200,000	213,300,000	186,300,000	159,300,000	129,900,000	97,200,000	69,000,000	50,400,000
Site Improvements	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less Residential Exemption	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total 3. Additional Personal Property	55,200,000	134,400,000	204,600,000	239,400,000	213,300,000	186,300,000	159,300,000	129,900,000	97,200,000	120,600,000	171,000,000	220,200,000	244,200,000	213,300,000	186,300,000	159,300,000	129,900,000	97,200,000	69,000,000	50,400,000
Grand Total Property Values	77,302,711	186,502,711	286,702,711	341,502,711	315,402,711	288,402,711	261,402,711	232,402,711	199,302,711	222,302,711	273,102,711	322,302,711	346,302,711	315,402,711	288,402,711	261,402,711	232,402,711	199,302,711	171,102,711	152,502,711

DRAFT PROJECT AREA PLAN
EDA_2015_1 ECONOMIC DEVELOPMENT AREA (EDA)
"PROJECT MAPLE"

BOX ELDER COUNTY
REDEVELOPMENT AGENCY, UTAH



APRIL 20, 2015


LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101
(P) 801-596-0700 - (TF) 800-581-1100 - (F) 801-596-2800 - WWW.LEWISYOUNG.COM



TABLE OF CONTENTS

INTRODUCTION..... 3

DEFINITIONS 4

DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED PROJECT AREA 5

GENERAL STATEMENT OF LAND USES 5

STANDARDS GUIDING THE ECONOMIC DEVELOPMENT 6

HOW THE PURPOSES OF THIS TITLE WILL BE ATTAINED BY ECONOMIC DEVELOPMENT 7

CONFORMANCE OF THE PROPOSED DEVELOPMENT TO THE COMMUNITY'S GENERAL PLAN 7

DESCRIBE HOW THE ECONOMIC DEVELOPMENT WILL CREATE ADDITIONAL JOBS 7

DESCRIBE ANY SPECIFIC PROJECT OR PROJECTS THAT ARE THE OBJECT OF THE PROPOSED ECONOMIC DEVELOPMENT 8

METHOD OF SELECTION OF PRIVATE DEVELOPERS TO UNDERTAKE THE ECONOMIC DEVELOPMENT 8

REASON FOR SELECTION OF THE PROJECT AREA..... 9

DESCRIPTION OF PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE PROJECT AREA..... 9

DESCRIPTION OF ANY TAX INCENTIVES OFFERED PRIVATE ENTITIES FOR FACILITIES LOCATED IN THE PROJECT AREA 9

ANALYSIS OF WHETHER ADOPTION OF THE PROJECT AREA PLAN IS BENEFICIAL UNDER A BENEFIT ANALYSIS 10

HISTORIC BUILDINGS 11

EXHIBIT A..... 12

EXHIBIT B..... 13

EXHIBIT C..... 14



INTRODUCTION

The Box Elder County Redevelopment Agency ("Agency"), following a thorough consideration of the needs and desires of Box Elder County (the "County") and its residents, as well as the County's capacity for new development, has carefully crafted this draft Project Area Plan (the "Plan" or the "Project Area Plan") for the **EDA_2015_1 ECONOMIC DEVELOPMENT PROJECT AREA** (the "Project Area"). This Plan is the end result of a comprehensive evaluation of the types of appropriate land-uses and economic development for the land encompassed by the Project Area which is located west of Bear River City near Wakegan Road and 5600 North. The Plan is envisioned to define the method and means of development for the Project Area from its current state to a higher and better use. The County has determined that it is in the best interest of its citizens to assist in the development of the Project Area. It is the purpose of this Plan to clearly set forth the aims and objectives of this development, its scope, its mechanism, and its value to the residents of the County and other taxing entities.

The Project is being undertaken as an economic development project pursuant to certain provisions of Chapters 1 and 3 of the Utah Community Development and Renewal Agencies Act (the "Act", Utah Code Annotated ("UCA") Title 17C). The requirements of the Act, including notice and hearing obligations, have been scrupulously observed at all times throughout the establishment of the Project Area.

UTAH CODE
§17C-3-101

RESOLUTION AUTHORIZING THE PREPARATION OF A DRAFT ECONOMIC DEVELOPMENT PROJECT AREA PLAN

Pursuant to the provisions of §17C-3-101 of the Community Development and Renewal Agencies Act ("Act"), the governing body of the Agency adopted a resolution authorizing the preparation of a draft economic development project area plan on **February 4, 2015**.

Utah Code
§17C-3-102

RECITALS OF PREREQUISITES FOR ADOPTING AN ECONOMIC DEVELOPMENT PROJECT AREA PLAN

In order to adopt an economic development project area plan, the agency shall;

- ☞ Pursuant to the provisions of §17C-3-102(2)(a) and (b) of the Act, Box Elder County has a planning commission and general plan as required by law; and
- ☞ Pursuant to the provisions of §17C-3-102 of the Act, the Agency has conducted one or more public hearings for the purpose of informing the public about the Project Area, and allowing public input into the Agency's deliberations and considerations regarding the Project Area; and
- ☞ Pursuant to the provisions of §17C-3-102 of the Act, the Agency has allowed opportunity for input on the draft Project Area Plan and has made a draft Project Area Plan available to the public at the Agency's offices during normal business hours, provided notice of the plan hearing, sent copies of the draft Project Area Plan to all required entities prior to the hearing, and provided opportunities for affected entities to provide feedback. The Agency held a public hearing on the draft plan on **July 1, 2015**.



DEFINITIONS

As used in this Economic Development Project Area Plan:

The term "**Act**" shall mean and include the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act in Title 17C, Chapters 1 through 4, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.

The term "**Agency**" shall mean the Box Elder County Redevelopment Agency, which is a separate body corporate and politic created by the County pursuant to the Act.

The term "**Base taxable value**" shall mean the taxable value of the property within a project area from which tax increment will be collected, as shown upon the assessment roll last equalized before the date of the taxing entity committee's approval of the first Project Area Budget.

The terms "**County**" or "**Community**" shall mean Box Elder County.

The term "**Legislative body**" shall mean the County Commission of Box Elder County which is the legislative body of the Community.

The term "**Plan Hearing**" shall mean the public hearing on the draft Project Area Plan required under Subsection 17C-3-102.

The term "**Project Area**" shall mean the geographic area described in the Project Area Plan or draft Project Area Plan where the economic development set forth in this Project Area Plan or draft Project Area Plan takes place or is proposed to take as more fully depicted in **EXHIBIT A** and **EXHIBIT B** incorporated herein.

The term "**Project Area Budget**" shall mean the multi-year projection of annual or cumulative revenues, other expenses and other fiscal matters pertaining to the Project Area that includes:

- ☐ the base taxable value of property in the Project Area;
- ☐ the projected tax increment expected to be generated within the Project Area;
- ☐ the amount of tax increment expected to be shared with other taxing entities;
- ☐ the amount of tax increment expected to be used to implement the Project Area Plan;
- ☐ the tax increment expected to be used to cover the cost of administering the Project Area Plan;
- ☐ if the area from which tax increment is to be collected is less than the entire Project Area:
 - the tax identification number of the parcels from which tax increment will be collected; or
 - a legal description of the portion of the Project Area from which tax increment will be collected; and
- ☐ for property that the Agency owns and expects to sell, the expected total cost of the property to the Agency and the expected selling price.

The term "**Project Area Plan**" shall mean the written plan that, after its effective date, guides and controls the economic development activities within the Project Area. Project Area Plan refers to this document and all of the attachments to this document, which attachments are incorporated by this reference.

The term "**Taxes**" includes all levies on an ad valorem basis upon land, real property, personal property, or any other property, tangible or intangible.

The term "**Taxing Entity**" shall mean any public entity that levies a tax on any property within the Project Area.

The term "**Tax increment**" shall mean the difference between the amount of property tax revenues generated each tax year by all taxing entities from the Project Area designated in the Project Area Budget as the area from which tax increment is to be collected, using the then current assessed value of the property and the amount of property tax revenues that would be generated from the same area using the base taxable value of the property.

If there is any conflict between any of the definitions set forth above and the definition(s) of the same terms as found in the Act, as amended from time to time, the definition(s) in the Act shall be controlling unless such conflicting



definition(s) in the Act would have the effect of reducing or limiting the rights of the Agency, in which case the definitions set forth above shall be controlling.

UTAH CODE
 §17C-3-103(1)(A)

DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED PROJECT AREA

A legal description of the Project Area along with a detailed map of the Project Area is attached as, respectively, **Exhibit “A”** and **Exhibit “B”** and incorporated herein. The Project Area is located west of Bear River City near Wakegan Road and 5600 North. The property encompasses approximately 185.66 acres.

As delineated in the Box Elder County records, the Project Area encompasses all of the parcels detailed in **Exhibit “C.”**

UTAH CODE
 §17C-3-103(1)(B)

GENERAL STATEMENT OF LAND USES, LAYOUT OF PRINCIPAL STREETS, POPULATION DENSITIES, BUILDING INTENSITIES AND HOW THEY WILL BE AFFECTED BY THE ECONOMIC DEVELOPMENT

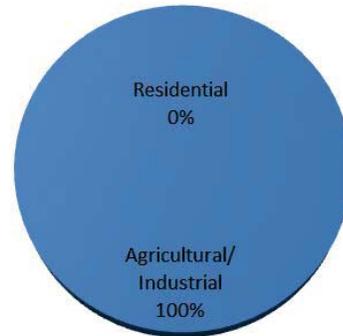
GENERAL LAND USES

All of property within the Project Area consists of agricultural and industrial type uses. Procter and Gamble (“P&G”) is the sole property owner and will use the property to build a new manufacturing facility, supplier facilities, supporting rail line, and other ancillary infrastructure. Table 1 and Figure 1 summarize the approximate acreage of existing land uses by land use type.

TABLE 1: LAND USES

TYPE	ACRES	% OF AREA
Agricultural/Industrial	185.66	100%
Residential	0	0%
Total	185.66	

FIGURE 1: LAND USES



Current zoning allows the contemplated uses which include mostly industrial uses. This Plan is consistent with the General Plan of the County and promotes economic activity by virtue of the land uses contemplated and desired. Any zoning change, amendment or conditional use permit necessary to the successful development contemplated by this Plan shall be undertaken in accordance with the requirements of the County’s Code and all other applicable laws including all goals and objectives in the County’s General Plan.

LAYOUT OF PRINCIPAL STREETS

Because EDA_2015_1 is fully within private land owned by P&G, there are no public roads in the Project Area. The Project Area map, provided in **Exhibit “A,”** shows the principal streets in the surrounding area, including Wakegan Road, 4800 North, and Iowa String Road. The railroad corridor running north and south along the eastern edge of the Project Area is the main transportation component.

POPULATION DENSITIES

Currently, there is no residential development within the Project Area and therefore there will be no disruption to residential property owners.



BUILDING INTENSITIES

Buildings in the Project Area are generally industrial structures associated with P&G. According to the most recent parcel data¹ obtained from the County, the current real taxable value per acre is approximately \$8,031,210 on parcel 04-065-0008 with only \$107,438,710 of improvements. The existing improvements are located on the portion of the parcel which will be outside the Project Area. The entire parcel is 709.12 acres and only 185.66 acres within the parcel will be included in the EDA_2015_1 Project Area. The taxable value per acre for the Project Area as a whole is approximately \$11,326.

IMPACT OF ECONOMIC DEVELOPMENT ON LAND USE, LAYOUT OF PRINCIPAL STREETS, POPULATION DENSITIES AND BUILDING INTENSITIES

Economic development activities within the Project Area will likely consist of the expansion of P&G operations. Land uses will be mostly industrial, manufacturing, and supporting uses which are consistent with the current land uses. In order to develop the Project Area the Agency will need to provide development incentives that make the Box Elder site viable for P&G in comparison to other potential sites being considered across the country. Infrastructure improvements planned for the site include the construction of additional rail lines to service the area. No residential development is planned for this area.

LAND USE – The Project Area is located within unincorporated County and is part of the General Industrial District. Development within the Project Area is consistent with current County requirements.

LAYOUT OF PRINCIPAL STREETS – The development will not require the realignment or creation of any new roads. But, additional rail lines to connect with the existing Union Pacific rail corridor are planned. No other infrastructure improvements are anticipated at this time, but this Plan generally supports the idea that infrastructure, both public and private, onsite and offsite, are necessary in order to promote the expansion of land use and economic value within the Project Area.

POPULATION DENSITIES – The Project Area will not include additional residential development.

BUILDING DENSITIES – The intent of this Plan is to promote greater economic utilization of the land area. The development anticipated in the next 20 years will likely result in a taxable value per acre of approximately \$821,409 or an increase of approximately 7153%.

UTAH CODE
§17C-3-103(1)(c)

STANDARDS GUIDING THE ECONOMIC DEVELOPMENT

In order to provide maximum flexibility in the development and redevelopment of the Project Area, and to encourage and obtain the highest quality in development and design, specific development controls for the uses identified above are not set forth herein. Each development proposal in the Project Area will be subject to appropriate elements of the County's General Plan; the Zoning Ordinance of the County; institutional controls, deed restrictions if the property is acquired and resold by the RDA, other applicable building codes and ordinances of the County; and, as required by ordinance or agreement, review and recommendation of the Planning Commission and approval by the Agency.

Each development proposal by an owner, tenant, participant or a developer shall be accompanied by site plans, development data and other appropriate material that clearly describes the extent of proposed development, including land coverage, setbacks, height and massing of buildings, off-street parking and loading, use of public transportation, financial pro forma and economic justification, and any other data determined to be necessary or requested by the Agency or the County.

The general standards that will guide economic development within the Project Area, adopted from the County's General Plan are as follows:

BUSINESS ATTRACTION AND EXPANSION.

Box Elder County staff and community leaders should focus their marketing and recruitment efforts on a few "high yield" targets that will make a significant difference to the local economy.

¹ 2014 parcel data from Box Elder County.



UTAH CODE
§17C-3-103(1)(D)

RECRUIT, RETAIN AND EXPAND EMPLOYERS.

Box Elder encourages existing firms to grow and expand their business operations, and focus business attraction efforts on established firms within the region that may need larger facilities or a new location within the region.

HOW THE PURPOSES OF THIS TITLE WILL BE ATTAINED BY ECONOMIC DEVELOPMENT

It is the intent of the Agency, with the assistance and participation of private developers and property owners, to facilitate new quality development and improve existing private and public structures and spaces. Specifically, the Agency would like to encourage the expansion of existing businesses within the Project Area. This enhancement of the economic vitality to the Project Area will benefit the community, the County and the State.

The purposes of the Act will be attained as a result of the proposed Economic Development Project by accomplishing the following items:

PROVISION FOR INDUSTRIAL USES

The Project Area Plan allows for industrial and light manufacturing uses. Increased employment in the Project Area will create new jobs that will benefit residents throughout the County.

PROVISION OF PRIVATE OR PUBLIC INFRASTRUCTURE

The proposed economic development project will provide additional needed infrastructure in the Project Area. Private and public infrastructure associated with the development project is essential to promoting economic development activities.

UTAH CODE
§17C-3-103(1)(E)

CONFORMANCE OF THE PROPOSED DEVELOPMENT TO THE COMMUNITY'S GENERAL PLAN

This Plan and the development contemplated thereby conform to the County's General Plan in the following respects:

INDUSTRIAL DEVELOPMENT

The General Plan Community Development and Land Use section related to industrial Development indicates, "Box Elder County supports the expansion of industrial land uses under the existing land use regulations. These regulations are designed to locate industrial uses adjacent to major transportation corridors (railroads and roadways) and public utility/service areas." The proposed development in EDA 2015_1 is located near existing utility connections and will utilize and expand rail service.

ZONING ORDINANCES

Any development contemplated within the Project Area shall conform to Article 3: Zoning Districts of the County's Land Use Management & Development Code. Additionally, any development must be in harmony with the Land Use Element of the City's General Plan.

BUILDING CODES

All projects within the Project Area will conform to all building codes that are currently imposed by the County.

PLANNING COMMISSION

The Planning Commission will review any future development proposals contemplated in the Project Area and make such recommendation thereon to the County Commission as may be needed to facilitate development in the Project Area.

UTAH CODE
§17C-3-103(1)(F)

DESCRIBE HOW THE ECONOMIC DEVELOPMENT WILL CREATE ADDITIONAL JOBS

It is anticipated that the new P&G manufacturing facility planned within the Project Area will create an additional 100-200 full-time positions with an average salary of \$39,500 per year. These additional jobs are deemed to be beneficial to the State, County and other taxing entities within the Project Area.



UTAH CODE
§17C-3-103(1)(G)

DESCRIBE ANY SPECIFIC PROJECT OR PROJECTS THAT ARE THE OBJECT OF THE PROPOSED ECONOMIC DEVELOPMENT

P&G is proposing an expansion of their operations by constructing a new manufacturing facility. The planned capital investment is between \$400-500 million. P&G is considering several sites for their manufacturing facility and the economic incentives provided through the tax increment are key to ensuring the viability (and ultimate selection) of the Box Elder site.

UTAH CODE
§17C-3-103(1)(H)

METHOD OF SELECTION OF PRIVATE DEVELOPERS TO UNDERTAKE THE ECONOMIC DEVELOPMENT AND IDENTIFICATION OF DEVELOPERS CURRENTLY INVOLVED IN THE PROCESS

QUALIFIED OWNERS

This Project Area Plan provides reasonable opportunities for owners of property in the Project Area to participate in the development and/or economic and redevelopment of property in the Project Area if they enter into a participation agreement or development agreement with the Agency. The following general guidelines, which are all subject to final review, modification, and approval by the Agency, will apply in the Project Area:

- ☞ Owners may retain, maintain, and if necessary rehabilitate, all or portions of their properties;
- ☞ Owners may acquire adjacent or other properties in the Project Area;
- ☞ Owners may sell all or portions of their improvements to the Agency, but may retain the land, and develop their properties;
- ☞ Owners may sell all or portions of their properties to the Agency and purchase other properties in the Project Area;
- ☞ Owners may sell all or portions of their properties to the Agency and obtain preferences to re-enter the Project Area;
- ☞ Tenants may have opportunities to become owners of property in the Project Area, subject to the opportunities of owners of property in the Project Area; and
- ☞ Other methods as may be approved by the Agency.

The Agency may extend reasonable preferential opportunities to owners and tenants in the Project Area ahead of persons and entities from outside the Project Area, to be owners and tenants in the Project Area during and after the completion of the economic development. To the extent the Agency determines that it is beneficial to have owners or tenants remain within the Project Area, plans for enhancing and promoting the concepts outlined in this Plan will be mutually discussed and agreed upon.

DEVELOPERS CURRENTLY INVOLVED

The development currently anticipated within the Project Area is planned to be completed by Procter & Gamble (PO Box 599, Tax Division, Cincinnati, Ohio 45201) on land they own or control.

OTHER PARTIES

If no owner or tenant in the Project Area, as described above, who possesses the skill, experience and financial resources necessary to become a developer in the Project Area, is willing to become a developer, the Agency may identify other persons who may be interested in developing all or part of the Project Area. Potential developers will be identified by one or more of the following processes: public solicitation, requests for proposal (RFP) and requests for qualifications (RFQ), private negotiation, or some other method of identification approved by the Agency. All developers which are selected to develop within the Project Area will be subject to an Agreement for the Disposition of Land (ADL), Development Agreement, Participation Agreement, or any combination of these performance agreements and obligations.

PERSONS EXPRESSING AN INTEREST TO BECOME A DEVELOPER

The Agency has not nor does it intend to enter into any owner participation agreement or agreements with developers to develop all or part of the Project Area until after the Agency and the County have approved this Project Area Plan.



UTAH CODE
 §17C-3-103(1)(i)

REASON FOR SELECTION OF THE PROJECT AREA

The proposed Project Area has a significant amount of underutilized property and the potential for additional businesses expansion. Specifically P&G is requesting assistance from the Agency with public and private infrastructure improvements (onsite and offsite) necessary to expand its operations to bring additional jobs to the County.

The County has identified Goals, Policies, and Actions intended to spur economic development and redevelopment within the Project Area. The proposed economic development Project Area is intended to provide a means for the County and Agency to meet these goals.

UTAH CODE
 §17C-3-103(1)(j)

DESCRIPTION OF PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE PROJECT AREA

PHYSICAL CONDITIONS

The Project Area consists of approximately 185.66 acres of relatively flat, publicly and privately owned land as shown on the Project Area map.

SOCIAL CONDITIONS

The Project Area is industrial land with no parks, libraries, or other social gathering places.

ECONOMIC CONDITIONS

The Project Area has rail lines located nearby, but no rail spur to access the existing Union Pacific corridor.

UTAH CODE
 §17C-3-103(1)(k)

DESCRIPTION OF ANY TAX INCENTIVES OFFERED PRIVATE ENTITIES FOR FACILITIES LOCATED IN THE PROJECT AREA

Tax increment arising from the development within the Project Area shall be used for both off-site and on-site improvements, incentives, desirable Project Area improvements, and other items as approved by the Agency. Subject to provisions of the Act, the Agency may agree to pay for eligible costs and other items from taxes for any period of time the Agency may deem to be appropriate under the circumstances.

In general, tax incentives may be offered to achieve the economic development goals and objectives of this Plan, specifically to:

- ☐ Foster and accelerate economic development;
- ☐ Stimulate job development;
- ☐ Make needed infrastructure improvements;
- ☐ Assist with property and land acquisition and/or land assembly; and
- ☐ Provide attractive development for high-quality industrial tenants.

The Project Area Budget, which will require approval from the Taxing Entity Committee, will include specific participation percentages and timeframes for each Taxing Entity. With this understanding, the following represents an estimate of the total sources and uses of Tax Increment based on initial development assumptions.

TABLE 3: SOURCES OF TAX INCREMENT FUNDS

ENTITY	PERCENTAGE	LENGTH	AMOUNT
Box Elder County	90% Years 1-5 70% Years 6-20	20 Years	\$7,873,074
Box Elder School District			\$30,953,397
Box Elder Mosquito Abatement District			\$764,054
Bear River Water Conservancy District			\$730,834
Box Elder County Library			\$553,662
Total Sources of Tax Increment Funds			\$40,875,020



TABLE 4: USES OF TAX INCREMENT

USES	AMOUNT
Project Area Administration @ 5%	\$2,043,751
Economic Incentive Fund @ 95%	\$38,831,269
Total Uses of Tax Increment Funds	\$40,875,020

UTAH CODE
§17C-3-103(1)(L)

ANALYSIS OF WHETHER ADOPTION OF THE PROJECT AREA PLAN IS BENEFICIAL UNDER A BENEFIT ANALYSIS

Based on the land use assumptions, current economic and market demand factors, tax increment participation levels, and public infrastructure, land assemblage and incentive needs, the following table outlines the benefits (revenues) and costs (expenditures) anticipated within the Project Area. This does not factor in the benefit of other multipliers such as job creation, disposable income for retail consumption, etc. As shown below, the proposed economic development will create a net benefit for Box Elder County.

TABLE 5: COST/BENEFIT ANALYSIS

	TOTAL	NPV @ 5%
REVENUES		
Property Tax Increment (Shared by Taxing Entities)	\$40,875,020	\$25,997,535
Property Tax (Box Elder County and Library)	\$2,830,737	\$1,638,543
Sales Tax	\$0	\$0
Telecom Tax	\$0	\$0
Energy Sales & Use Tax (Natural Gas)	\$0	\$0
Energy Sales and Use Tax (Electric)	\$0	\$0
Total Revenues	\$43,705,757	\$27,636,078
EXPENDITURES		
Estimated Budget	\$40,875,020	\$25,997,535
General Government Services	\$415,901	\$251,714
Total Expenditures	\$41,290,921	\$26,249,250
Total Revenue <i>minus</i> Expenditures	\$2,414,837	\$1,386,828

THE BENEFIT OF ANY FINANCIAL ASSISTANCE OR OTHER PUBLIC SUBSIDY PROPOSED TO BE PROVIDED BY THE AGENCY

EVALUATION OF THE REASONABLENESS OF THE COSTS OF ECONOMIC DEVELOPMENT

Costs of the economic development project include RDA administrative costs and infrastructure costs. These costs will be covered through the Tax Increment generated within the Project Area. Additional costs include general government service costs, public works costs, and public safety service costs. All costs related to the economic development are considered to be reasonable and are shown in the table below.

TABLE 6: ESTIMATED COSTS (20 YEARS)

ESTIMATED COSTS	TOTAL	NPV @ 5%
Tax Increment Budget		
Project Development Costs (Incentive & Infrastructure)	\$38,831,269	\$24,697,659
RDA Administrative Costs	\$2,043,751	\$1,299,877
General Government Services	\$415,901	\$251,714
TOTAL EXPENDITURES	\$41,290,921	\$26,249,250



EFFORTS THE AGENCY OR DEVELOPER HAS MADE OR WILL MAKE TO MAXIMIZE PRIVATE INVESTMENT

P&G has stated its intention to make a capital investment within the Project Area of between \$400-500 million if the Box Elder site is selected.

THE RATIONALE FOR USE OF TAX INCREMENT, INCLUDING AN ANALYSIS OF WHETHER THE PROPOSED DEVELOPMENT MIGHT REASONABLY BE EXPECTED TO OCCUR IN THE FORESEEABLE FUTURE SOLELY THROUGH PRIVATE INVESTMENT

P&G is currently exploring locations for a new manufacturing facility and tax incentives will be needed to make the Box Elder site competitive for selection.

AN ESTIMATE OF THE TOTAL AMOUNT OF TAX INCREMENT THAT WILL BE EXPENDED IN UNDERTAKING ECONOMIC DEVELOPMENT AND THE LENGTH OF TIME FOR WHICH IT WILL BE EXPENDED

It is estimated the total amount of tax increment that will be expended will be approximately \$40.9 million, the detail of which is outlined in Table 6 above. It is estimated that Tax Increment will be expended for RDA Administration and development incentives to support the Project Area. The proposed timeframe is 20 years with a \$49 million cap and will be more specifically described in the Project Area Budget.

THE ANTICIPATED PUBLIC BENEFIT TO BE DERIVED FROM THE ECONOMIC DEVELOPMENT

THE BENEFICIAL INFLUENCES UPON THE TAX BASE OF THE COMMUNITY

The beneficial influences upon the tax base of the County and the other taxing entities will include increased property tax revenues and job growth. The increased revenues will come from the property values associated with new construction in the area, as well as increased land values that may occur, over time, in the area generally. Property values include land, buildings and personal property (machines, equipment, etc.). The additional personal property in the area is anticipated to be significant with the expansion of P&G operations.

THE NUMBER OF JOBS AND EMPLOYMENT ANTICIPATED TO BE GENERATED OR PRESERVED

It is estimated that the development of the area will result in 100-200 new jobs. The average expected salary for the new jobs is \$39,500, which is 119% of the average County wage. The jobs are expected to be full time, benefited positions.

THE ASSOCIATED BUSINESS AND ECONOMIC ACTIVITY LIKELY TO BE STIMULATED

Job growth in the Project Area will result in increased wages, increasing local purchases and benefiting existing businesses in the Project Area. Job growth will also result in increased income taxes paid to the State of Utah. Business growth will generate corporate income taxes, which will benefit the State of Utah.

There will also be a beneficial impact on the community through increased construction activity in the Project Area. Positive impacts will be felt through construction wages paid, as well as construction supplies purchased locally.

HISTORIC BUILDINGS

Historical buildings are defined as those which are included in or eligible for inclusion in the National Register of Historic Places or the State Register. There are currently no existing buildings or uses in the Project Area which are included in or eligible for inclusion in the National Register of Historic Places or the State Register.

UTAH CODE
§17C-3-103(1)(m)



EXHIBIT A

LEGAL DESCRIPTION OF PROJECT AREA: 2015_1 EDA

That certain real property located in Box Elder County, State of Utah, described as follows:

A PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 6800 WEST STREET LOCATED 3133.39 FEET NORTH 00°06'00" WEST ALONG THE WEST LINE OF SAID SECTION 15 AND 33.00 FEET NORTH 89°54'00" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 10;

RUNNING THENCE NORTH 00°06'00" WEST 866.56 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 90°00'00" EAST 3030.95 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE CORINNE CANAL; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES; (1) SOUTH 51°02'33" WEST 195.93 FEET; (2) TO THE LEFT ALONG THE ARC OF A 991.85 FOOT RADIUS CURVE, A DISTANCE OF 205.73 FEET, CHORD BEARS SOUTH 45°06'02" WEST 205.36 FEET, HAVING A CENTRAL ANGLE OF 11°53'03"; (3) IN A SOUTHERLY DIRECTION TO THE LEFT OF A NON-TANGENT 269.97 FOOT RADIUS CURVE, A DISTANCE OF 248.26 FEET, CHORD BEARS SOUTH 22°17'01" WEST 239.60 FEET, HAVING A CENTRAL ANGLE OF 52°41'18"; (4) SOUTH 04°19'24" EAST 132.16 FEET; (5) TO THE LEFT ALONG THE ARC OF A 771.99 FOOT RADIUS CURVE, A DISTANCE OF 168.28 FEET, CHORD BEARS SOUTH 10°34'05" EAST 167.95 FEET, HAVING A CENTRAL ANGLE OF 12°29'22"; (6) SOUTH 16°48'46" EAST 450.28 FEET; AND (7) SOUTH 16°03'20" EAST 185.80 FEET; THENCE NORTH 90°00'00" EAST 2682.54 FEET; THENCE NORTH 29°40'28" WEST 2583.16 FEET; THENCE NORTH 46°53'31" EAST 269.88 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; (1) SOUTH 29°40'28" EAST 3085.53 FEET; (2) SOUTH 60°19'32" WEST 16.00 FEET; AND (3) SOUTH 29°40'28" EAST 2681.25 FEET; THENCE SOUTH 87°04'53" WEST 276.06 FEET; THENCE NORTH 29°40'28" WEST 2424.92 FEET; THENCE SOUTH 90°00'00" WEST 2822.62 FEET TO THE WEST RIGHT-OF-WAY OF SAID CORINNE CANAL; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSE; (1) SOUTH 16°03'20" EAST 417.53 FEET; (2) TO THE RIGHT ALONG THE ARC OF A 1902.09 FOOT RADIUS CURVE, A DISTANCE OF 214.80 FEET, CHORD BEARS SOUTH 12°49'13" EAST 214.68 FEET, HAVING A CENTRAL ANGLE OF 06°28'13"; (3) SOUTH 09°35'07" EAST 207.36 FEET; (4) SOUTH 05°59'07" EAST 86.01 FEET; (5) SOUTH 03°36'10" EAST 650.43 FEET; AND (6) TO THE RIGHT ALONG THE ARC OF A 826.74 FOOT RADIUS CURVE, A DISTANCE OF 114.03 FEET, CHORD BEARS SOUTH 00°20'55" WEST 113.94 FEET, HAVING A CENTRAL ANGLE OF 07°54'10"; THENCE SOUTH 89°59'28" WEST 1420.01 FEET TO A POINT SOUTH OF THE PROJECTION OF THE EAST FACE OF AN EXISTING BUILDING; THENCE NORTH 00°00'32" WEST 970.10 FEET ALONG SAID BUILDING PROJECTION AND THEN BUILDING FACE; THENCE SOUTH 89°56'51" WEST 123.51 FEET ALONG THE FACE OF SAID BUILDING; THENCE NORTH 00°00'25" WEST 1086.97 FEET ALONG THE FACE OF SAID BUILDING AND THEN TO A POINT NORTH OF THE PROJECTION OF THE EAST FACE OF SAID BUILDING; THENCE NORTH 90°00'00" EAST 811.31 FEET; THENCE NORTH 00°00'00" EAST 633.44 FEET; THENCE SOUTH 90°00'00" WEST 2520.43 FEET TO THE POINT OF BEGINNING. LESS THAT PORTION OF LAND WITHIN THE CORINNE CANAL RIGHT-OF-WAY WHICH CONTAINS 1.78 ACRES FOR A NET AREA OF 185.66 ACRES.



EXHIBIT C

PARCEL LIST

PARCEL NUMBER	OWNER	ACRES
04-065-0008	PROCTER & GAMBLE PAPER PRODUCTS CO	709.12
	LESS Portion of Parcel Staying in 2008 EDA	(523.46)
Total 2015_1 EDA		185.66



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

INFORMATION: Interim Budget and Status of Funds Report for the Utah State Office of Rehabilitation (USOR)

Background:

In the April Board meeting, USOR staff provided a USOR budget summary for SFY15 through March 31, 2015 and a paid client services tracker report. The Board has requested a monthly update of these reports during the transitional period of the USOR.

Key Points:

- Status on the \$6.3 million supplemental for client services
- Status of funds for the overall USOR budget period ending April 30, 2015.

Updated reports will be distributed to the Committee at the meeting.

Anticipated Action:

No anticipated action; interim report.

Contact: Scott Jones, Interim USOR Executive Director, 801-319-0471 or sjones@utah.gov
Bruce Williams, Associate Superintendent, 801-538-7514



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: USOR Request for Federal Reallotment Money

Background:

Analysis indicates that the Utah State Office of Rehabilitation (USOR) will be unable to sustain the required level of client services beginning on July 1, 2015 unless the agency receives \$9,000,000 in reallotment from the Federal Government.

Key Points:

USOR is doing everything possible within the scope of the law and applicable policies to reduce paid client service expenditures appropriately. Due to the current structural imbalance situation and current caseloads, USOR's expenses far outweigh appropriations and revenue streams.

Even if the Board approves USOR seeking reallotment from the Federal Government it does not necessarily mean that the Federal Government will provide the entire amount of the request. If this is the case, USOR is *potentially* in the same situation it was when it had to stop paid client services in FY 15.

Anticipated Action:

The Finance Committee will review and consider approving the \$9,000,000 reallotment request and forwarding the request to the full Board for approval.

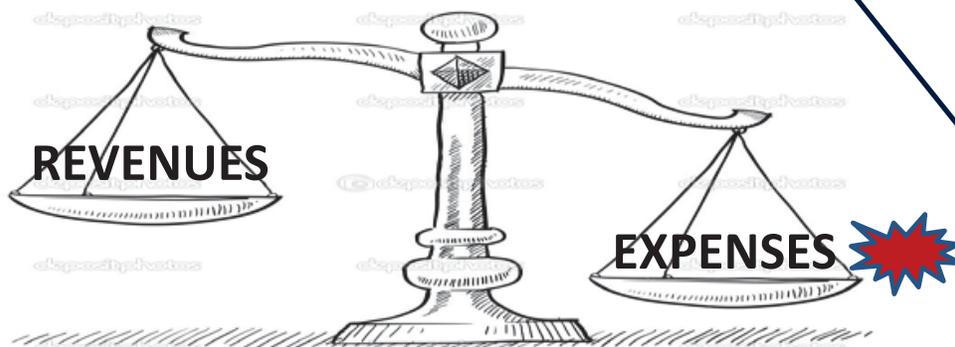
Contact: Scott Jones, Interim USOR Executive Director, 801-391-0471, or sjones@utah.gov



BUDGET EQUILIBRIUM (ACHIEVING STRUCTURAL BALANCE)



Currently out of Balance



FOCUS
\$11.2M MOE

SFY 2018

\$9M REALLOCATION
(Requires Board Approval)

SFY 2017

Set conditions
for first three
months of
SFY 16 and 17

SFY 2016

\$9M REALLOCATION
(Requires Board Approval)

REDUCE THE EXPENSES DISH and INCREASE/DECREASE the REVENUES DISH APPROPRIATELY TO ACHIEVE BALANCE

✓ ORDER OF SELECTION

- No new services until we achieve or can see equilibrium (still establish eligibility)
- Potential for customer/client/constituent push back
- Need USBE and Legislature Support and Awareness of our plan (high probability we will have unhappy consumer groups and/or clients)-avoid the, "please everyone," pitfall
- Set conditions and standards to avoid the high expense and spending rate we incur July through September of every SFY

✓ INCREASED ACCURACY IN REVENUE PROJECTIONS AND REALIZATIONS

- Years of not correctly identifying Federal Revenue Streams and relying on one time money
- Current appropriations amounts for FY 16 are unreliable (going through them now)

✓ UPON BOARD APPROVAL WE STILL NEED FEDERAL APPROVAL AND PROVISION OF THE \$9M

- If the Federal Government does not provide the entire \$9M we are *potentially* right back where we started
- Need to know if our funding is unrestricted or restricted and whether or not we can carry funding forward
- We may incur MOE problems as a result of needing this amount to sustain paid client services



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

DISCUSSION: USOE/USOR Memorandum of Agreement (MOA)

Background: The assessment of the Interim Executive Director of the Utah State Office of Rehabilitation (USOR) and Associate Superintendent of Business and Operations is that clearly written agreements between the Utah State Office of Education (USOE) and USOR will help mitigate against the risk of USOR falling back into the current situation regarding the structural imbalance. A detailed MOA between the designated state agency (USOE) and the designated state unit (USOR) will also ensure clearly defined roles and responsibilities of the two agencies in their support of one another. The MOA, effective July 1, 2015, will establish whether particular services are paid for out of the Indirect Cost Pool, Direct Bill, or Fee for Service.

Key Points: The scope of the MOA for the May Board meeting is generic. More time is required for the two agencies to ensure accuracy and reliability of the agreement. Therefore, the first MOA for review by the Board is informational and presented for further guidance and direction from the Board.

The MOA will focus on these key operational and functional areas at a minimum:

1. Superintendent
2. Associate Superintendents
3. Support Services
4. Human Resources (DHRM considerations)
5. Internal Accounting
6. Internal Computer Services (Technology)
7. Print Services
8. Public Information
9. Internal Audit
10. Law and Licensing
11. Other areas deemed necessary

Anticipated Action: No anticipated actions for the May Board meeting other than further guidance and direction; final approval of the MOA between USOR and USOE by the Board is tentatively scheduled for the June 2015 Board meeting.

Contact: Bruce Williams, Associate Superintendent, 801-538-7514
Scott Jones, Interim USOR Executive Director, 801-391-0471, or sjones@utah.gov
Brian Ipson, Internal Accounting Director, 801-538-7627



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

INFORMATION: Review of USOR Legislative Requirements

Background:

The Utah State Office of Rehabilitation (USOR) is required to ensure that the Utah State Board of Education reviews all legislative requirements of USOR and approves the information and/or data prior to USOR's submission to meet the requirements.

Key Points:

USOR will provide information regarding the intent language for bills that require USOR to provide information or data, and the required dates of submission of that data to the legislature. The information will facilitate tracking of the dates that USOR deliverables are due to the legislature.

Anticipated Action:

The Committee will receive the information and may give further guidance and direction.

Contact: Scott Jones, Interim USOR Executive Director, 801-391-0471, or sjones@utah.gov

2) The Legislature intends the departments of Health, Human Services, and Workforce Services and the Utah State Office of Rehabilitation provide to the Office of the Legislative Fiscal Analyst **by June 1, 2015** a report outlining how funds are distributed within the state when passed through to local government entities or allocated to various regions and how often these distributions are reviewed and altered to reflect the relevant factors associated with the programs.

(1) Is the program considered a statewide program (this would include something that serves all rural areas)? **This is considered a statewide program. USOR receives money for Independent Living services which it passes through to Independent Living Centers (ILCs).**

a. Is the implementation of the program really statewide? If not, is there a compelling reason why? **There are 6 ILC spread across Utah (locations Logan, Ogden, Salt Lake, Provo, Price and St. George). The program is considered to provide services statewide.**

(2) Who gets the money (by county)? **Money is distributed by formula to regions. The regions cover particular counties across the state.**

(3) What is the methodology for distributing the money? **The formula for distributing the money is based, in part, on population. The formula is: fifty percent of the total funds are divided evenly between Utah's six existing ILCs. Thirty percent of remaining funds are distributed according to the percent of the state population in each ILC's service area (based on the most recent U.S. census data). Twenty percent of the remaining amount is distributed according to the percent of geographic area of each ILC's service area in relationship to the total square miles of the state. Population figures used in the calculation are updated every 3 or 4 years or more often if requested by the ILCs.**

a. How does the distribution compare to actual need as expressed by population? **The distribution formula is the best way of ensuring equal distribution across all populations across the entire state.**

(4) Does statute say anything about distribution and equity for the program? **USOR could not obtain any statute or code that provides explicit distribution and/or equity directions or guidance. USOR request a legal opinion from USOE/State AG Office on whether or not there is a more definitive code or statute that precludes USOR from applying its current distribution methodology.**

Utah State Office of Rehabilitation, Building Block Performance Measures

2/10/15

\$6,300,000 Supplemental One-Time Request

1. Continue to provide paid services to 14,000 eligible clients with an existing Individualized Plan for Employment without interruption through June 30, 2015.
2. Provide diagnostic and assessment services, as needed, to 2,300 expected new applicants to determine eligibility for the VR program and Order of Selection category (per regulatory requirement) through June 30, 2015
3. Achieve a total of 3,100 successful rehabilitation outcomes (employment for a minimum of 90 consecutive days) for the federal fiscal year ending September 30, 2015.
4. Utilize 100% of supplemental allocation to direct client services.

\$500,000 Ongoing IL Assistive Technology Request

1. Total number of consumers provided services will exceed previous year (216)
2. Total number of assistive technology devices will exceed previous year (257)

\$275,000 Ongoing Independent Living Services Request

1. Number of consumers served by IL Centers will meet or exceed previous year (target 6,678)
2. Percentage of consumers served by IL Centers who are new consumers will meet or exceed 30% (target 1950)
3. For consumer records closed, the percentage of consumers who achieved all planned goals will meet or exceed 15% (target 372)



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Terryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

INFORMATION: USDB Quarterly Budget Report for the 3rd Quarter (January 1, 2015 - March 31, 2015) of State Fiscal Year 15

Background: The Utah Schools for the Deaf and the Blind (USDB) is required to provide quarterly budget reports to the Utah State Board of Education (USBE).

Key Points:

- USDB remains capable of meeting its educational and operational requirements in SFY15.
- 66 percent budget execution as of 31 March 2015; 25 percent of the year remaining.
- Vacancy savings is essential and on track.
- All school districts have paid their contract amounts for the first half of the year.
- Favorable audit results from State Finance this fiscal year; last audit had zero findings.
- USOE internal review revealed minor findings—concurred and moving forward with corrective actions and controls.
- Directors and their assistants have taken ownership of their individual unit budgets—sound management of funds:
 - Spend plans.
 - Monthly reviews (slight decrease due to Finance Director wearing two hats).
- Increased understanding and use of object codes to properly capture expenditures.
- Travel expenses reduced (savings)—moving funds into other budget categories.

Anticipated Action: No anticipated actions; required reporting and oversight.

Contact: Scott Jones, Interim USOR Executive Director, 801-391-0471, or sjones@utah.gov



Utah Schools for the Deaf and the Blind

Fiscal Year 15 Budget Review *for the period 1 January 2015-March 31, 2015* *(3rd Quarter)*

April 23, 2015



Key Points

- USDB remains capable of meeting its educational and operational requirements in FY 15
- **66% budget execution as of 31 March 2015**
 - Vacancy Savings is essential and on track
- Favorable Audit Results from State Finance this FY
 - USOE Internal Review revealed minor findings-concurred and moving forward with corrective actions and controls
- Directors and their Assistants have taken ownership of their individual unit budgets-sound management
 - Spend Plans
 - Monthly Reviews (slight decrease due to Finance Director wearing two hats)
- Increased understanding and use of object codes to properly capture expenditures
- Travel expenses reduced (savings)-moving funds into other budget categories



BOARD REPORT

ADVISORY COUNCIL REPORT
APPROPRIATION UNIT DEAF AND BLIND SCHOOLS
FOR FISCAL MONTH ENDING March 31, 2015 Fiscal Year (FY) 15
25% OF YEAR REMAINING

CATEGORY TITLE	FY 15 BUDGET APPROPRIATION	YEAR TO DATE EXPENDITURES	ENCUMBERANCES	BUDGET BALANCE	Last Year Expenditures	% SPENT
SALARIES	15,480,385	10,513,627	-	4,966,758	10,299,592	68%
BENEFITS	8,726,416	5,889,776	-	2,856,640	5,508,697	67%
PURCHASED SERVICES	5,011,497	3,675,581	12,323	1,323,593	3,601,984	74%
TRAVEL	455,330	303,990	1,936	149,404	369,079	67%
SUPPLIES AND MATERIALS	2,859,724	956,205	62,720	1,840,799	1,024,773	36%
UNALLOCATED EXPENSES	250,000	1,050	-	248,950	-	0%
EQUIPMENT	413,494	451,185	24,936	(62,627)	96,088	115%
CAPITAL EXPENDITURES	30,754	-	-	30,754	101,842	0%
TOTALS	33,227,600	21,771,414	101,915	11,354,271	21,002,055	66%

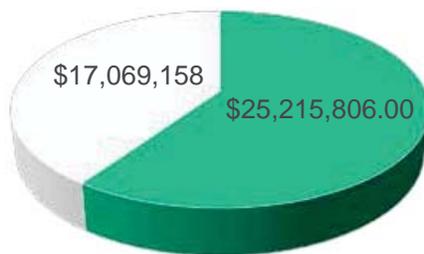


STATE FUNDS-TSF

- \$24,258,700 OF FY 15 STATE FUNDS LOADED INTO BASE-July 2014
- \$812,298.00 OF FY 14 AGENCY CARRY FORWARD LOADED INTO BASE (UNIT 6450)-in September 2014 after approval by State Finance
 - Superintendent Contingency Fund: \$250,000.00-shows as Unallocated Expenses on Board Report
- \$144,808.00 OF FY 14 USIMAC CARRY FORWARD LOADED INTO BASE (UNIT 6370)
 - STATE FUNDS TOTAL: **\$25,215,806.00**
- \$17,069,158.13 Expensed as of 31 March 2015

Control is 25% or more remaining

STATE FUNDS



68% OF STATE APPROPRIATION EXECUTED AS OF 31 March 2015-32% Remaining

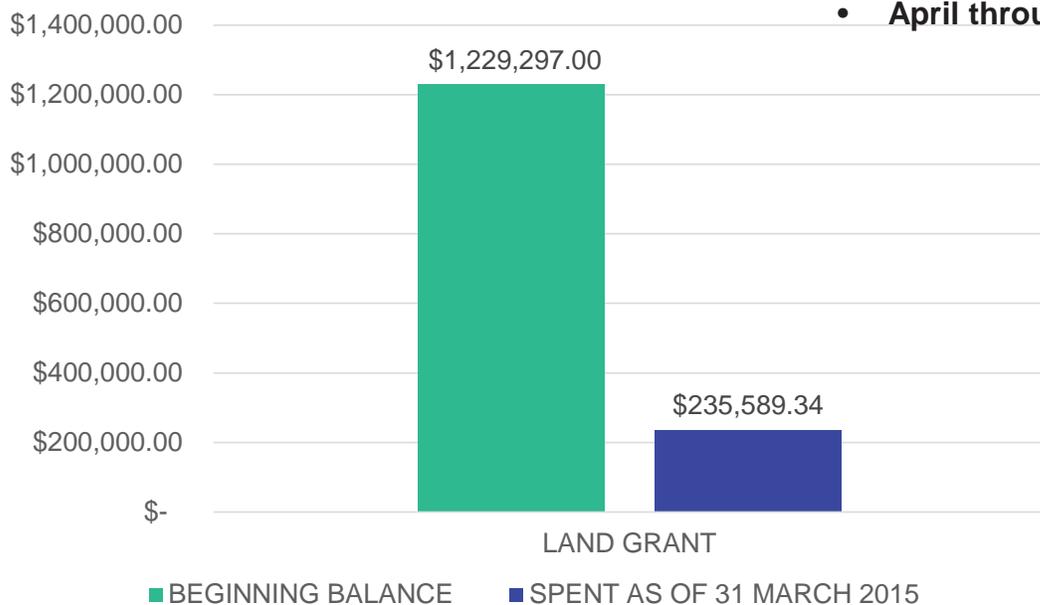


LAND GRANT (ENRICHMENT)-TLG

- **\$1,229,297** loaded into BASE-September 2014-after approval of State Finance
- **\$537,097** of the overall amount is Advisory Council Ratified, “Special Projects”
- Intent is to build an Outdoor Education Center-Out Year(s)-will carry forward

USDB Enrichment Funds

- Spending Increases 2nd half of School Year
- April through June (more camps/activities)



\$456,610.00 to execute when Special Projects Amount Deducted from Remaining Balance-Outdoor Track is Approximately \$100k

- Charges to TSF (State Funds) that should have come out of Enrichment Funds (TLG)
- Identify during monthly review with Unit Directors and transfer



REVENUE UPDATE-TRANSFERS AND DEDICATED CREDITS



2015 REVENUE SOURCES AS OF: 4 June 2014	2015 Revised Revenue Estimate 4 June 2014	2015 Revised Revenue Estimate 19 August 2014	Difference between Budget Prep and Revised Estimate	2015 Revenue Collection to Date 4/1/2015	2015 Revenue Collection to Date % of Budget
EDUCATIONAL FUNDS	\$23,249,500.00	\$23,249,500.00	\$0.00	\$16,028,507.47	68.94%
EDUCATIONAL FUNDS	\$400,000.00	\$400,000.00	\$0.00	\$400,000.00	100.00%
EDUCATIONAL FUNDS	\$591,900.00	\$591,900.00	\$0.00	\$591,900.00	100.00%
EDUCATIONAL FUNDS	\$17,300.00	\$17,300.00	\$0.00	\$17,300.00	100.00%
LAND GRANT PROJECT/ENRICHMENT FUNDS	\$933,000.00	\$1,229,296.84	\$296,296.84	\$765,146.10	62.24%
MEDICAID	\$690,000.00	\$690,000.00	\$0.00	\$393,368.99	57.01%
SCHOOL LAND TRUST	\$12,300.00	\$12,300.00	\$0.00	\$13,804.00	112.23%
SCHOOL CONTRACTS	\$622,740.07	\$622,740.07	\$0.00	\$9,270.45	1.49%
TRANSPORTATION	\$3,200,000.00	\$3,200,000.00	\$0.00	\$3,334,400.00	104.20%
IDEA SCHOOL AGE	\$216,015.00	\$216,015.00	\$0.00	\$0.00	0.00%
IDEA PRE-SCHOOL	\$55,784.00	\$55,784.00	\$0.00	\$0.00	0.00%
BLIND LITERACY ACT	\$10,000.00	\$10,000.00	\$0.00	\$0.00	0.00%
FEDERAL GRANT	\$94,500.00	\$94,500.00	\$0.00	\$61,459.84	65.04%
LEGISLATIVE INCREASE	\$763,700.00	\$683,165.00	(\$80,535.00)	\$772,978.00	113.15%
BABY WATCH	\$50,000.00	\$50,000.00	\$0.00	\$0.00	0.00%
DEAFBLIND GRANT	\$37,500.00	\$37,500.00	\$0.00	\$0.00	0.00%
MILK PROGRAM	\$3,900.00	\$3,900.00	\$0.00	\$2,290.00	58.72%
ROOM RENTAL	\$1,200.00	\$1,200.00	\$0.00	\$1,040.75	86.73%
SALE OF GOODS	\$5,200.00	\$5,200.00	\$0.00	\$1,320.70	25.40%
CLASSROOM SUPPLIES FOR EDUCATORS	\$15,500.00	\$15,500.00	\$0.00	\$23,374.00	150.80%
ESY for SPECIAL EDUCATORS	\$39,900.00	\$39,900.00	\$0.00	\$52,800.00	132.33%
SCHOOL NURSES	\$500.00	\$500.00	\$0.00	\$2,109.00	0.00%
TRANSFER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
DEDICATED CREDITS	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
USIMAC INVOICES	\$289,475.75	\$289,475.75	\$0.00	\$57.76	0.02%
USIMAC OFFICE SUPPORT	\$35,000.00	\$35,000.00	\$0.00	\$0.00	0.00%



SUMMARY



FUNDS	AMOUNT	SLIDE/NOTES
STATE FUNDS	\$25,215,806.00	SLIDE 3
LAND GRANT	\$1,229,297.00	SLIDE 4
TRANSFERS	\$5,235,902.00	SLIDE 5
DEDICATED CREDITS	<u>\$918,616.00</u>	SLIDE 5
TOTAL:	\$32,599,621.00	SUBJECT TO CHANGE-ESTIMATES-CONTRACTS
BUDGET IN BASE	\$33,227,601.00*	SLIDE 2 (BOARD REPORT)
DIFFERENCE (VACANCY SAVINGS-YEAR END):	\$627,980.00	NECESSARY TO FUND 6000 SERIES OBJECT CODES (i.e. travel, purchased services)



QUESTIONS/CLOSING COMMENTS



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

DISCUSSION: Distribution Formula for Permanent State School Fund

Background: Revenues from school trust lands are deposited into the permanent State School Fund. Each year a distribution comes from the fund to finance the School LAND Trust Program. The Constitution sets the distribution formula as the interest and dividends earned from the fund's investments (Utah Const. Art. X, Sec. 5(2)(b)). Similarly, the Utah Enabling Act states that, as concerns the permanent State School Fund, the "interest of which only shall be expended for the support of" the public school system (Utah Enabling Act § 9). In August 2013, after a rigorous study by the Board's School Trust Investment Task Force, the Board voted in favor of supporting a review of the distribution formula, with the initial recommendation that the formula be based on a percentage of a rolling average of the market value of the fund.

Key Points: The fund is a \$2+ billion endowment for Utah's public schools. All, or nearly all, of the endowments of a comparable size have shifted away from an "interest and dividends" distribution policy and toward one that bases the distribution on the value of the fund. Updating the policy can simultaneously increase funding currently sent to schools, provide for stability in funding across years, and ensure the fund's long-term health. Reform will require, at a minimum, a constitutional amendment and potentially an amendment of Utah's Enabling Act.

Anticipated Action: USOE staff will explain options and be prepared to answer questions concerning options for modernizing the permanent State School Fund's distribution formula and the legislative and political strategy for accomplishing the same, followed by committee discussion.

Contact: Angie Stallings , 801-538-7550
Tim Donaldson, 801-538-7709

MEMORANDUM

From: Tim Donaldson, School Children's Trust Director
To: Utah State Board of Education, Finance Committee
CC: Brad Smith, Superintendent; Angela Stallings, Associate Superintendent
Date: May 8, 2015
Re: Distribution Formula Changes and Enabling Act Amendments—Other States

This Memorandum provides factual context for a discussion of a potential change to the distribution formula for Utah's permanent State School Fund, the investment fund for revenues coming off of school trust lands. Part I of this Memorandum discusses the distribution formulas and related enabling act/state constitutional language for some of the states surrounding Utah that have permanent school funds of a similar or greater size than Utah's. Part II summarizes some lessons for Utah's permanent school fund when considering distribution formula changes and Enabling Act amendments.

A discussion of the potential policy changes to Utah's distribution formula is beyond the scope of this Memorandum. A discussion of that topic is included in the *Recommendations on Investment Oversight of the Permanent State School Fund*, from the Board's School Trust Investment Task Force, dated July 22, 2013.

I. Enabling Acts and Distribution Policies of Fellow Land Trust States.

A. Arizona

The Arizona Enabling Act established a "permanent school fund of said State, the income therefrom only to be used for the maintenance of the common schools of said State."¹ The enabling act also mentioned a "permanent inviolable fund, the interest of which only shall be expended for the support of the common schools within said State," into which 5% of all federal land sales were to be deposited.²

In 1998, the voters of Arizona approved a constitutional amendment that established a distribution formula through 2021 that distributes 2.5% of the average of the monthly market values of the fund for the preceding five years. Thereafter, the distribution is determined using a fairly complicated formula that multiplies the average rate of return minus the percentage change in the GDP price deflator for the prior five years by the average monthly market value of the fund for the immediately preceding five fiscal years.³

The Arizona Enabling Act was amended in 1999 to state that:

The trust funds (including all interest, dividends, other income, and appreciation in the market value of assets of the funds) shall be prudently invested on a total rate of return

¹ Arizona Enabling Act, § 25, 36 Stat. 577 (June 20, 1910)

² *Id.* § 27.

³ Ariz. Const. Art. 10, § 7(G)-(H)

basis. Distributions from the trust funds shall be made as provided in Article 10, Section 7 of the Constitution of the State of Arizona.⁴

Conforming amendments were made to Sections 25 and 27 of the Enabling Act to state that “distributions from [the permanent fund] shall be made in accordance with” the language quoted above.⁵ Congress also gave consent to changes enacted by Arizona in 1998 to its constitution.⁶

B. North Dakota

North Dakota’s enabling act passed in 1889, and included Washington, Montana, and South Dakota as well. The enabling act states that the proceeds from trust lands “constitute a permanent school fund, the interest of which only shall be expended in the support of said schools.”⁷ The enabling act also states that the 5% of federal land sales shall be paid to North Dakota “to be used as a permanent fund, the interest of which only shall be expended for the support of common schools”⁸

North Dakota’s voters approved a constitutional amendment in 2006 to change the state’s distribution formula to one that provides a biennial distribution equal to 10% of a 5-year average value of the financial assets in the trust.⁹

After several different failed efforts, North Dakota passed an amendment to the state’s enabling act in 2009.¹⁰ This revision states that “any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota. Like Arizona, Idaho, and New Mexico, this amendment wisely gave the state the future control over how its distribution will be worded by tying its enabling act to a section of the Constitution, which can be subsequently amended without Congressional involvement.

C. New Mexico

New Mexico’s Enabling Act states that there shall be a “permanent school fund” and that “the income therefrom [is] only to be used for the maintenance of the common schools of” New Mexico.¹¹ New Mexico’s enabling act similarly says that 5% of the sale of federal lands shall be “used as a permanent inviolable fund, the interest of which only shall be expended for the support of the common schools within” New Mexico.¹²

The voters of New Mexico approved constitutional amendments first in 1996 and then again in 2003 to change the distribution formula for the state’s permanent school fund. The state constitution now provides that “the annual distributions from the fund shall be five percent of the average of the

⁴ Arizona Statehood and Enabling Act Amendments of 1999, § 2(a), H.R. 747, Public Law 106-133 (Dec. 7, 1999).

⁵ *Id.* § 2(b)(1)-(2).

⁶ *Id.* § 4.

⁷ Enabling Act of North Dakota, South Dakota, Montana, and Washington, § 11, 25 Stat. 676 (Feb. 22, 1889).

⁸ *Id.* § 13.

⁹ See North Dakota Const. Art. IX, Sec. 2.

¹⁰ Omnibus Public Land Management Act of 2009, H.R. 146, Public Law 111-11 (March 30, 2009).

¹¹ Enabling Act for New Mexico, § 7, 36 Stat. 557 (June 20, 1910).

¹² *Id.* § 9.

year-end market values of the fund for the immediately preceding five calendar years,”¹³ with an additional half-percent to be distributed through 2016.¹⁴

New Mexico’s enabling act was amended in 1997 to state that “[d]istributions from the trust funds shall be made as provided in Article 12, Section 7 of the Constitution of the State of New Mexico and retroactively gave Congressional approval to the 1996 amendments to the New Mexico constitution.¹⁵

D. Idaho

Idaho was admitted to the Union pursuant to the Idaho Admission Act, which granted Idaho two sections out of each township for the purposes of creating a permanent school fund.¹⁶ The Idaho Admission Act contained the similar language to those cited above, stating that the “interest of which” fund “only shall be expended in the support of” the public schools.¹⁷

In 1998, Idaho began a series of changes to the management of its public school fund. In 1998, Idaho passed legislation allowing its investment board to invest in any and all investments available to a prudent investment manager, passed a constitutional amendment to modify how it managed its distribution, and requested a change to the Idaho Admission Act.¹⁸ Congress responded by passing legislation amending the Idaho Admission Act to bring it into conformity with the changes made in Idaho law, specifically: to allow trust land revenues to be put in a land bank to be used to purchase additional lands, and if the funds were not spent within a specific amount of time, to require the funds be placed in the earnings reserve fund, described below.¹⁹ The amendments also allow “the earnings reserve fund to be used for the support of public schools of the state in accordance with State law.”²⁰

In Idaho, earnings (defined in state law essentially as interest and dividends)²¹ off of the permanent fund are placed into an “earnings reserve fund,” out of which a distribution is made at least annually, at the discretion of the land board.²² The current distribution policy is to distribute 5% of the 3-year average value of the permanent fund.²³

E. Texas

Texas was admitted to the Union through the Joint Resolution for Annexing Texas to the United States.²⁴ This resolution had the unique feature of granting all unappropriated lands to the State. It did

¹³ See N.M. Const. Art. XII, Sec. 7(F).

¹⁴ *Id.* Art. XII, Sec. 7(G)(2)

¹⁵ New Mexico Statehood and Enabling Act Amendments of 1997, S. 430, Public Law 105-37 (Aug. 7, 1997).

¹⁶ Idaho Admission Act of 1890, § 5, 26 Stat. L. 215, ch. 656 (July 3, 1890).

¹⁷ *Id.*

¹⁸ See History of the Endowment Fund, Idaho Endowment Fund Investment Board website,

<http://efib.idaho.gov/history.htm>, last accessed April 23, 2015.

¹⁹ An Act to Amend the Idaho Admission Act regarding the sale or lease of school land, H.R. 4166, Public Law 105-296 (Oct. 27, 1998).

²⁰ *Id.* At § 5(a)(2)(B).

²¹ Idaho Code 57-724A.

²² Idaho Code 57-723A.

²³ See Idaho Land Board Asset Management Plan at 11 (Dec. 20, 2011).

²⁴ Joint Resolution for Annexing Texas to the United States, 5 Stat. 797, March 1, 1845.

not create any trust lands or require the establishment of a permanent fund. Nonetheless, the Texas Constitution of 1876 set aside half of the remaining lands held in the public domain to support public education and established a permanent school fund.²⁵ The 1876 constitution stated that “only the interest thereon [shall] be used and expended annually.”²⁶ Accordingly, all revisions to the Texas permanent school fund and its distribution policy are a matter of Texas law, not federal law.

Texas also has modernized its distribution formula, albeit without the need to amend the law annexing Texas into the Union. Texas has a biennial distribution of up to 6 percent of the rolling average of the market value of the permanent fund for the prior 16 quarters, excluding real property belonging to the fund, according to a rate adopted by the State Board of Education or the Legislature.²⁷ The General Land Office also has the option of distributing up to \$300 million of current revenue annually.²⁸ The Texas distribution policy was most recently amended in 2011 to change how the market value of the fund is calculated and to add the provision allowing the General Land Office to distribute current revenues.

F. Wyoming

Wyoming was admitted to the Union in 1890 through the Wyoming Admission Act.²⁹ This Act contained the familiar language that the “proceeds” from school trust lands shall “constitute a permanent school fund, the interest of which only shall be expended in the support of said schools.”³⁰ Interestingly, Wyoming’s 1889 Constitution, which the United States accepted as sufficient in its 1890 offer of statehood,³¹ states that the “interest and income of [the permanent school fund] only are to be used” to support Wyoming’s public schools.³² It does not appear that anyone has seen fit to rectify this discrepancy, whereby the state’s constitution allows distribution of interest and income, whereas the Admission Act allows only interest to be distributed. Wyoming currently distributes from its fund “an amount equal to five percent (5%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year.”³³

II. **Lessons.**

Utah’s Enabling Act states that the proceeds from school trust lands “shall constitute a permanent school fund, the interest of which only shall be expended for the support of” Utah’s public school system.³⁴ It also provides that the federal government shall pay to the state five percent of the proceeds from the sale of federal lands, which shall be “used as a permanent fund, the interest of which

²⁵ Constitution of the State of Texas (1876), Art. VII, § 2.

²⁶ *Id.* at Art. VII, § 6.

²⁷ Texas Const. Art. VII, Sec. 5(a)(1).

²⁸ Texas Const. Art. VII, Sec. 5(g).

²⁹ An Act of Admission of the State of Wyoming, 26 Stat. 222 (July 10, 1890).

³⁰ *Id.* § 5; *see also id.* § 7 (stating that the federal government shall give Wyoming 5% of all federal land sales to be deposited in a permanent education fund, “the interest of which only shall be expended for the support of the common schools” of Wyoming).

³¹ *Id.*, preamble.

³² Wyo. Const. Art. VII, § 6 (1889). This section has been subsequently amended twice but retains the same language today. *See* Wyo. Const. Art. VII, § 6. The subsequent amendments gave the Legislature authority to invest and manage the trust fund, which has been delegated to the State Treasurer. Wyo. Stat. Ann. § 9-4-715.

³³ Wyo. Stat. Ann. §9-4-719(h)(v).

³⁴ Utah Enabling Act § 10.

only shall be expended for the support of the common schools within said State.”³⁵ Utah’s original constitution mirrored this language, stating that these funds “shall be and remain a perpetual fund, to be called the State School Fund, the interest of which only . . . shall be distributed among the several school districts according to the school population residing therein.”³⁶ An amendment to this language was approved by the voters of Utah to allow the “interest and dividends” earned off of the fund to be distributed annually.³⁷

Arguably, an amendment to Utah’s Enabling Act is required to change the distribution formula from the current “interest and dividends” formula to a formula that uses the rolling average market value of the fund in some way. Many other states, but not all, have seen fit to amend their enabling acts after making constitutional/statutory changes to their distribution formulas. If, after study by the State Board and the School and Institutional Trust Fund Office Board of Trustees, the consensus is that Utah’s Enabling Act must be modified to allow for a change in the distribution formula, the wisest way to amend the Enabling Act would be to revise it to say that the distribution formula will be set “as defined in the Utah Constitution,” or similar language. This will prevent the need to seek future federal changes should the beneficiaries desire further changes to the distribution formula. Any enabling act change should also retroactively approve the prior amendment of Utah’s constitution allowing for the new distribution formula.

³⁵ *Id.* § 9.

³⁶ Utah Const. Art. X, § 3 (1896).

³⁷ See Senate Joint Resolution § 2 (2002). The current language resides at Utah Const. Art. X, § 5(2)(b).



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

**DISCUSSION/
ACTION:** Training on Finance and Audit Items

Background:

Board members have requested receiving more training on finance and audit items.

Key Points:

Staff have prepared suggestions for training the Board on areas pertaining to finance and auditing.

Anticipated Action:

The Finance Committee and Board will review the proposed list and identify areas for which they would like to receive training.

Contact: Bruce Williams, 801-538-7514
Debbie Davis, 801-538-7639

School Finance Training Topics (30 minutes each)

1. What is the minimum school program and what is the WPU?

- a. Discussion of Equity
- b. Discussion of Growth

Summary: The Minimum School Program is outlined in 53A-17a and is the foundation for funding of the public education system in Utah. MSP funds are distributed according to formulas provided by State law, and State Board rules. This training will be focused on the discussion of the concept of the “basic program,” the concepts of equity and growth, and will cover terms and acronyms used in the discussion of the MSP .

2. What revenue sources pay for education

- a. State Basic Levy
- b. Local property taxes
- c. Voted and Board levies
- d. Balance the MSP using state and local revenues
- e. Recapture

Summary: Various revenue sources combine to fund the “basic program.” This training will cover the different types of revenue, how their values are generated, and which entities govern the rates and expenditures associated with these revenues.

3. What types of data are used in the various calculations (ADM, Oct. 1, special education counts, district of residence)

Summary: Many types of data are used to calculate the various MSP funding formulas established in statute and rule. This training will cover the types of data, where the data is generated, and basic rules, standards, and monitoring procedures that govern the data.

The first three sessions are foundational and those desiring to understand the Minimum School Program will need to understand these concepts to understand the remaining training topics. A brief explanation of terms and programs can be found at:

<http://schools.utah.gov/finance/Minimum-School-Program/MSP-Descriptions.aspx>

This website has not been updated for some time, and is not all encompassing, but can serve as a partial index and listing of reference material. This MSP description listing can be used by Board members to gain an initial understanding of the various programs listed below.

- 4. Basic program calculations (Above the Line)**
 - a. K-12**
 - b. NESS**
 - c. Prostaff**
 - d. District Admin Costs**

- 5. Restricted Basic Programs (Above the line)**
 - a. Special Education Add On**
 - b. Special Education Self-Contained**
 - c. Special Education Preschool**
 - d. Special Education Extended Year**
 - e. Special Education State Programs (Impact Aid, High Cost Pool, Prison, Extended year Stipends)**
 - f. CTE Add on**
 - g. Class Size**

- 6. Related to Basic Programs (Below the line)**
 - a. To/From Pupil Transportation**
 - b. Transportation Guarantee Levy**
 - c. Flexible Allocation**

- 7. Special Populations (probably an hour session) (Below the line)**
 - a. Enhancement for At Risk Students/Gang Prevention**
 - b. Youth in Custody**
 - c. Adult Education**
 - d. Enhance for Accelerated Students (Gifted and Talented, Advanced Placement, International Baccalaureate)**
 - e. Concurrent Enrollment**
 - f. Title I Schools in Improvement –paraeducators**

- 8. Other Programs (Below the line) (probably two one hour sessions)**
 - a. SchoolLAND Trust**
 - b. Charter School Local Replacement**
 - c. Charter School Admin Costs**
 - d. K-3 Reading Improvement Program**
 - e. Educator Salary Adjustments**
 - f. Teacher Salary Supplement Program**

- g. Library Books and Electronic resource**
- h. School Nurses**
- i. Critical Languages/Dual Immersion**
- j. USTAR**
- k. Early Intervention –extended day kindergarten**
- l. Beverly Taylor Sorenson Arts Learning**
- m. Teacher Supply Money**
- n. Special Education Intensive Services**
- o. UPASS**

Summary: Sessions 4-8 will cover the formulas or formula concepts and data that are used to calculate the cost of the various MSP programs. We will also cover any restrictions or specific uses of funds.

9. District Voted and Board Levies and associated Guarantee Programs

Summary: School Districts have the ability to levy taxes. State statute provides a guarantee for those LEAs who levy a required rate to their taxpayers. We will discuss these taxes, the guarantee programs, and potentially the effects of SB97 from the 2015 general session on these programs.

10. District Capital Outlay Programs

Summary: State statute provides funding to school districts to support capital bonding, facility construction and renovations through the capital outlay foundation program. The Capital Outlay enrollment growth program provides additional support to Districts that are experiencing a net enrollment increase. We will discuss these programs, the calculation of the districts property tax yield per ADM, and how funding is allocated to school districts under these programs. We will potentially discuss the effects of SB97 from the 2015 general session on these programs.

11. Budgetary process for the legislative session

- a. Projection of student counts (growth)**
- b. Projection of local tax revenues**

Summary: We will discuss the budgetary projection process that occurs prior to the legislative session for the MSP, and associated programs. We will cover the projection of student counts, projections of local property tax revenues, critical deadlines, and internal controls over this process.

12. How the MSP is calculated and paid to LEAs

Summary: We will discuss the process by which the MSP is calculated and how funds are transferred to LEAs.

13. Statewide Online Education program

- a. How it works**
- b. How it interacts with the MSP**

Summary: We will discuss the purpose of the Statewide Online Education Program, the process by which students can enroll in these courses, and how transfer of MSP funds occurs between LEAs and providers.

14. Reporting

- a. Financial Statement Audits**
- b. Single Audits**
- c. Legal compliance Guide reviews**
- d. Annual Financial Reports**
- e. Annual Program Reports**

Summary: We will discuss the types of reporting and monitoring that occur over LEA expenditures and financial reporting by the USOE and other external regulatory bodies.

15. Redevelopment Agencies (RDAs)

Summary: We will discuss the fundamentals of RDAs, what impacts they have on LEAs, and how they work.

OTHER TOPICS

1. Federal Funds

- a. Award process**
- b. Reimbursement process**
- c. Monitoring process**

Summary: (You could probably do a session for each federal program we have.) At this point a discussion of the purpose of the federal programs might be best. ??

2. National School Lunch Program

- a. Federal programs**
- b. Liquor tax**

3. Requirements for Pupil Transportation

4. School Construction Requirements

Potential Training Topics for the Board/Audit Committee

# Topics	Potential Provider	Estimated Schedule
1 Opening Conference/Training by OSA on: <ul style="list-style-type: none"> a Mgt/Board/Audit Responsibilities for State Audit b Audit Reports/Opinions (CAFR/Single Audit) <ul style="list-style-type: none"> i. Types of findings 	OSA	Audit started in March
2 Internal Audit Governing Regs <ul style="list-style-type: none"> a Utah Code b Board Rule c Internal Audit Charter <ul style="list-style-type: none"> i. Annual risk assessment ii. Annual audit plan (priorities) iii. Assurance vs Consulting projects 	Int. Audit	
3 Internal Audit Process <ul style="list-style-type: none"> a Opening conference/engagement letter b Fieldwork c Reporting <ul style="list-style-type: none"> i. Protected Documents 	Int. Audit	
4 Board Governance <ul style="list-style-type: none"> a Enterprise Risk Management b Liability c Role Clarity 	Int. Audit/Other	
5 Financial Reporting System <ul style="list-style-type: none"> a FINET and BASE - general use/background b System Internal Controls c Reports in FINET and BASE d Chart of Accounts e Budget process - after appropriations through SFY closeout 	Int. Acctg/State Finance	
6 Federal Program Regulations - Uniform Guidance <ul style="list-style-type: none"> a Omni-Circular b EDGAR 	Int Audit/Other	
7 Subrecipient Monitoring <ul style="list-style-type: none"> a Subaward Process b During-the-award Monitoring c Subrecipient Audit Reviews 	Int Audit/Other	



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

INFORMATION: Finance Committee Requests for Data

Background:

As an ongoing monthly item for the Finance Committee, an item will be included on the agenda for members of the committee to be able to request staff to provide data or analysis of financial issues under the oversight of the Board.

Key Points:

The Finance Committee will have the opportunity to discuss requests for data and analysis as well as realistic timelines for prioritizing and completing such requests.

Anticipated Action:

The Committee will take action to provide data requests to Associate Superintendent Williams for review in future committee meetings.

Contact: Bruce Williams, Associate Superintendent, 801-538-7514

**Utah State Board of Education
Law and Licensing Committee**

Mark Openshaw, Chair

markopenshaw@gmail.com

Leslie Castle, Vice Chair

lesliebrookscastle@gmail.com

Linda Hansen

linda.hansen@schools.utah.gov

David Thomas

dthomas@summitcounty.org

Terryl Warner

terryl.warner6@gmail.com

Staff: Angela Stallings

angie.stallings@schools.utah.gov

Secretary: Patty Hunt

patty.hunt@schools.utah.gov

Law and Licensing Committee
Basement West Conference Room

Time for public comment may be provided prior to each item

- | | |
|---|---------|
| ACTION: R277-609 <i>Standards for LEA Discipline Plans</i> (Amendment) | Tab 2-J |
| ACTION: Least Restrictive Behavior Interventions (LRBI) Technical Assistance Manual | Tab 2-K |
| ACTION: New Utah Professional Practices Advisory Commission Rules R277-200 through R277-206 | Tab 2-L |
| ACTION: Repeal of Utah Professional Practices Advisory Commission (UPPAC) Rules R686-100 through R686-105 | Tab 2-M |
| ACTION: R277-419 <i>Pupil Accounting</i> (Amendment) | Tab 2-N |
| ACTION: R277-417 <i>Prohibiting LEAs from Offering Incentives or Reimbursements for Enrollment or Participation</i> (New) | Tab 2-O |
| ACTION: R277-418 <i>Nontraditional and Competency Based Program Standards</i> (New) | Tab 2-P |
| ACTION: R277-487 <i>Public School Data Confidentiality and Disclosure</i> (Amendment) | Tab 2-Q |
| ACTION: R277-500 <i>Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks</i> (Amendment and Continuation) | Tab 2-R |
| ACTION: R277-516 <i>Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees</i> (Amendment) | Tab 2-S |



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: R277-609 *Standards for LEA Discipline Plans* (Amendment)

Background:

R277-609 *Standards for LEA Discipline Plans* is amended to include protections for all Utah students regarding the use of emergency safety interventions (e.g., restraint and seclusion) by school personnel. Previously, only students with disabilities were provided these written protections. The rule was previously continued in the February Board meeting consistent with the Administrative Rules five-year review requirement.

Key Points:

The amendments to R277-609 provide clarification for current rule and require additional LEA and USOE action regarding:

1. LEA changes to existing written policies containing standards for discipline plans.
2. A requirement for LEA oversight of the use of emergency safety interventions for all students.
3. Clarification of the requirement for LEAs to implement positive behavior supports and interventions.
4. A requirement for each LEA to establish an Emergency Safety Intervention Committee (if not already in place) and notify parent/guardian and LEA of the use of restraint and/or seclusion for any student.
5. A requirement for the USOE to develop model policies regarding standards for LEA discipline plans and emergency safety interventions.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-609, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-609, as amended, on second reading.

Contact: Sydnee Dickson, 801-538-7515
Glenna Gallo, 801-538-7757
Carol Anderson, 801-538-7727

Utah State Board of Education

Recommendations: Work Group R277-609 & LRBI

May 7th, 2015



Dates of R277-609 & LRBI Work Group Meetings:

2/24/15, 3/10/15, 3/27/15, and 4/6/15

Work Group Membership:

Carol Anderson (USOE), Jessica Bowman (USOE), Leslie Castle (USBE), Glenna Gallo (USOE), LauraLee Gillespie (DLC), Linda Hansen (USBE), Dr. William Jenson (University of Utah) J. Lynn Jones (Nebo School District), Doug Larson (Granite School District), Dr. Rob O'Neill (University of Utah), Helen Post (UPC), Lillian Tsosie Jensen (USOE)

Recommendations:

- Proposed changes to USBE rule ***R277-609 Standards for LEA Discipline Plans and Emergency Safety Interventions*** in order to provide procedural safeguards for the use of emergency safety interventions (ESI) for all Utah students, further define time limits for use of seclusion and restraint, and require parent access to records when restraint and seclusion is used with their child.
- Proposed Least Restrictive Behavioral Interventions Technical Assistance Manual to USBE as USOE technical assistance on behavioral supports for all student within Utah educational systems.
- Considered needed additional resources for USOE and LEA (e.g., professional development opportunities related to Positive Behavioral Interventions and Supports (PBIS) and ESI procedures) as outlined in R277-609.
- Identified the need for additional resources to ensure that the following gaps related to school discipline, student success indicators, and guidance and oversight on the USBE rules regarding student discipline and PBIS can be accomplished:
 - Absenteeism
 - Truancy
 - Dropout Prevention
 - School Discipline & PBIS
 - USBE Rules: R277-607, R277-608, R277-609, & R277-613
 - School Climate & Student Connectedness
 - Law Enforcement Involvements in Schools
 - School Generated Court Referrals
 - School Crisis & Safety

1 R277. Education, Administration.

2 R277-609. Standards for LEA Discipline Plans and Emergency
3 Safety Interventions.

4 R277-609-1. Definitions.

5 A. "Board" means the Utah State Board of Education.

6 B. "Discipline" ~~[means]~~includes:

7 (1) imposed discipline; and

8 (2) self-discipline.

9 ~~[(1) Imposed discipline: Code of conduct prescribed for~~
10 ~~the highest welfare of the individual and of the society in~~
11 ~~which the individual lives; and~~

12 ~~— (2) Self-Discipline: A personal system of organized~~
13 ~~behavior designed to promote self-interest while contributing~~
14 ~~to the welfare of others.]~~

15 C. "Disruptive student behavior" includes:

16 (1) the grounds for suspension or expulsion described in
17 Section 53A-11-904; and

18 (2) the conduct described in Section 53A-11-908(2)(b).

19 D. "Emergency safety intervention" means the use of
20 seclusionary time out or physical restraint when a student
21 presents an immediate danger to self or others, and the
22 intervention is not for disciplinary purposes.

23 E. "Functional Behavior Assessment (FBA)" means a
24 systematic process of identifying problem behaviors and the
25 events that reliably predict occurrence and non-occurrence of
26 those behaviors and maintain the behaviors across time.

27 F. "Immediate danger" means the imminent danger of
28 physical violence/aggression towards self or others likely to
29 cause serious physical harm.

30 G. "Imposed discipline" means a code of conduct
31 prescribed for the highest welfare of the individual and of
32 the society in which the individual lives.

33 ~~[D]~~H. "LEA" or "local education agency" means a [local
34 education agency, including local school boards/public]~~school~~
35 district[~~s~~,] or a charter school[~~s~~,] and, for purposes of this

36 rule, the Utah Schools for the Deaf and the Blind.

37 I. "Physical restraint" means personal restriction that
38 immobilizes or reduces the ability of an individual to move
39 the individual's arms, legs, body, or head freely.

40 [F]J. "Plan" means a school district-wide and school-
41 wide written model for prevention and intervention for student
42 behavior management and discipline procedures for students who
43 habitually disrupt school environments and processes.

44 K. "Program" means instructional or behavioral programs
45 including those provided by contract private providers under
46 the direct supervision of public school staff, that receives
47 public funding or for which the USOE has regulatory authority.

48 [F]L. "Policy" means standards and procedures that
49 include the provisions of Section 53A-11-901 and additional
50 standards, procedures, and training adopted in an open meeting
51 by a local board of education or charter school board that
52 defines hazing, bullying, cyber-bullying, and harassment,
53 prohibits hazing and bullying, requires annual discussion and
54 training designed to prevent hazing, bullying, cyber-bullying,
55 and harassment among school employees and students, and
56 provides for enforcement through employment action or student
57 discipline.

58 [G]M. "Qualifying minor" means a school-age minor who:
59 (1) is at least nine years old; or
60 (2) turns nine years old at any time during the school
61 year.

62 [H]N. "School" means any public elementary or secondary
63 school or charter school.

64 [I]O. "School board" means:
65 (1) a local school board; or
66 (2) a local charter board.

67 [J]P. "School employee" means:
68 (1) a school teacher[~~S~~];
69 (2) a school staff member;
70 (3) a school administrators; [~~and~~]or

71 (4) ~~[all]~~any other~~[s]~~ person employed, directly or
72 indirectly, by ~~[the]~~an LEA.

73 Q. "Seclusionary time out" means that:

74 (1) a student is placed in an enclosed area by school
75 personnel;

76 (2) a student is purposefully isolated from adults and
77 peers; and

78 (3) a student is prevented from leaving, or reasonably
79 believes that he will be prevented from leaving, the enclosed
80 area.

81 R. "Section 504 accommodation plan," required by Section
82 504 of the Rehabilitation Act of 1973, means a plan designed
83 to accommodate an individual who has been determined, as a
84 result of an evaluation, to have a physical or mental
85 impairment that substantially limits one or more major life
86 activities.

87 S. "Self-Discipline" means a personal system of organized
88 behavior designed to promote self-interest while contributing
89 to the welfare of others.

90 ~~[K. "USOE" means the Utah State Office of Education.]~~

91 T. "Superintendent" means the State Superintendent of
92 Public Instruction or the Superintendent's designee.

93 **R277-609-2. Authority and Purpose.**

94 A. This rule is authorized by Utah Constitution Article
95 X, Section 3 which vests general control and supervision of
96 public education in the Board, Section 53A-1-401(3) which
97 allows the Board to adopt rules in accordance with its
98 responsibilities, Section 53A-1-402(1)(b) which requires the
99 Board to establish rules concerning discipline and control,
100 Section 53A-15-603 which requires the Board to adopt rules
101 that require a local school board or governing board of a
102 charter school to enact gang prevention and intervention
103 policies for all schools within the board's jurisdiction, and
104 Section 53A-11-901 which directs local school boards and

105 charter school governing boards to adopt conduct and
106 discipline policies and directs the Board to develop model
107 policies to assist local school boards and charter school
108 governing boards.

109 B. The purpose of this rule is to outline requirements
110 for school discipline plans and policies. The written policies
111 shall include direction to ~~[which]~~LEAs ~~[shall meet]~~to
112 develop, implement, and monitor the policies for the use of
113 emergency safety interventions in all schools and for all
114 students within each LEA's jurisdiction.

115 **R277-609-3. LEA Responsibility to Develop Plans.**

116 A. Each LEA or school shall develop and implement a
117 board approved comprehensive LEA plan or policy for student
118 and classroom management, and school discipline.

119 B. The plan described in R277-609-3A shall include:

120 (1) the definitions of Section 53A-11-910;

121 (2) written standards for student behavior expectations,
122 including school and classroom management;

123 (3) effective instructional practices for teaching
124 student expectations, including self-discipline, citizenship,
125 civic skills, and social skills;

126 (4) systematic methods for reinforcement of expected
127 behaviors and uniform methods for correction of student
128 behavior;

129 (5) uniform methods for at least annual school level
130 data-based evaluations of efficiency and effectiveness;

131 (6) an ongoing staff development program related to
132 development of:

133 (a) student behavior expectations~~[7]~~i

134 (b) effective instructional practices for teaching and
135 reinforcing behavior expectations~~[7]~~i

136 (c) effective intervention strategies~~[7]~~i and

137 (d) effective strategies for evaluation of the efficiency
138 and effectiveness of interventions;

139 (7) procedures for training appropriate school personnel
140 in crisis intervention training and LEA policies related to
141 emergency safety interventions;

142 ([7]8) policies and procedures relating to the use and
143 abuse of alcohol and controlled substances by students;[~~and~~]

144 ([8]9) policies and procedures related to bullying,
145 cyber-bullying, harassment, hazing, and retaliation consistent
146 with requirements of R277-613[~~-~~]; and

147 (10) policies and procedures for the use of emergency
148 safety interventions for all students consistent with
149 research-based best practices including prohibition of:

150 (a) subject to the requirements of R277-609C, physical
151 restraint except when a student presents a danger of serious
152 physical harm to self or others;

153 (b) prone, or face-down, physical restraint; supine, or
154 face-up, physical restraint; physical restraint that obstructs
155 the airway of a student, or any physical restraint that
156 adversely affects a student's primary mode of communication;

157 (c) mechanical restraint, except those protective,
158 stabilizing or required by law, any device used by a law
159 enforcement officer in carrying out law enforcement duties,
160 seatbelts and any other safety equipment when used to secure
161 students during transportation;

162 (d) chemical restraint, except as:

163 (i) prescribed by a licensed physician, or other
164 qualified health professional acting under the scope of the
165 professional's authority under State law, for the standard
166 treatment of a student's medical or psychiatric condition; and

167 (ii) administered as prescribed by the licensed physician
168 or other qualified health professional acting under the scope
169 of the professional's authority under state law;

170 (e) subject to the requirements of R277-609, seclusionary
171 time out, except when a student presents a danger of serious
172 physical harm to self or others.

173 (f) emergency safety interventions written into a

174 student's individualized education program, Section 504
175 accommodation plan or any other planning document as a planned
176 intervention, unless school personnel, the family, and the
177 individualized education program team agrees less restrictive
178 means which meet circumstances described in R277-608-4 have
179 been attempted and a FBA has been conducted and positive
180 behavior intervention plan based on data analysis has been
181 written into the plan and implemented.

182 C(1) All physical restraint must be immediately
183 terminated when student is no longer an immediate danger to
184 self or others, or if student is in severe distress.

185 (2) The use of physical restraint should be for the
186 minimum time necessary to ensure safety and a release criteria
187 (as outlined in LEA policies) must be implemented.

188 (3) If a public education employee physically restrains
189 a student for more than fifteen minutes, the public education
190 employee:

191 (a) shall immediately notify the student's parent or
192 guardian and school administration; and

193 (b) may not use physical restraint on a student for more
194 than 30 minutes.

195 (4) An LEA may not use physical restraint as a means of
196 discipline or punishment.

197 D(1) If a public education employee uses seclusionary
198 time out, the public education employee shall use the minimum
199 time necessary to ensure safety and a release criteria (as
200 outlined in LEA policies) must be implemented.

201 (2) If a student is placed in seclusionary time out for
202 more than fifteen minutes, the public education employee:

203 (a) shall immediately notify:

204 (i) the student's parent or guardian; and

205 (ii) school administration; and

206 (b) may not place a student in a seclusionary timeout for
207 more than 30 minutes.

208 (3) Staff must maintain the student within line of sight

209 during the use of seclusionary time out.

210 (4) Seclusionary time may only be used for maintaining
211 safety and a public education employee may not use
212 seclusionary time out as a means of discipline or punishment;

213 ~~[B]E. [The]~~A plan described in R277-609-3A shall also:

214 (1) provide direction for dealing with bullying and
215 disruptive students[. ~~This part of the plan shall~~];

216 (~~1~~)2) direct schools to determine the range of behaviors
217 and establish the continuum of administrative procedures that
218 may be used by school personnel to address the behavior of
219 habitually disruptive students;

220 (~~2~~)3) provide for identification, by position[~~(s)~~], of
221 an individual[~~(s)~~] designated to issue notices of disruptive
222 and bullying student behavior;

223 (~~3~~)4) designate to whom notices of disruptive and
224 bullying student behavior shall be provided;

225 (~~4~~)5) provide for documentation of disruptive student
226 behavior prior to referral of disruptive students to juvenile
227 court;

228 (~~5~~)6) include strategies to provide for necessary adult
229 supervision;

230 (~~6~~)7) require that policies be clearly written and
231 consistently enforced;~~[and]~~

232 (~~7~~)8) include administration, instruction and support
233 staff, students, parents, community council and other
234 community members in policy development, training and
235 prevention implementation so as to create a community sense of
236 participation, ownership, support and responsibility; and

237 (~~8~~)9) provide notice to employees that violation of this
238 rule may result in employee discipline or action.

239 ~~[C]F. A [P]plan[~~s~~] required under this R277-609-3:~~

240 (1) shall include gang prevention and intervention
241 policies[.];

242 (~~1~~)2) [~~The required plans~~]shall account for an
243 individual LEA's or school's unique needs or circumstances

244 including the role of law enforcement and emergency medical
245 services (EMS);~~[-]~~

246 (~~[2]~~3) ~~[The required plans]~~ may include the provisions of
247 Section 53A-15-603(2)~~[-]~~; and

248 (~~[3]~~4) ~~[The required plans may]~~ shall provide for
249 publication of notice to parents and school employees of
250 policies by reasonable means.

251 **R277-609-4. Implementation.**

252 A. An LEA~~[s]~~ shall implement strategies and policies
253 consistent with ~~[their plans]~~ the LEA's plan required in R277-
254 609-3A.

255 B. An LEA~~[s]~~ shall develop, use and monitor a continuum
256 of intervention strategies to assist students, including
257 students whose behavior in school falls repeatedly short of
258 reasonable expectations, ~~[including]~~ by teaching student
259 behavior expectations, reinforcing student behavior
260 expectations, re-teaching behavior expectations, followed by
261 effective, evidence-based interventions matched to student
262 needs prior to administrative referral.

263 C. An LEA shall implement positive behavior interventions
264 and supports as part of the LEA's continuum of behavior
265 interventions strategies. (Least Restricted Behavioral
266 Interventions Technical Assistance Manual).

267 ~~[C-]~~D(1) ~~[As]~~ An LEA shall provide a formal written
268 assessment of a habitually disruptive student as part of
269 ~~[any]~~ a student's suspension or expulsion process that results
270 in court involvement, once an LEA receives information from
271 the court~~[s]~~ that disruptive student behavior will result in
272 court action~~[, the LEA shall provide a formal written~~
273 ~~assessment of habitually disruptive students]~~.

274 (2) An LEA shall use [A]assessment information~~[shall be~~
275 ~~used]~~ to connect parents and students with supportive school
276 and community resources.

277 ~~[D]~~E. Nothing in state law or this rule restricts an

278 LEA[§] from implementing policies to allow for suspension of
279 students of any age consistent with due process requirements
280 and consistent with all requirements of the Individuals with
281 Disabilities Education Act 2004.

282 F. An LEA shall establish an Emergency Safety
283 Intervention (ESI) Committee before September 1, 2015.

284 G. The LEA ESI Committee:

285 (1) shall include:

286 (a) two administrators;

287 (b) at least one parent or guardian or a student enrolled
288 in the LEA, appointed by the LEA; and

289 (c) two certified educational professionals with behavior
290 training and knowledge in both state rules and LEA discipline
291 policies;

292 (2) shall meet often enough to monitor the use of
293 emergency safety intervention in the LEA;

294 (3) shall determine and recommend professional
295 development needs; and

296 (4) shall develop policies for local dispute resolution
297 processes to address concerns regarding disciplinary actions.

298 H. An LEA shall have procedures for the collection,
299 maintenance, and periodic review of documentation or records
300 of the use of emergency safety interventions at schools within
301 the LEA.

302 I. An LEA shall provide documentation of any school,
303 program or LEA's use of emergency safety interventions to the
304 Superintendent annually.

305 **R277-609-5. Special Education Exception(s) to this Rule.**

306 A. An LEA shall have in place, as part of its LEA special
307 education policies, procedures, or practices, criteria and
308 steps for using emergency safety interventions consistent with
309 state and federal law.

310 B. The Superintendent shall periodically review:

311 (1) all LEA special education behavior intervention

312 plans, procedures, or manuals; and
313 (2) emergency safety intervention data as related to IDEA
314 eligible students in accordance with Utah's Program
315 Improvement and Planning System (UPIPS).

316 **R277-609-[5]6. Parent/Guardian Notification and Court**
317 **Referral.**

318 A. Through school administrative and juvenile court
319 referral consequences, LEA policies shall provide procedures
320 for qualifying minors and their parents to participate in
321 decisions regarding consequences for disruptive student
322 behavior.

323 B. An LEA shall establish [P]olicies [shall]that:

324 (1) provide[~~for~~] notice to parents and information about
325 resources available to assist_a parent[s] in resolving_the
326 parent's school-age minors' disruptive behavior[~~;~~];

327 [~~C.~~](2) [~~Policies shall~~]provide for notices of
328 disruptive behavior to be issued by schools to qualifying
329 minor(s) and parent(s) consistent with:

330 ([~~1~~]a) numbers of disruptions and timelines in
331 accordance with Section 53A-11-910;

332 ([~~2~~]b) school resources available;[~~and~~]

333 ([~~3~~]c) cooperation from the appropriate juvenile court
334 in accessing student school records, including attendance,
335 grades, behavioral reports and other available student school
336 data[~~;~~]; and

337 [~~D.~~](d) [~~Policies shall~~]provide due process procedures
338 for minors and parents to contest allegations and citations of
339 disruptive student behavior.

340 C(1) When an emergency situation occurs that requires
341 the use of an emergency safety intervention to protect the
342 student or others from harm, a school shall notify the LEA and
343 the student's parent or guardian as soon as possible and no
344 later than the end of the school day.

345 (2) If an emergency crisis situation exceeds 15 minutes,

346 a school shall immediately notify:

347 (a) a students parent or guardian; and

348 (b) school administration.

349 (3) A notice described in R277-609-6C2 shall be
350 documented with in student information systems (SIS) records.

351 D(1) A school shall provide a parent or guardian with a
352 copy of any notes or additional documentation taken during the
353 emergency situation upon request of the parent or guardian.

354 (2) A parent or guardian may request a time to meet with
355 school staff and administration to discuss the emergency
356 crisis situation.

357 **R277-609-[6]7. [USOE]Model Policies.**

358 A. The [USOE]Superintendent shall develop, review
359 regularly, and provide to LEA boards model policies to address
360 disruptive student behavior and appropriate consequences.

361 B. The Superintendent shall develop model policies
362 required under R277-609-3A(10) to assist LEAs.

363 C. The Superintendent shall provide technical assistance
364 to LEAs in developing and implementing policies and training
365 employees in the appropriate use of physical force and
366 emergency safety interventions to the extent of resources
367 available.

368 **KEY: disciplinary actions, disruptive students, emergency**
369 **safety interventions**

370 **Date of Enactment or Last Substantive Amendment: [~~October 8,~~**
371 **2013]2015**

372 **Notice of Continuation: [~~August 2, 2013]2015~~**

373 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
374 **53A-1-401(3); 53A-1-402(1)(b); 53A-15-603; 53A-11-901**



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen	Brittney Cummins	C. Mark Openshaw
Laura Belnap	Linda B. Hansen	Spencer F. Stokes
Leslie B. Castle	Mark Huntsman	Terryl Warner
Barbara W. Corry	Jefferson Moss	Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Least Restrictive Behavior Interventions (LRBI) Technical Assistance Manual

Background:

The current LRBI Guidelines for students with disabilities has been in place since 2009 and requires updating to include relevant statutes and administrative rules, as well as current research. Previously, LRBI did not address behavioral needs of all students, nor did it include research-based best practices to reduce behavior that interferes with learning. Input from USOE Superintendency and stakeholders also recommended expanding and updating LRBI to address all students.

The LRBI Manual can be accessed at <http://schools.utah.gov/sars/Behavior/LRBIManual.aspx>.

Key Points:

1. LRBI has been revised to reference existing statute and Board Rule and provides LEA staff with the information to use research-based best practices to improve student discipline and conduct for all students.
2. This work has been in process over the last year and presented through in-person meetings, online dissemination, social media, and in previous Board meetings to a wide variety of stakeholders to solicit input and feedback. A draft document has been available for review since October 2014. Following the February 2015 USBE meeting, an additional stakeholder committee was convened that met an additional four times to review and discuss potential changes.
3. As this LRBI applies to all students, there will need to be responsibility/assignment for professional development from the USOE and within LEAs, in addition to that provided by Special Education.

Anticipated Action:

It is proposed that the Law and Licensing Committee and Board approve the LRBI Technical Assistance Manual.

Contact: Sydnee Dickson, 801-538-7515
Glenna Gallo, 801-538-7757
Carol Anderson, 801-538-7727

Utah State Board of Education

Recommendations: Work Group R277-609 & LRBI

May 7th, 2015



Dates of R277-609 & LRBI Work Group Meetings:

2/24/15, 3/10/15, 3/27/15, and 4/6/15

Work Group Membership:

Carol Anderson (USOE), Jessica Bowman (USOE), Leslie Castle (USB), Glenna Gallo (USOE), LauraLee Gillespie (DLC), Linda Hansen (USB), Dr. William Jenson (University of Utah) J. Lynn Jones (Nebo School District), Doug Larson (Granite School District), Dr. Rob O'Neill (University of Utah), Helen Post (UPC), Lillian Tsosie Jensen (USOE)

Recommendations:

- Proposed changes to USB rule ***R277-609 Standards for LEA Discipline Plans and Emergency Safety Interventions*** in order to provide procedural safeguards for the use of emergency safety interventions (ESI) for all Utah students, further define time limits for use of seclusion and restraint, and require parent access to records when restraint and seclusion is used with their child.
- Proposed Least Restrictive Behavioral Interventions Technical Assistance Manual to USB as USOE technical assistance on behavioral supports for all student within Utah educational systems.
- Considered needed additional resources for USOE and LEA (e.g., professional development opportunities related to Positive Behavioral Interventions and Supports (PBIS) and ESI procedures) as outlined in R277-609.
- Identified the need for additional resources to ensure that the following gaps related to school discipline, student success indicators, and guidance and oversight on the USB rules regarding student discipline and PBIS can be accomplished:
 - Absenteeism
 - Truancy
 - Dropout Prevention
 - School Discipline & PBIS
 - USB Rules: R277-607, R277-608, R277-609, & R277-613
 - School Climate & Student Connectedness
 - Law Enforcement Involvements in Schools
 - School Generated Court Referrals
 - School Crisis & Safety

LEAST
RESTRICTIVE
BEHAVIORAL
INTERVENTIONS

LRBI

Technical Assistance Manual



FEBRUARY 2015

*Positive Behavioral
Supports & Selection of
Least Restrictive
Behavioral Interventions*



State of Utah
Office of Education

Brad C. Smith,
State Superintendent of Public Instruction

www.schools.utah.gov

250 East 500 South
P.O. Box 144200
Salt Lake City, UT 84114-4200



CORE PRINCIPLES

The LRBI Technical Assistance Manual has been revised to clearly reflect the following core principles:

- All students can learn and achieve high standards if provided sufficient, appropriate opportunities to develop skills as a result of effective teaching.
- Intervening at the earliest indication of both behavioral and academic needs is necessary for student success.
- A comprehensive system of tiered interventions is essential for addressing the full range of student needs.
- Student outcomes improve when ongoing behavioral and academic performance data inform instructional decisions.
- All school personnel share responsibility for effective instructional practices and monitoring student progress.
- Effective leadership at all levels is crucial for the maximum achievement of student outcomes.

LEAST
RESTRICTIVE
BEHAVIORAL
INTERVENTIONS

LRBI

Technical Assistance Manual

FEBRUARY 2015

Positive Behavioral
Supports & Selection of
Least Restrictive
Behavioral Interventions

Acknowledgements

Utah created the **Least Restrictive Behavior Interventions (LRBI)** in 1992. The Utah State Office of Education (USOE), Special Education Section appointed a multidisciplinary statewide task force to revise the Least Restrictive Behavioral Interventions Guidelines. School districts and charter schools staffs, parents, and other stakeholders have found the document useful and requested that an update of the LRBI to provide guidance for both general and special education students.

Task Force Members

The USOE appreciates the time and effort spent by the multidisciplinary task force members in contributing to the development of this document.

Carol Anderson Utah State Office of Education	Glenna Gallo Utah State Office of Education	Lowell Oswald Utah Personnel Development Center
Steve Andersen Provo School District	LauraLee Gillespie Disability Law Center	Aileen Pace Utah State Office of Education
Sarah Bloom Utah State University	Shelley Halverson Salt Lake City School District	Amy Peters Utah Personnel Development Center
Ryan Burke Alpine School District	William Jenson University of Utah	Christian Sabey Utah State University
Laura Coates Davis School District	Allison Jones University of Utah	Andrew Samaha Utah State University
Travis Cook Utah State Office of Education	Karen Kowalski Educational Consultant	Jennifer Slade Utah State Office of Education
Glenn Dyke Utah Personnel Development Center	Luann Leavitt Jordan School District	Terri Summers Jordan School District
Echo Cunningham Academica West	Marilyn Likins Utah State University	Kathy Tatum Salt Lake City School District
Cal Evans Educational Consultant	Cathy Longstroth Utah Personnel Development Center	Leah Voorhies Utah State Office of Education
Kim Fratto Utah State Office of Education	Michelle Marchant Brigham Young University	Rachael Waller Weber School District
Liane Frederick Salt Lake City Police Department	Rob O'Neil University of Utah	Kathy Wittke Jordan School District

CONTENTS

I	INTRODUCTION	1
I-A	Purpose of the LRBI Guidelines	1
II	STATE & FEDERAL LAWS, RULES & POLICIES RELATED TO STUDENT CONDUCT	3
II-A	Standards for Student Conduct & Discipline Policies	6
II-B	Prevention of Conduct Problems	7
II-C	Interventions for Misconduct	8
II-D	Grounds for Disciplinary Action including Removal from School	9
II-E	Consequences of Misconduct	10
II-F	Parental Notification	12
II-G	Training for Staff, Students, Parents & Volunteers	13
II-H	Evaluation & Reporting	14
II-I	Laws, Rules, & Policies: Students with Disabilities	15
III	EFFECTIVE SCHOOLS RESEARCH ON SAFE & SUCCESSFUL SCHOOLS FOR ALL STUDENTS	19
III-A	Multi-Tiered System of Supports (MTSS)	21
III-B	Positive Behavioral Intervention & Supports (PBIS)	23
IV	EFFECTIVE CLASSROOM MANAGEMENT	27
IV-A	Prevention Emphasis	27
IV-B	Pillar 1: Establish Expectations/Rules	28
IV-C	Pillar 2: Explicitly Teach Expectations/Rules	29
IV-D	Pillar 3: Systematically Reinforce Expectations/Rules	31
IV-E	Pillar 4: Correct Behavioral Errors	32
IV-F	Checklist for Classroom Management	36
IV-G	Institute of Education Sciences: What Works Clearinghouse	36
V	DATA-BASED DECISION MAKING	39
V-A	Problem-Solving Process	39
V-B	Data-Based Intervention Selection	41
V-C	Implementing & Monitoring	41
VI	INDIVIDUAL BEHAVIOR CHANGE	43
VI-A	Functional Behavior Assessment (FBA) & Behavioral Intervention Plan (BIP)	43
VI-B	Procedures for Functional Behavior Assessment (FBA)	44
VI-C	Procedures for Behavior Intervention Plan (BIP)	47

VII	DISCIPLINE PROCEDURES	49
VII-A	School Suspensions	49
VII-B	Removal: Disciplinary Requirements for All Students	51
VII-C	Discipline for Students with Disabilities	52
VII-D	Disciplinary Removal Flowchart for Students with Disabilities & Summary	53
VII-E	Selecting Interventions	55
VIII	CRISIS MANAGEMENT	57
VIII-A	Emergency Safety Interventions (ESIs)	57
VIII-B	Cycle of Acting-Out Behaviors: Crisis Cycle	58
VIII-C	Definition of Terms	59
VIII-D	Documentation	60
VIII-E	Notification	60
VIII-F	Cautions	61
VIII-G	LEA Professional Development	61
IX	RESPONSIBILITIES	63
IX-A	Responsibilities of the Utah State Office of Education (USOE)	63
IX-B	Responsibilities of the Local Education Agency (LEA)	64
IX-C	Emergency Safety Interventions (ESI) & Individualized Education Programs (IEP)	65
IX-D	Responsibilities of the Individualized Education Program (IEP) Team	65
IX-E	Informed Consent	65
IX-F	Implementation & Monitoring of Behavior Interventions	66
IX-G	Deviation from Student's Behavior Interventions in IEP or BIP	66
IX-H	Duty to Warn	67
X	INTERVENTION PROCEDURES: OVERVIEW & SELECTION	69
X-A	Universal (Preventive and Proactive) Interventions- Effective Educational Practices	70
X-B	Targeted Interventions	87
X-C	Individual Interventions	101
XI	EMERGENCY SAFETY INTERVENTIONS	111
XI-A	Emergency Contact Form	112
XII	ADDITIONAL TECHNICAL ASSISTANCE	115
XII-A	Methods for Data Collection	115
XII-B	Conducting a Functional Behavior Assessment	116
XII-C	Duty to Warn	117
XII-D	Phases of the Crisis Cycle	118

XIII	APPENDIX	121
A-1	CLASSROOM MANAGEMENT CHECKLIST	122
A-2	FUNCTIONAL BEHAVIOR ASSESSMENT FORM	125
A-3	BEHAVIOR INTERVENTION PLAN	128
A-4	ABC OBSERVATION FORM	132
A-5	DESIGNING FUNCTIONAL INTERVENTIONS FORM	133
A-6	DATA TRIANGULATION CHART	134
A-7	SCATTER PLOT FORM	135
A-8	BEHAVIORAL GRAPHING FORM	136
A-9	DURATION DATA RECORDING FORM	137
A-10	EMERGENCY SAFETY INTERVENTIONS COMMITTEE MEETING FORM	138
A-11	PHYSICAL RESTRAINT LOG	142
A-12	SECLUSIONARY TIME OUT LOG	143
A-13	OFFICE DISCIPLINE CHECKLIST	144
A-14	GENERAL PROCEDURE FOR DEALING WITH PROBLEM BEHAVIORS	145
A-15	DETAILED PROCEDURE FOR DEALING WITH MAJOR BEHAVIOR INFRACTIONS	146
A-16	CRISIS MANAGEMENT PLAN	147
A-17	SOCIAL INTERACTION RECORDING FORM	148
A-18	UMTSS LEA LEADERSHIP TEAM PRACTICE PROFILE	149
A-19	UTAH EVIDENCE-BASED PROFESSIONAL DEVELOPMENT (EBPD) RUBRIC	151
XIV	DISCIPLINE PROCEDURES (§300.530)	155
XV	ADDITIONAL TRAINING RESOURCES	157
XVI	SUPPORTING RESEARCH & REFERENCES	158
XVII	FREQUENTLY ASKED QUESTIONS (FAQ)	160
XVIII	GLOSSARY OF TERMS	162



I INTRODUCTION

I-A PURPOSE OF THE LRBI GUIDELINES

Schools face a growing challenge in meeting both the academic and behavioral needs of all students. To be effective and demonstrate positive educational outcomes with diverse student populations, schools need to implement a continuum of both academic and behavioral supports and interventions (Horner et al., in press; Luiselli et al., 2005; Lasses & Sailor, 2005).

The primary purpose of this LRBI document is to provide guidance and information in creating successful behavioral systems and supports within Utah's public schools. Supportive school discipline is a systemic constellation of programs and practices that promote positive behaviors while preventing negative or risky behaviors. Utah's school systems aim to create a safe learning environment that enhances all students' outcomes. Such systems are designed in accordance with state and federal law, board rules, and local education agency (LEA) policies governing behavioral procedures for students from preschool through high school. Most of the laws, rules, and policies apply to all students and are explained first in each section. Those that apply only to some students, usually those with identified disabilities, are addressed in the next section.

This document is a recommended practices technical assistance and a description of required state and federal educational policies/rules for behavior-related services consistent with the IDEA - Public Law 108-446, Utah Code Annotated (UCA), and Utah State Board of Education (USBE) Rule.

Each section of this document contains figures and resource boxes. These are designed to point out additional resources and provide specific examples or step-by-step instructions for designing and implementing particular behavioral supports across multiple levels of both school systems and students' needs.



11 STATE AND FEDERAL LAWS, RULES & POLICIES RELATED TO STUDENT CONDUCT

LAWS, RULES & POLICIES: ALL STUDENTS

These state and federal laws and USBE rules and policies for discipline and behavior-related issues apply to all students in public schools in Utah and are in place at this time.

<http://www.schools.utah.gov/law/Administrative-Rules.aspx> ;

<http://www.utah.gov/government/utahlaws.html>

(Table 1)

11-A STANDARDS FOR STUDENT CONDUCT & DISCIPLINE POLICIES		
UTAH CODE	USBE RULE	CONTENT
53A-11a-301	R277-613	Bullying and Hazing; Bullying, cyber-bullying, harassment, hazing, and retaliation policy.
53A-11-901	R277-609	Public school discipline policies. Basis of the policies. Enforcement.
53A-11-902	R277-609	Conduct and discipline policies and procedure.
53A-11-910		Disruptive student behavior.
11-B PREVENTION OF CONDUCT PROBLEMS		
UTAH CODE	USBE RULE	CONTENT
53A-11-901	R277-609	Public school discipline policies - Basis of the policies - Enforcement. (Standards for plan content).
53A-11-901	R277-609-3	Public school discipline policies - Basis of the policies - Enforcement. (Responsibility for plan development).
53A-11-906		Alternatives to suspension or expulsion. (Prevention methods).
53A-11-906	R277-514-4	Utah Effective Teaching Standards.
53A-15-1301	R277-620-3	Youth suicide prevention programs required in secondary schools - State Board of Education to develop model programs - Reporting requirements. (Suicide prevention program).
11-C INTERVENTIONS FOR MISCONDUCT		
UTAH CODE	USBE RULE	CONTENT
53A-11-901	R277-609-4	Public school discipline policies - Basis of the policies - Enforcement. (Plan implementation).
53A-11-902	R277-609-3	Conduct and discipline policies and procedures. (Intervention procedures).
53A-11-906		Alternatives to suspension and expulsion.
53A-11-903		Suspension and expulsion procedures - Notice to parents - Distribution of policies. (Disruptive student behavior).
53A-15-1301	R277-620-3	Youth suicide prevention programs required in secondary schools - State Board of Education to develop model programs - Reporting requirements. (Suicide intervention and postvention program and services).

(Table 1 Cont'd)

II - D GROUNDS FOR DISCIPLINARY ACTION INCLUDING REMOVAL FROM SCHOOL		
UTAH CODE	USBE RULE	CONTENT
53A-11-101	R277-613	Bullying, cyber-bullying, harassment, hazing, and retaliation.
53A-11-105	R277-607	Taking custody of a person believed to be a truant minor - Disposition - Receiving centers - Reports - Immunity from liability. (Truancy).
53A-11-806		Defacing or injuring school property - Student's liability - Voluntary work program alternative. (Defacing or injuring school property).
53A-11-904	R277-609	Grounds for suspension or expulsion from a public school.
53A-11-908	R277-613-5	Extracurricular activities - Prohibited conduct - Reporting of violations - Limitation of liability. (Extracurricular Activities / Prohibited conduct).
53A-11-910	R277-609-3	Disruptive student behavior.
II - E CONSEQUENCES OF MISCONDUCT		
UTAH CODE	USBE RULE	CONTENT
53A-11-101.7	R277-607	Truancy - Notice of truancy - Failure to cooperate with school authorities - Habitual truant citation. (Habitual truancy citation).
53A-15-301		Behavior reduction intervention exception for students with disabilities.
53A-11a-402		Bullying and Hazing - Other forms of legal redress. (Criminal consequences of bullying).
53A-11-802	R277-608	Prohibition of corporal punishment - Use of reasonable and necessary physical restraint or force.
53A-11-805		Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53A-15-301 is excepted from this part.
53A-11-903	R277-609-5	Suspension and expulsion procedures - Notice to parents - Distribution of policies.
53A-11-904		Grounds for suspension or expulsion from a public school. (Weapons violations).
53A-11-904		Grounds for suspension or expulsion from a public school. (Admission to a school).
53A-11-905	R277-609	Delegation of authority to suspend or expel. Procedure for suspension and readmission.
53A-11-906	R277-609-3	Alternatives to suspension and expulsion.
53A-11-907		Student suspended or expelled - Responsibility of parent or guardian - Application for students with disabilities.
53A-11-910		Disruptive student behavior. (Court Involvement).
II - F PARENTAL NOTIFICATION		
UTAH CODE	USBE RULE	CONTENT
	R277-609-4	Notice of conduct and discipline policies.
53A-11a-203	R277-620-3	Parental notification of certain incidents and threats required. (Suicide threats and bullying).
53A-11-401-3		Student use of controlled substances, alcohol, and drug paraphernalia.
53A-11-903	R277-609-5	Suspension and expulsion procedures - Notice to parents - Distribution of policies. (Notice to parents of suspension or expulsion).
53A-11-910		Disruptive student behavior. (Consequences).
Title IX.E.2. Section 9532	R277-483-4	Persistently dangerous schools (Title IX.E.2. Section 9532).

(Table 1 Cont'd)

II - G TRAINING FOR STAFF, STUDENTS, PARENTS & VOLUNTERS		
UTAH CODE	USBE RULE	CONTENT
53A-11a-201	R277-613	Bullying, cyber-bullying, harassment, hazing, sexual battery, and sexual exposure prohibited.
53A-11a-401	R277-613	Bullying and Hazing - Training, education, and prevention.
53A-11-603-9	R277-500	Teacher licensing-suicide prevention training.
53A-11-908	R277-609-3	Extracurricular activities. Prohibited conduct. Reporting of violations. Limitation of liability.
53A-15-1301	R277-620-3	Youth suicide prevention programs required in secondary schools - State Board of Education to develop model programs - Reporting requirements. (Suicide prevention training for staff, parents, and students).
53A-15-1301	R277-411	Youth suicide prevention programs required in secondary schools - State Board of Education to develop model programs - Reporting requirements. (Youth protection - related issues).
II - H EVALUATION & REPORTING		
UTAH CODE	USBE RULE	CONTENT
53A-11-101.7	R277-607	Truancy - Notice of truancy - Failure to cooperate with school authorities - Habitual truant citation. (Habitual truancy citation).
53A-15-301		Behavior reduction intervention exception for students with disabilities.
53A-11a-402		Bullying and Hazing - Other forms of legal redress. (Criminal consequences of bullying).
53A-11-802	R277-608	Prohibition of corporal punishment - Use of reasonable and necessary physical restraint or force.
53A-11-805		Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53A-15-301 is excepted from this part.
53A-11-903	R277-609-5	Suspension and expulsion procedures - Notice to parents - Distribution of policies.
53A-11-904		Grounds for suspension or expulsion from a public school. (Weapons violations).
53A-11-904		Grounds for suspension or expulsion from a public school. (Admission to a school).
53A-11-905	R277-609	Delegation of authority to suspend or expel. Procedure for suspension and readmission.
53A-11-906	R277-609-3	Alternatives to suspension and expulsion.
53A-11-907		Student suspended or expelled - Responsibility of parent or guardian - Application for students with disabilities.
53A-11-910		Disruptive student behavior. (Court Involvement).

II-A STANDARDS FOR STUDENT CONDUCT & DISCIPLINE POLICIES

(R277-609; R277-613; 53A-11-901; 53A-11-902; 53A-11-910; 53A-15-301; 53A-11a-301)

The Utah Legislature and the USBE recognize that every student in public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption. Student and classroom management and school discipline are addressed in both Utah Code and USBE Rule.

Comprehensive Plan for Student Conduct

School districts and charter schools in Utah are required to develop and implement a comprehensive plan or policy regarding student conduct that is clearly written and enforced. The LEA must involve staff, students, parents, and the community council in both policy development and training.

Each plan must contain the definitions of relevant terms in UCA 53A-11-910. The comprehensive plan is a set of written policies and procedures that addresses the issues in the table below. This change of placement triggers IDEA 2004 disciplinary procedures.

(Table 2)

Comprehensive Plan for Student Conduct
• Standards for student behavior expectations for both school and classroom management.
• Systematic methods for reinforcement of expected behaviors.
• Strategies for adult supervision.
• Abuse and use of alcohol and controlled substances by students.
• Gang prevention and intervention strategies.
• Defining, prohibiting, and intervening in bullying, cyber-bullying, harassment, hazing, and retaliation.
• Standards for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events.
• Use of reasonable and necessary physical restraint or force in dealing with disruptive students.
• Imposition of disciplinary sanctions, including suspension and expulsion.
• Notice to parents, students, and staff of the conduct standards, policies and procedures.
• Ongoing staff development program related to each of the components above.
• Uniform methods for annual school level data-based evaluations of efficiency and effectiveness of the plan.

The policies and procedures regarding bullying shall align with school harassment and hazing policies, complement safe and drug-free school policies, and include strong responsive action against retaliation. They must also include student assessment of prevalence of bullying in various locations in the schools.

The behavior management and discipline plan shall also contain directions to schools for dealing with students who are disruptive.

This includes determining the range of behaviors and establishing the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students, as well as identifying by position individuals designated to issue notices of disruptive student behavior. Standards for documentation of such behavior prior to referral to juvenile court are also part of the plan.

II-B PREVENTION OF CONDUCT PROBLEMS

(R277-609; R277-609-3; R277-620; R277-514-4; 53A-11-901; 53A-11-901; 53A-11-906; 53A-15-1301)

Standards for Plan Content (R277-609)

Each LEA shall set standards for student behavior expectations for both school and classroom management and establish systematic methods for reinforcement of expected behaviors.

Prevention Methods (53A-11-906)

The State Superintendent, along with school districts, schools and charter schools, shall research methods of motivating and providing incentives to students that directly and regularly reward or recognize appropriate behavior.

(Table 3)

Utah Effective Teaching Standards

Standard 2: Learning Differences

- Understands individual learner differences and holds high expectations of students.
- Designs, adapts, and delivers instruction to address each student's diverse learner strengths and needs.

Standard 3: Learning Environments

- Develops learning experiences that engage and support students as self-directed learners who internalize classroom routines, expectations, and procedures.
- Uses a variety of classroom management strategies to effectively maintain a positive learning environment.

USOE Utah Effective Teaching Standards

(<http://www.schools.utah.gov/cert/Educator-Effectiveness-Project/DOCS/Teacher-Standards-Foldout.aspx>)

Suicide Prevention (R277-620-3)

Each LEA shall implement youth suicide prevention programs for students in secondary grades, including grade 6, if grade 6 is part of

a secondary grade model, and grades 7-12. The programs shall include components provided in UCA 53A-15-1301(2).

II-C INTERVENTIONS FOR MISCONDUCT

(R277-609; R277-620; 53A-11-901; 53A-11-902; 53A-11-903; 53A-11-906; 53A-15-1301)

Plan Implementation (R277-609-4; 53A-11-901)

When there is a violation of the code of conduct, the school district, school or charter school must implement the comprehensive plan for intervention with the student(s) involved.

Intervention Procedures (R277-609-3; 53A-11-902)

The conduct and discipline policies of the LEA must include procedures for the development of remedial discipline plans for students who cause disruption in the classroom, on school grounds, in school vehicles, or in connection with school-related activities or events. The plan shall address staff development on effective intervention strategies. Each school district, school, and charter school shall develop, use, and monitor a continuum of intervention strategies to assist students whose behavior in school repeatedly falls short of reasonable expectations. Schools shall use effective, evidence-based interventions matched to student needs prior to administrative referral.

Alternatives to Suspension and Expulsion (53A-11-906)

A school representative shall provide to a parent of a school-age minor a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem. A local school board or governing board of a charter school shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems before the qualifying minor becomes subject to the jurisdiction of the juvenile court as provided for under this section.

Disruptive Student Behavior Assistance (53A-11-910)

The conduct and discipline policies of the LEA must include procedures for the development of remedial discipline plans for students who cause disruption in the classroom, on school grounds, in school vehicles, or in connection with school-related activities or events. The plan shall address staff development on effective intervention strategies. Each school district, school, and charter school shall develop, use, and monitor a continuum of intervention strategies to assist students whose behavior in school repeatedly falls short of reasonable expectations. Schools shall use effective, evidence-based interventions matched to student needs prior to administrative referral.

Suicide Intervention and Postvention (R277-620-3; 53A-15-1301)

School districts, schools, and charter schools shall implement a youth suicide prevention program to include youth suicide intervention and postvention for family, students, and faculty. The USOE, in collaboration with the Department of Health—State Division of Substance Abuse and Mental Health (DSAMH)—and the state suicide prevention coordinator, shall establish model youth suicide prevention programs for LEAs that include training and resources addressing prevention of youth suicides, youth suicide intervention, and postvention for family, students and faculty.

Students of any age may be suspended consistent with due process and with all requirements of IDEA 2004.

II-D GROUNDS FOR DISCIPLINARY ACTION INCLUDING REMOVAL FROM SCHOOL

(R277-607; R277-609; R277-613; R277-613; 53A-11-105; 53A-11-806; 53A-11-904; 53A-15-301; 53A-11-904; 53A-11-908; 53A-11-910(3))

Grounds for Suspension or Expulsion (R277-609; 53A-11-904)

A student may be suspended or expelled from a public school for any of the following reasons:

- Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
 - Willful destruction or defacing of school property;
 - Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
 - Possession, control, or use of an alcoholic beverage;
 - Possession, control, or use of a drug or controlled substance, an imitation controlled substance, or drug paraphernalia;
 - Behavior which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
 - Possession or use of pornographic material on school property.
- A student shall be suspended or expelled from a public school for any of the following reasons:

- Any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
- Possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
- Actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities; or
- Sale, control, or distribution of a drug or controlled substance, an imitation controlled substance, or drug paraphernalia; or
- Commission of an act involving the use of force or the threatened use of force which, if committed by an adult, would be a felony or class A misdemeanor.

Disruptive Student Behavior (R277-609-3; 53A-11-910(3))

It is unlawful for a school-age minor to engage in disruptive student behavior. A qualifying minor is subject to the jurisdiction of the juvenile court if the qualifying minor:

- i Engages in disruptive student behavior that does not result in suspension or expulsion at least six times during the school year, *and*
- ii-a Engages in disruptive student behavior that does not result in suspension or expulsion at least three times during the school year, *and*
- ii-b Engages in disruptive student behavior that results in suspension or expulsion at least once during the school year, *or*
- iii Engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

Defacing or Injuring School Property (53A-11-806)

A student who willfully defaces or injures school property may be suspended or otherwise disciplined. The school district or charter school may decide to withhold grades or diploma, or to implement a voluntary work alternative to paying for damages.

Truancy (R277-607)

Local school boards and charter school boards must have truancy policies that establish programs and meaningful incentives which promote regular, punctual student attendance. The policies must include definitions of approved school activity and excused absence to be provided locally, and criteria and procedures for preapproval of extended absences.

Habitual truant citations may be issued to students. The LEA must include procedures by which school-age minors or their parents may contest notices of truancy and have an opportunity to appeal disciplinary measures.

Extracurricular Activities Prohibited Conduct (R277-613; 53A-11-908)

LEA policies must prohibit these types of conduct while in the classroom, on school property, and during school-sponsored activities regardless of the location or circumstance: foul, abusive, or profane language, illicit use, possession or distribution of controlled substances, drug paraphernalia, electronic cigarettes, alcoholic beverages, or tobacco; hazing, demeaning, or assaultive behavior, including physical violence; restraint, improper touching, inappropriate exposure of body parts, and forced ingestion of any substance, or acts that would constitute a crime against a person. The building administrator will take action and report to the superintendent or charter school director.

Bullying (R277-609; 53A-11a-301)

Bullying conduct, including cyber-bullying, harassment, hazing, and retaliation, must be addressed in LEA policies. These also include prohibition of retaliation against a person who reports prohibited behavior under this code, making a false report of bullying, cyber-bullying, harassment, hazing, or retaliation. A formal disciplinary action may not be based solely on an anonymous report of the prohibited behaviors.

II - E CONSEQUENCES OF MISCONDUCT

(R277-6-7; R277-608; R277-609; 53A-11-101.7; 53A-15-301; 53A-11a-402; 53A-11-802; 53A-11-805; 53A-11-903; 53A-11-904; 53A-11-905; 53A-11-906; 53A-11-907; 53A-11-910)

Delegation of Authority to Suspend or Expel (53A-11-905)

A local board of education may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days. A governing board of a charter school may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to 10 school days.

The board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school. The board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the board, at least once each year.

Procedures for Suspension and Readmission (53a-11-903-5; 53A-11-905)

If a student is suspended, a designated school official shall notify the parent or guardian of the student of the following without delay:

- a that the student has been suspended;
- b the grounds for the suspension;
- c the period of time for which the student is suspended; and
- d the time and place for the parent or guardian to meet with a designated school official to review the suspension.

A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent, guardian, or persons authorized by the parent or legal authority.

A suspended student may not be readmitted to a public school until:

- i the student and the parent or guardian have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or
- ii in the discretion of the principal or chief administrative officer of a charter school, the parent or guardian of the suspended student and the student have agreed to participate in such a meeting.

A suspension may not extend beyond 10 school days unless the student and the student's parent or guardian have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

Parent or Guardian Responsibility for Student Suspended or Expelled (53A-11-907)

If a student is suspended or expelled from a public school for more than 10 school days, the parent or guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.

The parent or guardian shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district or charter school, or other alternative which will reasonably meet the educational needs of the student. The parent or guardian and designated school official may enlist the cooperation of the Division of Child and Family Services (DCFS), the juvenile court, or other appropriate state agencies to meet the student's educational needs. Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent or guardian. Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.

The district or charter school shall contact the parent or guardian of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.

Alternatives to Suspension and Expulsion (53A-11-906)

Each local school board or governing board of a charter school shall establish:

- Policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and
- Alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent or guardian, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.

The parent or guardian of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.

Application for Students with Disabilities (53A-11-907)

The sections of the UCA described here apply to students with disabilities to the extent permissible under applicable federal law, regulation, or USBE Rules. If application of any of these requirements to a student with a disability is not permissible, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to these requirements. The relevant federal laws, regulations, and USBE Rules are detailed on pages 15-17 of this document.

Court Involvement (53A-11-910)

When implementing school administrative and juvenile court referral consequences, LEA policies shall:

- Provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.
- Provide notices of disruptive behavior issued by the school to qualifying minor(s) and parent(s) consistent with the number of disruptions.
- Provide timelines and school and community resources available, to assist parents in resolving disruptive student behavior.
- Address cooperation with the appropriate juvenile court in accessing student school records, including attendance, grades, behavioral reports, and other available student school data.
- Provide due process procedures for minors and parents to contest allegations and citations of disruptive student behavior.
- For any suspension or expulsion process that results in court involvement (after an LEA receives information from the courts that disruptive student behavior will result in court action), conduct and provide a formal written assessment of habitually disruptive students.

Criminal Consequences of Bullying, Hazing, or Retaliation (53A-11a-402)

Nothing in the code prohibits a victim of bullying, cyber-bullying, harassment, hazing, or retaliation from seeking legal redress under any other provisions of civil or criminal law.

Habitual Truancy Citation (R277-607; 53A-11-101.7)

A local school board or charter school governing board may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old. The board shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy. The notice of truancy described in may not be issued until the school-age minor has been truant at least five times during the school year, and may not be issued to a school-age minor

who is less than 12 years old. The notice shall direct the school-age minor and the parent of the school-age minor to meet with school authorities to discuss the school-age minor's trancies to cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age minor, and shall be mailed to, or served on, the school-age minor's parent.

Prohibition of Corporal Punishment; Use of Reasonable and Necessary Physical Restraint or Force (R277-608; 53A-11-802)

A school employee may not inflict or cause the infliction of corporal punishment upon a student who is receiving services from the school, unless written permission has been given by the student's parent or guardian to do so. This does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to:

- a Obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
- b Protect the student or another person from physical injury;
- c Remove from a situation a student who is violent or disruptive; or
- d Protect property from being damaged.

An employee may be subject to civil or criminal action in the case of corporal punishment that would not be reasonable discipline. (Rule may change.)

Behavior Reduction Exception for Students with Disabilities (53A-15-301; 53A-15-805)

Specific guidelines for students with disabilities are contained in this LRBI. Limitations on use of force and restraint are needed in compliance with state code regarding student with disabilities. Behavior reduction intervention in compliance with state and local special education rules is exempted from 53A-11-802 above.

Admission to a School (53A-11-904)

A student may be denied admission to a public school on the basis of having been expelled from the current school or any other school during the preceding 12 months.

II-F PARENTAL NOTIFICATION

(R277-483-4; R277-609-4; R277-620-3; R277-609-5; Title IX.6.2.Section 9532; 53A-11a-203; 53A-11a-401, 403; 53A-11-903; 53A-11-910)

Notice of Policies (R277-609-4)

The comprehensive plan for student conduct must include provisions for parents, students, and staff to be notified of the contents of the plan.

Resources (R277-609-5)

LEA policies shall provide for notice to parents and information about resources available to assist parents in resolving school-age minor's disruptive behavior.

Disruptive Student Behavior (53A-11-910-4)

A local school board or governing board of a charter school shall authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors and establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.

Suspension or Expulsion (53A-11-903)

Discipline policies shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent, of the suspension and expulsion of, or denial of admission to a student.

Suicide Threat and Bullying (R277-620-3; 53A-11a-203)

Parents must be notified of:

- A student's threat to commit suicide and
- An incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving the parent's child.

Student Use of Controlled Substances or Alcohol (53A-11-401-403)

The designated educator, upon receiving a report of a prohibited act from an educator related to controlled substances, alcohol, or drug paraphernalia, shall immediately report the violation to the student's parent or legal guardian and may report the violation to an appropriate law enforcement agency or official. The designated educator may not disclose to the student or to the student's parent or legal guardian the identity of the educator who made the initial report.

Persistently Dangerous Schools (R277-483-4; Title IX.E.2.Section 9532)

Persistently dangerous school status is applied when a school has at least three percent of the student body (based on the October 1 count) which has been expelled, as defined by this rule, in each of three consecutive school years for:

- 1 Violent criminal offenses, as defined in this rule, that occurred on school property or at school sponsored activities; or
 - 2 Federal gun-free school violations.
- If a school is in the persistently dangerous category, parents must be notified.

II-G TRAINING FOR STAFF, STUDENTS, PARENTS & VOLUNTEERS

(R277-411; R277-613; R277-609-3; 53A-11a-201; 53a-11a-401; 53A-11-603-9; 53A-11-908; 53A-15-1301)

Behavior Strategies (R277-609-3)

LEAs must have an ongoing staff development program related to development of student behavior expectations, effective instructional practices for teaching and reinforcing behavior expectations, effective intervention strategies, and effective strategies for evaluation of the efficiency and effectiveness of interventions.

Bullying and Hazing (R277-613; 53A-11a-101-102; 53A-11-301-302; 53A-11-401-402)

As school districts and charter schools implement policies to define, prohibit, and intervene in bullying, including cyber bullying, training must take place. The systematic training shall provide:

- 1 Staff and student training on awareness and intervention skills such as social skills training;
- 2 Staff training on awareness and intervention skills related to bullying;
- 3 Trainings for students, parents, and school staff about overt aggression, relational aggression, and bullying based on protected classes of students; and
- 4 Specific training for students, staff, and volunteers on:
 - Overt aggression that may include physical fighting such as punching, shoving, kicking, and verbally threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
 - Relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
 - Prohibitions against bullying or hazing of a sexual nature or with sexual overtones; and cyber-bullying, including use of e-mail, web pages, text messaging, instant messaging, three-way calling or messaging, or any other electronic means for aggression inside or outside of school.

Extracurricular Activities (53A-11-908)

Prior to any student or employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, a student or coach shall participate in bullying and hazing prevention training. Student athletes and extracurricular club members shall be informed of prohibited activities and notified of potential consequences for violation of the law or the rule or both. School districts and charter schools that offer athletics shall provide annual training to all new students and new employees and require refresher training for all students and employees at least once every three years. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by each school or school district and provided to the USOE upon request.

Youth Protection-Related Issues (R277-411; M53A-15-1302(2))

A local school board or governing board of a charter school shall authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors and establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.

Suicide Prevention Training (53A-6-104)

Suicide prevention training is required for licensed employees. The required training consists of one hour covering the identification of students, who may be at risk, steps that teachers and other licensed personnel can take to ensure that students get help, and resources for educators. The second hour covers an overview and discussion of LEA-specific suicide prevention protocols and practices. Licensed personnel must have this training once in each licensing cycle.

II - H EVALUATION & REPORTING

(R277-609-3; R277-607-3; R277-620; 53A-3-602.5; 53A-11-101; 53A-15-1301; Public Law 107-110)

Attendance and Truancy (R277-607-3)

Local school boards and charter school boards shall annually review attendance data and consider revisions to policies to encourage student attendance.

Discipline Plan Effectiveness (R277-609-3)

School districts, schools, and charter schools shall have uniform methods for at least annual school level data-based evaluations of efficiency and effectiveness of their student conduct and discipline plans.

Suicide Prevention Programs (R277-620-3)

School districts, schools, and charter schools shall provide necessary reporting information for the Board's report on the coordination of suicide prevention programs and seminar program implementation to the Legislature's Education Interim Committee.

Discipline reporting (53A-3-602-5)

School districts and charter schools must collect and report electronically incidents of student discipline that result in suspension, expulsion, and court referrals.

II - I LAWS, RULE & POLICIES: STUDENTS WITH DISABILITIES

The Utah Code and State Rules summarized in the previous section and related to conduct and consequences, including suspension or expulsion, apply to students with disabilities to the extent permissible under applicable law or regulation (53A-11-907.5). Additional state and federal laws and regulations and USBE Rules, including Special Education Rules (SER), apply to students with disabilities as defined under ADA, Section 504, and the IDEA.

(Table 4)

FEDERAL LAW/REGULATIONS		CONTENT
A- ACCESS TO FACILITIES & PROGRAMS		
PL. 101-350		Americans with Disabilities Act (ADA) (1990).
B- CIVIL RIGHTS OF STUDENTS WITH DISABILITIES		
PL. 93-132		Section 504 of the Vocational Rehabilitation Act of 1973.
C- EDUCATIONAL RIGHTS OF STUDENTS WITH DISABILITIES		
PL. 108-446		Individuals with Disabilities Education Improvement Act (IDEA). (2004, 2007); 34 CFR 300.1-300.818; 53A-11-907.5
Utah Code	USBE Rules	Content
PL. 93-132		Education programs for students with disabilities.
	R277-750	Supervision of programs for students with disabilities by USBE.
Fed. Reg.	Spec. Ed. Rules	Content
§300.324 (a) (2) (i); §300.530 (d)	SER III.I.b (5) (a-d); V.C	Behavior interventions.
§300.530 (a-c)	SER V.B.1-4	Authority of school personnel.
§300.536	SER V.D	Change of Placement.
§300.530 (d)	SER V.C	Services during Removal.
§300.530 (e-f)	SER V.E. 1-4	Manifestation Determination.
§300.530 (g)	SER V.E.5	Special Circumstances.
§300.530 (h)	SER V.F	Notice to Parents.
§300.531	SER V.G	Determination of Setting.
§300-532-533	SER V.H-I	Appeals and Placement during Appeals.
§300.534	SER V.J	Students Not Yet Determined Eligible For Special Education.
§300.535	SER V.K	Referral to Law Enforcement and Judicial Authorities.

A- ACCESS TO FACILITIES & PROGRAMS (P.L. 101-350)

The ADA ensures access to public buildings and public programs for all persons, including students, parents, and the public. The requirements include adaptations for physical access, as well as other accommodations such that persons with disabilities may participate in events. As examples, schools, central education offices, and regional facilities must provide a way for students and the public who may use mobility devices of various kinds to enter and exit buildings

safely. Activities of the LEA, such as performances, board meetings, athletic activities, and parent conferences, must be made accessible to people who have sensory impairments. Other activities and venues must be accessible to persons with various disabilities that might be barriers to access. Methods for at least annual school level data-based evaluations

B- CIVIL RIGHTS OF STUDENTS WITH DISABILITIES (P.L. 93-132)

Discrimination in Discipline for Students with Disabilities (P.L. 93-132)

Section 504 is a civil rights or anti-discrimination law that provides that a student with a disability who has been found eligible for accommodations and services must be treated equitably with students with no disabilities. Each school district, school, and charter school must ensure that students with disabilities under Section 504 who engage in violations of the student code of conduct are not inappropriately punished or disciplined for reasons related to their disability. Students with disabilities must not be disciplined more harshly or more frequently than similarly situated students without disabilities for the same infractions.

Under Section 504 and Title II, students with disabilities may not be punished or disciplined for behavior that is caused by or is a manifestation of their disabilities (see detailed discussion of manifestation determination under section C below). Schools must hold a hearing before suspending a student with a disability for more than 10 cumulative days during a school year (U.S. Department of Education, Office for Civil Rights, "Disability Rights Enforcement Highlights," 2012).

C- EDUCATIONAL RIGHTS OF STUDENTS WITH DISABILITIES (R277-750; USBE SER V.A-K; P.L. 108-446; 34 CFR §300.1-300.818; 53A-15-301; 53A-11-907.5)

Behavior Interventions (§300.324(a)(2)(i); SER III.l.b(5)(a-d); §300.530(d); SER V.C)

When a student's behavior impedes the student's learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports and other strategies to address that behavior. The team must refer to this document for information on research-based intervention procedures. When a student violates the code of conduct and the resulting removal is a change of placement, the student must also, as appropriate, be provided with a functional behavior assessment (FUBA) and behavioral intervention services and modifications that address the behavior violation so that it does not recur.

Authority of School Personnel (§300.530(a-c); SER V.B.1-4)

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with other requirements, is appropriate for a student with a disability who violates a code of student conduct.

Change of Placement (§300.536; SER V.D)

A change of placement occurs if a removal is for more than 10 consecutive school days, or a series of removals constitutes a pattern because the removals total more than 10 days in a school year; because the behavior is substantially similar to the behavior in previous incidents that resulted in removal; and because of other factors such as the length of each removal, the total time of the removals, and the proximity of the removals to one another. The LEA determines if a pattern of removals constitutes a change of placement.

Services During Removal (§300.530(d); SER V.C)

When a removal is a change of placement, a student with a disability must continue to receive educational services so as to participate in the general curriculum and to progress toward the IEP goals. The student must also, as appropriate, be provided with a functional behavior assessment (FBA) and behavioral intervention services and modifications that address the behavior violation so that it does not recur. The services may be provided in an interim alternative educational setting (IAES).

The LEA is only required to provide services during removals that are not a change of placement to the extent that such services are provided to students with no disabilities that have been similarly removed. If a removal occurs after removals of 10 other days in the school year, and the current removal is for less than 10 days and is not a change of placement, then school personnel, including at least one teacher, determine the extent to which services are needed.

Manifestation Determination (§300.530(e-f); SER V.E.1-4)

Placement during removal depends on whether the misconduct was a manifestation of the student's disability as determined by the IEP team. The student's IEP team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine (1) if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (2) if the conduct in question was the

direct result of the LEA's failure to implement the IEP. If the conduct in question was a manifestation, the student is returned to the placement in which the misconduct occurred, unless the IEP team makes a decision to change the placement. The IEP and any behavior intervention plan (BIP) must be reviewed and revised if the team determines that is appropriate. If the student did not have a BIP, the team must conduct an FBA and develop a BIP to prevent the misconduct from reoccurring. If the conduct in question is not a manifestation of the student's disability, the LEA may remove the student to an alternate placement as long as he/she receives services needed for a FAPE after the tenth day of removal.

Special Circumstances (300.530(g); SER V.E.5)

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is a manifestation of the student's disability if the behavior falls under the definition of special circumstances. Special circumstances are when a student engages in any of the following conduct at school, on school premises, or at a school function: carrying a weapon or possessing a weapon; knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance; or inflicting serious bodily injury upon another person.

Notice to Parents (§300.530(h); SER V.F)

On the date a decision is made to make a removal that is a change of placement because of a violation of the student code of conduct, the LEA must notify the parents of that decision and provide the procedural safeguards notice.

Determination of Setting (§300.531; SER V.G)

The student's IEP Team determines the IAES for services if the behavior that results in the removal is (1) not a manifestation of the disability, (2) a change of placement, or if (3) the behavior falls under "special circumstances."

Appeals and Placement During Appeals (§300-532-533; SER V.H-1)

A parent who disagrees with a decision about placement or manifestation determination, or an LEA that believes maintaining the student's current placement is substantially likely to result in an injury to the student or others, may appeal by asking for a hearing. A due process hearing will be held by a hearing officer (HO) who will hear the complaint and make a determination within 30 days. The HO may return the student to the setting from which he/she was removed or order a change of placement to an interim alternative educational setting. The appeal may be repeated if the LEA believes returning the student will likely result in injury. The student remains in the IAES during the appeals.

Students Not Yet Determined Eligible for Special Education (§300.534; SER V.J)

A student who has not been found eligible under the IDEA or Section 504, and who has violated the student code of conduct, may assert any of the protections under these discipline procedures if the LEA had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. The LEA is said to have knowledge if (1) the parent of the student has expressed concern in writing to supervisory/administrative personnel or a teacher of the student that the student needs special education; (2) the parent has requested an evaluation of the student for eligibility; or (3) the teacher of the student or other LEA personnel expressed specific concerns about a pattern of behavior directly to the LEA director of special education or other supervisory personnel.

If an evaluation is requested during the time the student is subject to disciplinary measures, the evaluation must be expedited. The student remains in the education placement determined by the school authorities as a result of the behavior during the evaluation.

Referral to Law Enforcement and Judicial Authorities (300.535; SER V.K)

An LEA may report a crime committed by a student with a disability to appropriate authorities. Law enforcement and judicial authorities may exercise their responsibilities with regard to application of federal and state law to such crimes.

The school must ensure that copies of the special education and disciplinary records are transmitted to the appropriate authorities to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).



III EFFECTIVE SCHOOLS RESEARCH ON SAFE & SUCCESSFUL SCHOOLS FOR ALL STUDENTS

Efforts to improve school climate, safety, and learning are not separate endeavors. They must be designed, funded, and implemented as a comprehensive school-wide approach that facilitates interdisciplinary collaboration and builds on a multi-tiered system of supports (MTSS). This section will summarize best practices and provide information on several comprehensive approaches to achieving safe and successful schools for Utah students. These practices and approaches are applicable for all students from preschool to high school ages.

In the Executive Summary of A Framework for Safe and Successful Schools (Cowan, K. C., Vaillancourt, K., Rossen, E., & Politt, K.; 2013), the authors make the following recommendations for best practices:

(Table 5)

Best Practices for Creating Safe and Successful Schools	
1	Fully integrate learning supports (e.g., behavioral, mental health, and social services), instruction, and school management within a comprehensive, cohesive approach that facilitates interdisciplinary collaboration.
2	Implement a MTSS that encompasses prevention, wellness promotion, and interventions that increase with intensity based on student need, and promote close school community collaboration.
3	Improve access to school-based mental health supports by ensuring adequate staffing levels in terms of school-employed mental health professionals who are trained to infuse prevention and intervention services into the learning process and to help integrate services provided through school community partnerships into existing school initiatives.
4	Integrate ongoing positive climate and safety efforts with crisis prevention, preparedness, response, and recovery to ensure that crisis training and plans (a) are relevant to the school context, (b) reinforce learning, (c) make maximum use of existing staff resources, (d) facilitate effective threat assessment, and (e) are consistently reviewed and practiced.
5	Balance physical and psychological safety to avoid overly restrictive measures (e.g., armed guards and metal detectors) that can undermine the learning environment and instead combine reasonable physical security measures (e.g., locked doors and monitored public spaces) with efforts to enhance school climate, build trusting relationships, and encourage students and adults to report potential threats. If a school determines the need for armed security, properly trained school resource officers (SROs) are the only school personnel of any type who should be armed.
6	Employ effective, positive school discipline that (a) functions in concert with efforts to address school safety and climate; (b) is not simply punitive (e.g., zero tolerance); (c) is clear, consistent, and equitable; and (d) reinforces positive behaviors. Using security personnel or SROs primarily as a substitute for effective discipline policies does not contribute to school safety and can perpetuate the school-to-prison pipeline. (For further information with regards to school-to-prison pipeline refer to Discipline Procedures section of this document.)
7	Consider the context of each school and LEA and provide services that are most needed, appropriate, and culturally sensitive to a school's unique student populations and learning communities.
8	Acknowledge that sustainable and effective change takes time, and that individual schools will vary in their readiness to implement improvements and should be afforded the time and resources to sustain change over time.

(Available online at: <https://www.nasponline.org/schoolsafetyframework/>)

A final note, effectiveness is defined by McIntosh, et al., "As the extent to which the practice results in valued outcomes." When effective practices are implemented with fidelity, they are more likely to lead to positive student outcomes. Thus, effectiveness depends on

both the quality of the practice itself and the quality of implementation (McIntosh, K., Mercer, S., Hume, A., Frank, J., Turri, M., Mathew, S., (2011). Factors Related to Sustained Implementation of School-wide Positive Behavior Support, *Exceptional Children*, 79, 293-311).

(Table 6)

Best Practices for Creating Safe and Successful Schools
American School Counselor Association: http://www.ascanationalmodel.org/ • ASCA National Model, 2009
National Association of Elementary School Principals: http://www.naesp.org/resources/1/Pdfs/LLC2-ES.pdf • Leading Learning Communities: Standards for What Principals Should Know and Be Able to Do, 2008
National Association of School Psychologists Professional Standards: http://www.nasponline.org/standards/2010standards.aspx • Model for Comprehensive and Integrated School Psychological Services, 2010
National Association of School Resource Officers: http://www.nasro.org/sites/default/files/pdf_files/NASRO_Protect_and_Educate.pdf • To Protect and Educate: The School Resource Officer and the Prevention of Violence in Schools, 2012
National Association of Secondary School Principals: http://www.nassp.org/school-improvement • Breaking Ranks: The Comprehensive Framework for School Improvement, 2011
School Social Work Association of America: http://swwa.org/associations/13190/files/naswschoolsocialworkstandards.pdf • NASW School Social Work Standards, 2012
Cowan, K. C., Vaillancourt, K., Rossen, E., & Pollitt, K. (2013). A framework for safe and successful schools [Brief]. Bethesda, MD: National Association of School Psychologists.

Cowan, K. C., Vaillancourt, K., Rossen, E., & Pollitt, K. (2013). *A framework for safe and successful schools [Brief]*. Bethesda, MD: National Association of School Psychologists.

III - A MULTI-TIERED SYSTEM OF SUPPORTS (MTSS)

Implementing MTSS is a key practice mentioned in the best practices summary provided in the previous section. In their brief on a Framework for Safe and Successful Schools (Cowan, et al.), the authors note that "Modern-day schools are highly complex and unique organizations that operate with an urgent imperative: Educate and prepare all children and youth to achieve their highest potential and contribute to society, no matter their socioeconomic background or geographic location. Creating safe, orderly, warm, and inviting school environments is critical to ensuring that all of our schools meet this goal. In order to create this type of environment, schools must work towards integrating services (academic, behavioral, social, emotional, and mental health) through collaboration using a Multi-tiered System of Supports (MTSS)."

MTSS Defined
The MTSS model is fundamentally based on collaboration among people and partnerships among organizations. The MTSS model makes school improvement and student achievement an educational, family, and community priority. Collaborative teams focus on implementing standards-based curriculum reforms, enhancing life in classrooms for teachers and students; promoting evidence-based instructional practices; and ensuring that every student has access to qualified teachers, administrators, and pupil service personnel. Improving the school's climate, completing regular assessments and evaluations, and then using the information to make good decisions. Together these efforts comprise the centerpieces for effective, successful school improvement planning.

MTSS is a framework that integrates an evidence-based model that uses data-based problem-solving to implement academic and behavioral instruction and interventions. Academic instruction and behavioral supports are delivered to students in varying intensities based on student need. "Need-driven" decision making strives to ensure that LEAs' resources reach the appropriate students at the appropriate levels to accelerate the performance of all students.



MTSS is an effective way to implement integrated services that support school safety and student learning. MTSS encompasses (a) prevention and wellness promotion; (b) universal screening for academic, behavioral, and emotional barriers to learning; (c) implementation of evidence-based interventions that increase in intensity as needed; (d) monitoring of ongoing student progress in response to implemented interventions; and (e) engagement in systematic data-based decision making about services needed for students based on specific outcomes. In a growing number of schools across the country, Response to Intervention (RTI) and Positive Behavioral Interventions and Supports (PBIS) constitute the primary methods for implementing an MTSS framework. Ideally, though, MTSS is implemented more holistically to integrate efforts targeting academic, behavioral, social, emotional, physical, and mental health concerns. This framework is enhanced when school-based and community-based service providers coordinate to ensure integration of services among the school, home, and community environments.

Effective MTSS requires:

- Adequate access to school-employed specialized instructional support personnel (e.g., school counselors, school psychologists, school social workers, and school nurses) and community-based services;
- Collaboration and integration of services, including integration of mental health, behavioral, and academic supports, as well integration of school-based and community services;
- Adequate staff time for planning and problem solving;
- Effective collection, evaluation, interpretation, and use of data; and
- Patience, commitment, and strong leadership.

Core Principles for Implementing MTSS

(Table 7)

MTSS Core Principles
Intervene early
Use a multi-tiered model of service delivery
Collaborate with community partnerships and supports
Integrate parent guidance supports
Match instruction to the learners' needs
Use progress-monitoring data to change instruction within each tier
Use research-based interventions and instruction
Monitor student progress frequently
Employ practices to ensure that interventions are implemented consistently and correctly
Document and encourage parental involvement in all steps of the process

MTSS Implementation Models

Currently many states have comprehensive models for multi-tiered systems of support. Following is a list of a few of those models and corresponding web links. This list is offered to provide additional resources.

- Utah: The Utah State Office of Education strives to implement a multi-tiered framework, UMTSS, with a focus on scaling-up implementation through LEA leadership teams. (<http://www.schools.utah.gov/umtss/>)

- Ohio Community Collaboration Model for School Improvement <http://www.cayh.osu.edu/school/occmis/occmisimplementationguide/index.cfm>
- Kansas: <http://www.kansasmtss.org>
- Missouri: <http://www.pbismissouri.org>
- Florida: <http://www.florida-rti.org/floridamtss>

III - B POSITIVE BEHAVIORAL INTERVENTION & SUPPORTS (PBIS)

Positive Behavioral Interventions and Supports (PBIS), as previously mentioned, are part of an MTSS framework. Both are compatible and preventative approaches to establishing the supports needed for all students in a school to achieve both social and academic success. Described as the most scaled up evidence-based practice in the human services industry (Fixsen & Blasé, 2008), school-wide PBIS has been implemented in 50 states and over 1,900 schools across the U.S. (Office of Special Education Programs Technical Assistance Center on Positive Behavioral Interventions and Supports, OSEP TA Center on PBIS, 2013). Students attending schools where PBIS is implemented with fidelity are less likely to receive an office discipline referral (Horner, Sugai, Todd, & Lewis-Planner, 1990; Horner, Sugai, Todd, & Lewis-Planner, 2005; Bradshaw, Koth, Bevans, Ialongo, & Leaf, 2008). Improving student academic and behavior outcomes is about ensuring that all students have access to the most effective and accurately implemented instructional and behavioral practices and interventions possible. SWPBIS provides an operational framework for achieving these outcomes. More importantly, PBIS is not a curriculum, intervention, or practice, but is a decision-making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students. The core principles of a PBIS model support and embrace positive school climate within all school settings. A positive school climate provides the foundation on which instruction will occur and all students will be engaged in learning. PBIS is based on a proactive and preventive approach consistent with USBE (R277-609-3) and the approach used in a multi-tiered model for academic instruction. For further implementation and planning self-assessment, please refer to UMTSS LEA Leadership Team Practice Profile (Appendix XIII.T).

Conceptual Model

PBIS combines consistent use of a data-based problem solving process with a continuum of instructional practices to build socially competent behavior. In general, PBIS emphasizes four integrated elements: (a) data for decision making, (b) measurable outcomes supported and evaluated by data, (c) practices with evidence that these outcomes are achievable, and (d) systems that efficiently and effectively support implementation of these practices. Schools implementing SWPBIS need to have a behavioral data collection system that is consistent and efficient, and a leadership/implementation team that includes administrative support. School-Wide Positive Behavioral Intervention and Support (PBIS) schools organize their evidence-based behavioral practices and systems into an integrated continuum in which students experience supports based on their behavioral responsiveness to instruction and intervention. A three-tiered prevention logic requires that all students receive supports at the universal preventive and proactive (Tier 1). If the behavior of some students is not responsive, more intensive behavioral supports are provided in the form of a targeted intervention (Tier 2) or intrusive individual interventions (Tier 3). Implementation fidelity at the universal level (All) is critical to establish prior to initiating intervention at Tier 2 or 3. The impact of PBIS is greater when combined with academic tiers. The following table provides an overview of both practices.

A three-tiered prevention logic requires that all students receive supports at the universal preventive and proactive (Tier 1). If the behavior of some students is not responsive, more intensive behavioral supports are provided in the form of a targeted

intervention (Tier 2) or intrusive individual interventions (Tier 3). Implementation fidelity at the universal level (All) is critical to establish prior to initiating intervention at Tier 2 or 3.

The impact of PBIS is greater when combined with academic tiers. The following table provides an overview of both practices.

(Table 8)

PBIS Approach to Instruction in Social, Behavior, and Academic Skills	
Universal (Preventive and Proactive)	<p>Universal preventive and proactive practices implemented using valid and reliable data, following a team approach school-wide. Positive Behavioral Intervention and Support (PBIS) implementation includes following a sequence of addressing four Pillars of Implementation: Established expectations, explicitly taught expectations, reinforcement and acknowledgment of following expectations, and systematic correction of behavioral errors and re-teaching of social and behavioral skills for all students and staff members. (See conceptual model for PBIS pillars in next section.)</p> <p>Academic components for all students include quality core instruction that is explicit, systematic, and differentiated, and utilizes scientifically based instructional research to teach critical elements outlined the Utah Core Standards with fidelity. For preschool, critical elements are outlined in the Utah State Pre-Kindergarten Standards. (http://schools.utah.gov/CURR/preschoolkindergarten)</p>
Targeted Interventions	<p>Supplemental, targeted intervention for students who are in need of behavioral support in addition to school-wide PBIS. Targeted behavioral interventions include matching students to intervention based on need (i.e., function of behavioral error) in an efficient system of delivery that is data based.</p> <p>Academic components include supplemental targeted instruction (in addition to universal/core instruction) that addresses the specific needs of students who do not meet benchmark requirements. These academic interventions should be targeted, scientifically based, and aligned with core classroom instruction. Behavioral and academic supplemental targeted interventions require continuous collection and analysis of data for decision making and attention to the following:</p> <ul style="list-style-type: none"> Increasing structure and predictability of environmental and instructional demands Increasing intensity of instruction Increasing contingent adult feedback Increasing home and school communication Linking academic and behavioral performance
Intrusive Individual Interventions	<p>Intrusive individual interventions for students who have not responded to school-wide PBIS and targeted intervention. This level of intervention often requires collaboration with families, juvenile justice officials, community agencies, and medical professionals, commonly known as wrap-around services.</p> <p>Academic components include intervention designed to provide intensive, targeted support to the most at-risk learners. This level of instruction is more explicit, more intensive, and specifically designed to meet individual needs. The duration and intensity of this intervention is variable based upon student assessment and progress monitoring data.</p>

As noted previously, both PBIS and RTI (Response to Intervention) are multi-tiered processes of instruction, and further explanation of the use of RTI process for academics can be found in Utah's 3-Tiered Model of Reading Instruction at the following websites:
http://www.schools.utah.gov/curr/lange_art/elsm/ThreeTier.htm
<http://www.schools.utah.gov/sars/servicesinfo/pdfs/3-tierread.pdf>

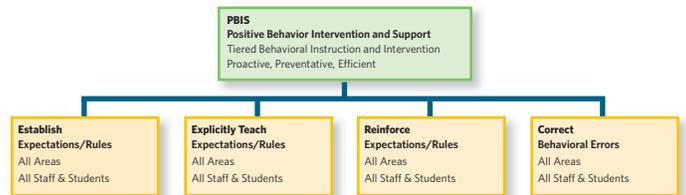
<http://www.schools.utah.gov/curr/mathsec/Home/DOCS/Utah3TierModelofMathematicsInstruction.aspx>
 Additional information can be found in the Utah Specific Learning Disabilities Eligibility Guidelines (<http://www.schools.utah.gov/sars/DOCS/resources/sld.aspx>).

(Table 9)

PBIS Web Resources
Technical Assistance Center on Social Emotional Intervention for Young Children: http://www.challengingbehavior.org
School-Wide Positive Behavioral Interventions and Supports: http://www.pbis.org
Missouri School-Wide PBIS: http://www.pbismissouri.org
Illinois School-Wide PBIS: http://www.pbisillinois.org

Implementation Pillars for PBIS

The implementation elements for PBIS, either at the school-wide level or within the classroom, involve data-based decision making and instructional planning in four critical areas (USBE 277-609).



The next section on *Effective Classroom Management* will address details regarding implementation of positive behavior supports in the classroom that align with these four foundational areas.

IV EFFECTIVE CLASSROOM MANAGEMENT

Effective classroom practices are based on the same overarching school-wide and non-classroom expectations.

IV-A PREVENTION EMPHASIS

All students benefit academically and socially when their classroom and school environments are positive, preventive, and responsive (Guerra & Williams, 2003; Horner, Sugai, & Anderson, 2010; Zins, Weissberg, Wang, & Walberg, 2004).

Three assumptions are made by educators when implementing effective classroom management and school-wide PBIS.

1 Schools with effective behavior systems invest in preventing behavioral problems by establishing expectations/rules and by teaching and reinforcing appropriate behavior for all students and staff while consistently correcting behavioral errors and re-teaching behavioral skills. This focus on prevention encourages appropriate behavior and helps schools and school staff avoid a pattern of punishment and reaction to behavioral problems on a case-by-case basis.

2 Effective classroom and school systems have supports readily available to identify and address the needs of students who are at risk of developing behavioral and/or academic problems. Efforts to integrate behavior and academic instruction at the school-wide and classroom level are best practice. Recent studies have demonstrated that there is a predictive relationship between academics and behavior, in that success or proficiency in one domain closely predicts success in the other. Not surprisingly, further research has discovered that the integration of early intervention reading skills, positive behavior intervention, and supports programming resulted in reduced behavioral difficulties and increased academic achievement (Muscott & Mann, 2004).

3 Effective classroom and school systems develop and maintain policies and practices that deliver high levels of support to students with chronic behavioral and/or academic problems.



IV-B PILLAR 1: ESTABLISH EXPECTATIONS/RULES

Well-defined school expectations/classroom rules and procedures are the foundation for effective behavioral support and academic skill instruction. They constitute the core curriculum for behavior. Best practice dictates that expectations/rules should deal with broad classes of behavior. One of the strongest findings in educational research and literature is that when teachers hold high expectations for students, those students are much more likely to learn academic and behavioral skills (Barbetta et al., 2005; Darch & Kame'enui, 2004).

School-wide expectations differ in breadth from classroom rules, and both are strengthened if aligned with each other. Building-wide behavioral expectations are the foundation of the behavioral core curriculum. Class-wide rules subsequently build on these expectations.

School-Wide Expectations

(Table 10)

Characteristics of Effective and Proactive School-Wide Expectations

- Prioritize expectations by limiting the number to three to five succinct school-wide expectations that apply cross all settings.
- Identify expected behaviors for specific non-classroom settings (e.g., hallways, cafeteria, gym).
- Develop classroom procedures to guide daily operations.
- Clarify further by identifying specific behaviors for each expectation.
- Post the rules publicly for all to see.

Classroom Rules

(Table 11)

Characteristics of Effective and Proactive Classroom Rules

- Prioritize expectations by limiting the number to three to five classroom-wide rules.
- State expected behaviors positively.
- Use developmentally appropriate language in the wording (vocabulary appropriate to student age, functional level, and skill level).
- State explicitly what the behavior looks and sounds like.
- Make rules observable and measurable (able to be counted or quantified for monitoring).
- Post the rules publicly for all to see.

An example of school-wide expectations aligned with classroom rules:

(Table 12)

School-Wide Expectations	Classroom Rules
I am SAFE when I... <ul style="list-style-type: none"> • Walk with hands at my side • Keep hands, feet and objects to myself • Report if someone is or could be hurt • Ask permission to leave the area of school 	We are SAFE by... <ul style="list-style-type: none"> • Walking in the classroom and hallway • Keeping our bodies to ourselves • Remaining in my assigned seat/area unless permission given
I am RESPECTFUL when I... <ul style="list-style-type: none"> • Use kind words • Take care of school property • Listen to the speaker with my eyes and ears 	We are RESPECTFUL by... <ul style="list-style-type: none"> • Being in seat when bell rings • Relating discussion to current topic • Listening when others are talking
I am RESPONSIBLE when I... <ul style="list-style-type: none"> • Follow directions quickly • Am where I am supposed to be • Am prepared for instruction • Use peaceful words to solve problems 	We are RESPONSIBLE by... <ul style="list-style-type: none"> • Following directions quickly • Being on time for class • Being prepared with materials • Turning assignments in on time

IV-C PILLAR 2: EXPLICITLY TEACH EXPECTATIONS/RULES

Most educators recognize the need for explicit and effective instruction of academic skills. However, the need for formalized practice and procedures for explicitly teaching behavioral expectations/rules is not as commonly recognized in the school setting. Teaching students to understand basic school-wide and classroom

rules/expectations is proactive and often prevents behavioral problems from occurring. One of the greatest benefits is an increase in instructional time. Also, explicitly teaching common routines and procedures helps to support positive behavior and reduce behavioral errors.

(Table 13)

Points to Consider When Teaching Behavioral Expectations/Rules

- Keep a record of plans for institutional memory (your school handbook or classroom syllabus) and future planning.
- Keep notes during the teaching process for things to adjust when re-teaching.
- Be sure to adapt lesson presentation for developmental levels (e.g., student age and capacity).
- Plan for re-teaching opportunities (e.g., following extended breaks from school).
- Plan for how following the expectation/rule will be positively acknowledged.
- Plan for how failure to follow the expectation/rule will be corrected and re-taught.

Best practice for teaching expectations/rules is to use an explicit instructional process:

(Table 14)

Suggested Instructional Sequence for Teaching Behavioral Expectations

- Define expectation/rule.
- Provide rationale for expectation/rule.
- Teach critical discrimination of expectation/rule (model examples and non-examples).
- Practice the behavior (in setting where behavior is required, if possible).
- Discuss what will happen when expectations/rules are followed and what will happen if behavioral errors occur.
- Provide additional opportunities to make choices (e.g., preferred seating in the classroom).
- Provide tangibles (e.g., homework passes, school supplies).
- Give parent/guardian feedback (e.g., positive notes or phone calls to home).

(Lewis & Sugai, 1999; Sprick, Garrison, & Howard, 1998).

Classroom Routines and Procedures

In addition to establishing class rules, structuring the classroom for success also involves establishing and teaching classroom routines and procedures for common situations or settings. Defined behaviors/rules are often not enough for students to understand what is expected of them in the classroom. Well-defined classroom procedures are also needed. Classroom procedures are the method or process to follow to accomplish a classroom activity. Classroom procedures are predictable patterns for accomplishing classroom tasks. Procedures break down classroom behavior/rules into teachable steps. When procedures are taught and reinforced over time routines are established that help students consistently meet classroom behaviors/rules.

Effective educators (Ostrosky, Jung, Hemmeter, & Thomas, 2003; Sprick, 2009; Wong & Wong, 2009) advocate teaching procedures and routines to students right from the outset when school begins. Research indicates that establishing routines is one of the many factors in the teacher's control that aids in building students' connectedness to school, which has been shown to increase overall student school success (Blum, 2005). By teaching basic procedures that result in classroom routines, responsibility for carrying out routine tasks is put on the students, and less time is spent correcting, redirecting, or deciding how things are to be done each time the situation arises. Routines and procedures help clarify classroom rules in frequently occurring circumstances, such as procedures for turning in homework, and routines for transitions, conversational levels, and personal needs.

There are six tasks related to organizing the classroom for success:

- Arrange an efficient daily schedule.
- Create a positive physical space.
- Use an attention signal.
- Design effective beginning and ending routines.
- Manage student assignments.
- Manage independent work periods.

(Sprick, R. S., Garrison, M., & Howard, L., (2009). *CHAMPS: A proactive and positive approach to classroom management*. Eugene, OR: Pacific Northwest).

(Table 15)

Benefits of Teaching Classroom Procedures	
Increases instructional time by preventing problem behavior.	Procedures show students how to behave and minimize the amount of non-academic time while increasing time for academic instruction.
Frees teachers from correcting misbehavior.	When students perform routine functions smoothly, teachers can focus on catching them being good and are freed to take care of instructional tasks, review student work, and provide less correction.
Improves classroom climate.	When educators take time to explain how things are to be done, educators appear fair and concerned. Students then experience higher rates of success and satisfaction, ensuring a positive learning environment.
Creates shared ownership of the classroom.	Involving students in management of the learning environment empowers them, helping them to feel a partnership for their success and that of others.
Develops self-discipline.	Procedures provide students with productive work habits that lead to personal accountability and effectiveness later in life.

IV-D PILLAR 3: SYSTEMATICALLY REINFORCE EXPECTATIONS/RULES

Reinforcement systems should be aligned with expectations/rules and of sufficient intensity to build/maintain desired behavior. School-wide reinforcement systems should include systematic reinforcement for demonstrating the established expectations. An example of a proven practice for school-wide implementation is the use of the Principal's 200 Club as a reinforcement system associated with the school-wide expectations (Jenson, W.R., Rhodes, G., Evans, C. & Morgan, D., (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest).

In general, there is a simple set of rules to follow to make reinforcement more effective. These rules are referenced in an acronym format as IFEED-AV in *The Tough Kid Book* by Rhode, Jenson, and Reavis (2010, p. 61).

(Table 16)

IFEED-AV Rules for Reinforcing Expectations/Rules	
I = Immediate	Reinforcement is most meaningful when it is received closely following demonstration of the expectation/rule.
F = Frequent	Reinforce students frequently when learning a new behavior skill. Additionally, paying attention to behavior in a positive way helps maintain a pattern of interactions in the school setting that is more positive than negative. Generally accepted targets for positive to negative ratios in schools are at least four positive to every one negative interaction.
E = Enthusiasm	Delivering reinforcement in a congratulatory manner makes the positive more meaningful and therefore more effective in increasing the likelihood of future demonstrations of positive behavior by the student.
E = Eye Contact	Eye contact suggests that the student is important and has the school staff member's undivided attention. This also increases the chance that simple social cues like eye contact will be more meaningful to the student in the future.
D = Descriptive	Teachers often assume that students know what it is they are doing right that has resulted in reinforcement. This is not always accurate. It is best practice to describe the behavior when reinforcing; this highlights the behavior the teacher wishes to acknowledge.
A = Anticipation	Building excitement and anticipation for reinforcement can be a powerful motivator.
V = Variety	Just like adults, students can get tired of the same things. Changing up reinforcement methods can help keep things interesting and make reinforcement more effective over time.

IV-E PILLAR 4: CORRECT BEHAVIORAL ERRORS

Once behavioral expectations/rules have been established and taught and a system of reinforcement for demonstrating appropriate behavioral skills has been implemented for school-wide and classroom management, procedures for systematic correction of behavioral errors and re-teaching of behavioral skills should be implemented. This system for correcting behavioral errors at the school-wide level should be consistent across staff members and school locations including classrooms (Darch & Kame'enui, 2004). An example of a school-wide application would be a majors/minors chart, outlining what behavioral errors result in an office discipline referral (majors), and what behavioral errors result in consequences being applied at the classroom level (minors). Additionally, consequences for behavioral errors should be addressed using a hierarchy of reductive techniques, with consequence levels matched to severity of student behavior and developmentally appropriate practices followed for student chronological and intellectual development levels.

Reductive Techniques

A reductive technique is a research-validated technique that will temporarily stop or reduce a problem behavior (Patterson, 1976). Reductive techniques should be used in partnership with proactive strategies for teaching appropriate replacement behaviors. As teachers, the main focus needs to be on building appropriate replacement skills. Using reductive procedures proven to be effective, rather than those not validated by research, is critical. For example, teacher verbal reprimands are the most frequently used reductive technique, but are often not used effectively. It is important to use more positive reductive techniques, such as differential attention, rather than overuse of punishment, which can lead to more inappropriate behavior. Effective use means using techniques sparingly, with the least amount of cost (time or resources) to get the most change possible.

In *The Tough Kid Book* by Rhode, Jenson, and Reavis (2010), the authors outline five practical suggestions for making reductive techniques more effective (p. 81).

(Table 17)

Principles that Influence the Effectiveness of Reductive Techniques

- The rate of reinforcement for appropriate behaviors should be high. If the rate is not high, reductive techniques may be ineffective.
- Find a behavior that is incompatible with the misbehavior to reward so it can replace the inappropriate behavior.
- Use a form of the reductive technique that is potent enough to result in rapid behavior change, so the student does not adapt to it.
- Identify the early signs of misbehaviors in a chain (e.g., ignoring, delaying, arguing) and implement reductive procedures early.
- Use peer attention to reward appropriate behaviors through the use of group contingencies. Be careful to avoid allowing peers to reward inappropriate behaviors.

(Jenson, W. R., Rhode, G., & Reavis, H. K. (2010). *The Tough Kid Book*).

The most frequently used reductive techniques used by teachers in the classrooms are requests and reprimands. Requests always come before a misbehavior (antecedent). If requests are used correctly, teachers will have fewer problems and less noncompliance (and therefore fewer reprimands). If requests are used incorrectly, arguing,

excuses, tantrums, aggression, and noncompliance most likely will increase. The following table summarizes variables to remember when making a request or giving a reprimand. (From *The Tough Kid Book* by Rhode, Jenson, and Reavis (2010).

(Table 18)

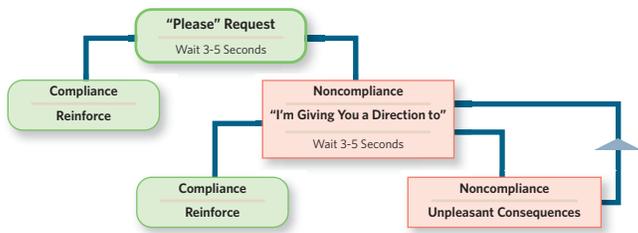
Variables That Affect Behavioral Compliance to Direction	
State the student's name	Say the student's name before a request. This helps to gain the student's attention just before the request is made.
Do not use a question format when making a request	Do not use such statements as "Isn't it time to do your work?" or "Wouldn't you like to start to work?" Instead, make the request a polite one, such as "Please start your work."
Get close to the student when making a request	The optimal distance for giving a command is approximately three feet. Do not make requests from great distances or from behind your desk.
Use a quiet voice, and do not yell	When giving a command, give it in a quiet normal voice, up close, with eye contact.
Look student in the eyes	Ask for eye contact when making a request of a student when appropriate. For example, "John, look me in the eyes. Now I want you to..." Even if the student does not give you eye contact, continue to look him in the eyes. Do not try to force him to look at you.
Give the student time	When making a request of a student, give him/her three to five seconds to begin to respond before making the same request again or making a new request.
Do not nag	Make a request only twice. Then follow through with preplanned consequences. The more times you make a request, the less likely you are to gain compliance.
Do not give multiple requests	Make only one or two requests at a time. Do not string requests together.
Describe the behavior you want	Make specific and well-described request rather than global requests.
Be unemotional	Be calm, not emotional. Yelling, threatening gestures, ugly faces, guilt-inducing statements, rough handling, and deprecating comments about the student or family only reduce compliance.
Make more start requests than stop requests	Requests that start behaviors (Do requests) are more desirable than requests that inhibit behaviors (Don't requests). The majority of teacher requests should be Do requests. If majority of teacher requests are Don't requests, it may mean the classroom rules or planned consequences are poorly designed or are not being implemented correctly.
Verbally reinforce compliance	It is easy to forget to verbally reward a student when he/she complies with your request. If you do not reward the student, compliance will decrease.

Precision Requests

It greatly assists with compliance and classroom management of all students if staff use the same procedures for making requests to start and stop behaviors. A proven practice to build consistency among

staff and reduce noncompliance among students is using a "precision request" (Jenson, W.R., Rhode, G., & Reavis, H. K. (2010) *The Tough Kid Book*).

Diagram of Precision Request



(Table 19)

Steps for Making Precision Request

Prerequisites	Teach classroom rules and expectations and introduce the pre-planned consequence hierarchy (ex. "What If" Chart) prior to initiating the Precision Request procedure.
Step One	Before you use the procedure, explain the Precision Request and its consequences to the whole class.
Step Two	Make a quiet Precision Request that uses the student's name and the word "Please." For example, "Maya, please get your materials out and start working." Make the request in a non-question format. Get up close to the student, use the student's first name, and make eye contact.
Step Three	Wait three to five seconds (10-15 recommended if student has a processing speed deficit) after making the request, and do not interact further with the student during this time (but do use this time to provide reinforcement to others using differential reinforcement while not engaging with the student).
Step Four	If the student starts to comply, verbally reinforce the student using the IFEED-AV rules described earlier.
Step Five	If the student does not comply with three to five seconds, make the request a second time with the signal word need combined with the direction ("I'm giving you a direction, you need to...").
Step Six	If the student starts to comply, verbally reinforce using the IFEED-AV rules.
Step Seven	If the student still does not comply within three to five seconds, follow through with a preplanned reductive consequence.
Step Eight	After delivering the reductive consequence, again repeat the request using the signal words. If the student complies, reinforce. If not, deliver the next preplanned consequence from the hierarchy.

Hierarchy of Consequences for the Correction of Behavioral Errors

It is an important practice for teacher and school staff to preplan reductive consequences. One way of doing this is to utilize a "What If" chart. The chart lists both positive and reductive consequences

for the behaviors demonstrated by students within the classroom. The consequences should be related directly to following the class rules (which should relate to school-wide expectations if possible).

(Table 20)

What If? Chart	
Positive Consequences	Negative Consequences
<ul style="list-style-type: none"> • Verbal Praise • Point Systems • Extra Classroom Privileges • Tangible Rewards • Public Notifications • Home Communications 	<ul style="list-style-type: none"> • Redirection • Precision Request • Loss of Free Privilege • Inter Class Time Out • Document of Conduct • Out of Class Time Out/Detention
Mystery Motivator?	Serious Behavior Clause(s)
	<ul style="list-style-type: none"> • Visit to Principal • Suspension

IV - F CHECKLIST FOR CLASSROOM MANAGEMENT

Research on effective behavioral and academic practices in the instructional setting has yielded the following basic behavior benchmarks: (a) alignment with expectations, (b) disruption,

(c) opportunities to respond, (d) ratio of positive to negative interactions, and (e) time on task. The "Classroom Management Checklist" can be found in the Appendix (page 124).

(Table 21)

Variables That Affect Behavioral Compliance to Direction	
Alignment with Expectations	Alignment with expectations refers to the level of consistency demonstrated by the school staff regarding behavior management. This includes reinforcement and correction of behavior. This also includes measures of compliance and number of prompts per task.
Disruption	Disruption refers to the number of occurrences or amount of instructional time lost when disruptive behavior interrupts the instructional activity.
Opportunities to Respond	Opportunities to respond refers to the number of occasions during the instructional period that students are afforded the chance to participate in the lesson in a meaningful manner. This is demonstrated by teaching interactions and student participation.
Ratio + to - Interactions	Ratio of positive to negative interactions refers to the number of positive interactions between students and school staff as compared to the number of negative interactions. It is recommended that effective instructional settings maintain at least a ratio of four positive to one negative.
Time on Task	Time on task refers to academic engaged time. This is demonstrated by student behavior as it relates to the instructional activity.

IV - G INSTITUTE OF EDUCATION SCIENCES: WHAT WORKS CLEARINGHOUSE

Reducing Behavior Problems in School Classroom

This practice guide offers five concrete recommendations (see Table 22) to help elementary school general education teachers reduce the frequency of the most common types of behavior problems they encounter among their students. This guide offers prevention, implementation, and school-wide strategies that can be used to reduce problematic behavior that interferes with the ability of students to attend to and engage fully in instructional activities.

Although developed with an elementary focus, these five recommendations have practical applications for secondary classrooms also.

(Table 22)

Five Recommendations	
1 Identify the specifics of the problem behavior and the conditions that prompt and reinforce it.	Every teacher experiences difficulty at one time or another in trying to remedy an individual student's behavior problem that is not responsive to preventative efforts. Because research suggests that the success of a behavioral intervention hinges on identifying the specific conditions that prompt and reinforce the problem behavior (i.e., the behavior's "antecedents" and "consequences"), we recommend that teachers carefully observe the conditions in which the problem behavior is likely to occur and not occur. Teachers then can use that information to tailor effective and efficient intervention strategies that respond to the needs of the individual student within the classroom context.
2 Modify the classroom learning environment to decrease problem behavior.	Many effective classroom-focused interventions to decrease students' problematic behavior alter or remove factors that trigger them. These triggers can result from a mismatch between the classroom setting or academic demands and a student's strengths, preferences, or skills. Teachers can reduce the occurrence of inappropriate behavior by revisiting and reinforcing classroom behavioral expectations; rearranging the classroom environment, schedule, or learning activities to meet students' needs; and/or individually adapting instruction to promote high rates of student engagement and on-task behavior.
3 Teach and reinforce new skills to increase appropriate behavior and preserve a positive classroom climate.	We recommend that teachers actively teach students socially and behaviorally appropriate skills to replace problem behaviors using strategies focused on both individual students and the whole classroom. In doing so, teachers help students with behavior problems learn how, when, and where to use these new skills; increase the opportunities that the students have to exhibit appropriate behaviors; preserve a positive classroom climate; and manage consequences to reinforce students' display of positive "replacement" behaviors and adaptive skills.
4 Draw on relationships with professional colleagues and students' families for continued guidance and support	Social relationships and collaborative opportunities can play a critical role in supporting teachers in managing disruptive behavior in their classrooms. We recommend that teachers draw on these relationships in finding ways to address the behavior problems of individual students and consider parents, school personnel, and behavioral experts as allies who can provide new insights, strategies, and support.
5 Assess whether school-wide behavior problems warrant adopting school-wide strategies or programs and, if so, implement ones shown to reduce negative and foster positive interactions.	Classroom teachers, in coordination with other school personnel (administrators, grade-level teams, and special educators), can benefit from adopting a school-wide approach to preventing problem behaviors and increasing positive social interactions among students and with school staff. This type of systemic approach requires a shared responsibility on the part of all school personnel, particularly the administrators who establish and support consistent school-wide practices and the teachers who implement these practices both in their individual classrooms and beyond.

http://ies.ed.gov/ncee/wwc/pdf/practice_guides/behavior_pg_092308.pdf

Key Points

In summary, academic and behavioral success for all students depends upon several key points:

- Recognizing that both students with and without disabilities need access to supports represented by a multi-tiered framework, and that the needs of students with disabilities may fall at Tier I, Tier II, and/or Tier III.
- Creating a positive school climate focused on building positive relationships with students, families, and communities.
- Integrating systems that complement each other for academic and behavioral instruction.

- Utilizing a multi-tiered framework for matching instruction to need, based on data and evidenced-based practices for academic and social behavior.
- Implementing evidenced-based practices with quality and fidelity.
- Improving and adjusting education practices to include behavior and academic supports in an integrated school-wide and classroom system.



V DATA-BASED DECISION MAKING

Data-based decision making is a process of determining the appropriate method of instruction or intervention for a classroom or individual student. Data collection and data review are vital components of the decision-making process that promote the efficiency and adequacy of academic and behavioral instruction. Without accurate and reliable data, educators are forced to make decisions regarding instruction and intervention that may be a poor match for student needs. Educators cannot make informed, consistent decisions about the effectiveness of interventions without valid data. Therefore, steps to data collection and decision-making are described in this guideline document.

Data Collection

Steps to implementing an effective data collection process include (1) defining the target behavior and method of data collection, (2) collecting baseline data, (3) reviewing the data to select an intervention that is appropriately matched to the need, (4) implementing the intervention with consistency, and (5) continuing the data collection process to refine practices and increase student success.

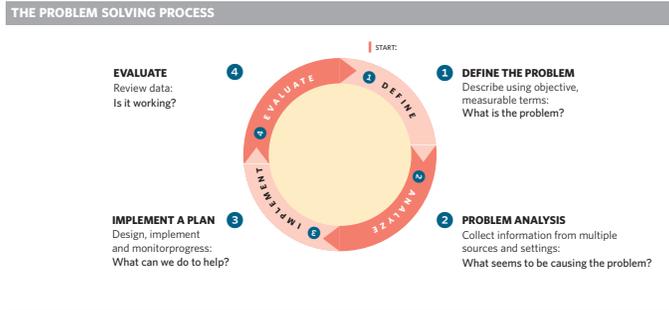
V-A PROBLEM-SOLVING PROCESS

The problem-solving process provides educators with a consistent, step-by-step process to identify problems and to evaluate the effectiveness of interventions. Research has supported the effectiveness of using a defined method to determine student need and to develop and evaluate interventions. At its core, the problem-solving method requires answering four questions:

(Table 23)

Four Questions to Consider	
1	Is there a problem, and what is it?
2	Why is it happening?
3	What should be done about it?
4	Did the intervention work?

This thinking process can be applied to all students in a system, to small groups of students, and to individual students.



Target Behavior

The first step is to define the target behavior and method of data collection. Common questions to ask while defining the target behavior include (a) "What would we like the student(s) to demonstrate more frequently?" and (b) "What would we like the student(s) to demonstrate less frequently?" For example, a target behavior may be increased hand-raising and decreased verbal disruptions or talk-outs. It is important to determine whether the behavior is discrete or non-discrete. If a behavior is discrete, it will have a clear start and stop; for example, a student raising his/her hand to ask a question is a discrete behavior. A non-discrete behavior is any behavior for which it is difficult to determine the exact beginning and end. An example of a non-discrete behavior is off-task behavior, because the student may be doing a number of behaviors that are off task (e.g., out of seat, talking to neighbors, looking off into space, sleeping during instruction, working on things not related to the task). A clear definition of the target behavior and classifying the behavior as discrete or non-discrete will aid in choosing a method of data collection. The method of data collection chosen will be used in the baseline and intervention stages. Methods for collecting data are outlined in section "Additional Technical Assistance" (p. 117).

Baseline Data

Baseline data are collected following defining the target behavior and selection of a data collection method. Best practice dictates that baseline data be collected for at least three sessions. A "session" can be as short as 15 minutes or as lengthy as a whole school day. The target behavior and selected data collection method dictate what a session constitutes. For example, if the target behavior occurs several times a minute, three 15 minute sessions will probably yield adequate baseline data. Conversely, if the target behavior only occurs a few times a day or once or twice a week, three sessions may be spread over several days. Baseline data are collected to assess the frequency and intensity of the target behavior prior to intervention.

V-B DATA-BASED INTERVENTION SELECTION

Once the target behavior has been clearly defined and baseline data are collected, the next step is to choose an appropriate intervention or change in method of instruction. It is important to choose an intervention that has a strong evidence base demonstrating effectiveness and is in published, peer-reviewed research literature. To meet the criteria of research-based, an intervention should be represented in at least two well-conducted group-design research studies or multiple examples of single-subject research studies.

The studies must include adequate controls, such as random assignment of subjects to treatment conditions for group models and multiple-baseline or reversal designs for single-subject models. In order to properly match intervention to student need, the studies must also include clear identification of the sample characteristics - for example, the behavior expressed or the diagnosis of the population (Morgan & Jensen, 1998).

V-C IMPLEMENTING & MONITORING

Implementation of evidence-based intervention requires attention to detail and consistent professional development and technical assistance. For example, a school may choose a point system for a student's target behavior to reduce talk-outs and increase hand-raising behavior. Once the intervention is implemented, consistent data collection is needed to determine the effectiveness of the intervention and assess need for adjustment. It is suggested that within three to five days or sessions, the data will yield information regarding the effectiveness of the intervention. If the intervention is

not working and the behavior is not improving or is getting to be more problematic, the instructional team should meet to discuss options for modifying and adjusting the intervention. This is also true of academic targets. For example, if reading fluency was determined to be the target behavior and an intervention is selected and implemented, then following collection of three progress monitoring data points, a team can determine whether the intervention is working or whether an adjustment is needed.



VI INDIVIDUAL BEHAVIOR CHANGE

VI - A FUNCTIONAL BEHAVIOR ASSESSMENT (FBA) & BEHAVIORAL INTERVENTION PLAN (BIP)

When any student engages in problem behavior, and the teacher and school have procedures and expectations in place for all students and have taught those procedures and expectations to mastery, an individual plan to help that student learn a different behavior to meet the student's needs may be needed.

Appropriate behavior for students of various ages may look different. Behavior may also serve a variety of purposes (functions). A young student who has no adequate communication system may use tapping the arm of a peer or adult as a way of expressing needs. A kindergartener might grab a toy or pencil from a peer, not knowing a different way of getting what he wants or needs. If a secondary school student engages in these behaviors, it might be identified as misbehavior.

For students with disabilities, it is required under IDEA that when the student's behavior disrupts the learning of themselves or others, the team should consider, as appropriate, positive behavior supports and other strategies. These strategies may include a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior (§300.530(d)(1)(ii)). In addition, when a student with disabilities is removed for more than 10 days in a school year, a FBA and BIP must be conducted, or a current BIP reviewed and revised as needed, to prevent recurrence of the misconduct that led to the removal (§300.530(c)(1)(b)).

In conducting an FBA and BIP procedure, a problem-solving process must be followed:

- 1 Identify the target behavior.
- 2 Determine why the student is using that behavior (FBA).
- 3 Select a function-based intervention to reduce the target behavior and teach a replacement behavior (BIP).
- 4 Collect data to determine if the intervention is working.

VI-B PROCEDURES FOR FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)

Functional Behavior Assessment (FBA) is structured information gathering regarding a target behavior and possible functions the behavior may serve for the student. This information is used to design an intervention or set of interventions as part of a BIP to manage and support the student with behavioral needs. FBA is a tool that can be used to avoid problems by determining the purpose of the problem behavior in which the student is engaging. Best practice suggests that this assessment be conducted whenever a serious or chronic problem behavior arises, whether or not it becomes a discipline issue (Cipani, E., & Schock, K. M. (2011), Functional Behavioral Assessments, Diagnosis, and Treatment). FBAs and BIPs should be developed together, as separate parts of the same process. A variety of forms that help with the information gathering process have been included in the Appendix. The FBA and BIP process may be considered a part of Tier 2 or Tier 3 intervention(s) for addressing behavioral issues within an MTSS framework.

If problem behavior increases or continues to occur, it is being reinforced. Problem behavior can be reinforced or maintained by positive or negative reinforcement and/or by social or automatic reinforcement. Positive reinforcement is when the presentation of a stimulus (something is added or enhanced), contingent on behavior (immediately following the behavior) leads to an increase in the future likelihood of that behavior (see example below). Negative reinforcement is when the removal of a stimulus (something is removed) contingent on behavior (immediately following behavior) leads to an increase in the future likelihood of that behavior (see example below). Either positive or negative reinforcers can be social or automatic. Social reinforcement is when another person within the environment is associated with the presentation or removal of a stimulus. Automatic reinforcement is when the behavior produces its own reinforcement.

(Table 24)

Reinforcement	Positive	Negative
Social	<p>Social Positive: A person presents a stimulus contingent upon behavior that increases future likelihood of that behavior.</p> <p>Example: Peers giggle when George yells "chicken" in the classroom. George continues to yell "chicken" when his peers are present.</p>	<p>Social Negative: A person removes a stimulus contingent upon behavior that increases future likelihood of that behavior.</p> <p>Example: Alyssa is disrupting (climbing under desk) the class. The teacher removes Alyssa's work materials. When it is time for Alyssa to work, she begins disrupting the class.</p>
Automatic	<p>Automatic Positive: The behavior produces a form of pleasurable sensory stimulation.</p> <p>Example: When Sheila is left alone, she begins flapping her hands and twirling in circles. Sheila continues to flap and twirl.</p>	<p>Automatic Negative: The behavior removes unpleasant sensory stimulation.</p> <p>Example: The noise level in the classroom causes discomfort for Brady. Brady runs from the room to escape discomfort.</p>

An appropriate FBA encompasses both indirect and direct methods.

Indirect Functional Behavior Assessment (FBA)

Indirect FBA methods gather information based on informants' recall of the context in which the behavior occurred or did not occur. Indirect assessment methods include the following:

- Structured interviews with teachers, parents, caregivers, and/or the student him or herself
- Rating scales
- Checklists
- Questionnaires
- Records reviews
- Data reviews

Indirect FBA methods can yield valuable information that can be used to guide subsequent assessments but is usually not reliable enough to be the sole method used to determine function. Examples of forms that can be used as part of indirect FBA have been included in the Appendix.

Direct Functional Behavior Assessment

Direct FBA consists of actually observing the problem behavior(s) in the natural environment and identifying the conditions that surround the occurrences (i.e., the context). It may also, in the case of functional analysis, involve manipulation of events in order to determine the environmental events that contribute to or maintain problem behavior.

Direct FBA assessment methods (non-functional analysis) include the following:

- Antecedent-Behavior-Consequence (A-B-C) recording
- Scatterplots

A-B-C recording allows an observer to organize anecdotal or descriptive information on the student's interactions with other students and adults in such a way that patterns of behavior often become clear. (Examples of A-B-C charts are found the Appendix.) Observational data are recorded for each occurrence of the target problem behavior, including the environmental events that immediately preceded and followed the behavior.

Scatterplots are used to identify patterns of behavior that relate to specific contextual conditions. A scatterplot is a chart or grid on which an observer records single events (e.g., number of student call-outs) or a series of events (e.g., teacher requests and student responses) that occur within a given context (e.g., during teacher-led reading instruction, at lunch, on the playground). (Examples of a scatterplot form are found in the Appendix.)

Both A-B-C and scatterplot recording procedures are useful not only in identifying problem behavior, but also in identifying the classroom conditions that may trigger or maintain the student's behavior. It is also important to observe situations in which the student performs successfully so that IEP teams can compare conditions and identify situations that may evoke and maintain appropriate rather than inappropriate behavior.

(Table 25)

Antecedent	Behavior	Consequences
Activity/event typically occurring before the behavior (trigger)	The action or reaction of person under specified circumstances	Events that typically follow the behavior (trigger)
Example: Time for Alyssa to work.	Example: Alyssa begins throwing materials.	Example: Teacher removes Alyssa's work materials.

Analyzing Information

The information gathered during the FBA should then be analyzed to determine the environmental variables that appear to evoke or maintain the problem behavior. Data triangulation and competing behavior pathways are two methods that allow for visual comparison and organization of the information under categories (i.e., setting events, antecedents, problem behavior, and likely maintaining consequences). Data analysis approaches specific to forms of FBA have been developed and usually include line graphs showing behavior across sessions.

Data triangulation charts allow teams to organize and compare three or more sources of direct and indirect data. Confirmation of multiple sources of data enables teams to identify patterns of behavior, antecedent events, and consequences that maintain the target behavior, and identify potential functions of the target behavior (examples of data triangulation charts and their use can be found in the Appendix).

Competing behavior pathway or problem behavior pathway charts allow teams to organize and compare various sources of direct and indirect data into columns so as to identify patterns and develop hypothesis statements. Data are organized into the following columns: (a) setting events, (b) antecedents, (c) target behavior, and (d) maintaining consequences (examples of competing behavior pathway charts and their use can be found in the Appendix).

Data analysis approaches vary depending on the specific FBA procedure used. Direct observational data are gathered during the FBA process. Multiple data points are collected across the various conditions identified within the FBA procedure. Data on the frequency, rate or latency of the problem behavior are graphed using line and/or bar graphs. Lastly, data are analyzed to determine function of the problem behavior. The function of the problem behavior is determined by the occurrence of the problem behavior across sessions and conditions (examples of line and bar graphs can be found in the Appendix).

Hypothesis Statement

Once data are collected and analyzed, a hypothesis statement should be written. This is a concise summary of information collected during the assessment phase that explains or represents a "best guess" regarding the reason(s) for the behavior. A concise hypothesis contains a description of the antecedent conditions that trigger/function(s) a behavior, a description of the problem behavior, and the consequence or maintaining function of the target behavior. A well-written hypothesis statement should also give clear direction to IEP members who are responsible for developing a BIP.

(Table 25)

Steps for Conducting a Functional Behavioral Assessment	
1	Describe target behavior in measurable observable terms.
2	Collect information on possible functions of the target behavior. <ul style="list-style-type: none"> ▪ Indirect FBA ▪ Direct FBA <ul style="list-style-type: none"> – Descriptive Analysis (ABC recording) – Functional Analysis
3	Analyze information (triangulation and/or problem pathway analysis).
4	Generate a hypothesis statement regarding probable function of target behavior.

VI - C PROCEDURES FOR BEHAVIOR INTERVENTION PLAN (BIP)

The IDEA requires that when the behavior of a student impedes his/her learning or the learning of others, the IEP team must consider the use of positive behavioral interventions and supports and other strategies to address the behavior (34 CFR §300.324(a)(2)(i)). These strategies may include a BIP.

Behavior Intervention Plan (BIP)

Using the hypothesis statement generated from the FBA, the team may develop and implement a BIP. Intervention plans and strategies

that emphasize skills students need in order to behave in a more appropriate way or provide motivation to conform to required standards will be more effective than plans that simply serve to control behavior. Interventions based upon control often fail to generalize and many times serve only to suppress behavior. Plans should include methods to monitor the fidelity of implementation and evaluate the effectiveness of the behavior intervention plan (Cipani, E., & Schock, K. M. (2011).

(Table 27)

Considerations for Developing a BIP	
1	Develop clear and measurable definition of target behavior.
2	Identify and plan for teaching more acceptable replacement behaviors that serve the same function as the target behavior.
3	Determine antecedent and setting event manipulations that lessen the likelihood that target behavior will occur, including changes to the classroom curriculum and/or instructional strategies.
4	Identify the consequence manipulations that make the target behavior ineffective, irrelevant, and/or inefficient.
5	Consideration of contextual fit: <ul style="list-style-type: none"> ▪ Data collection procedures that directly measure the target behavior to be decreased and/or the replacement behavior to be increased. ▪ Timeline for implementation, evaluation and follow-up.

When a BIP has been developed for a student with a disability, it becomes part of the student's IEP as a supplementary aid and service. This plan must be shared with all adults in the educational

environment assisting in the implementation. Steps should be taken for monitoring the implementation, as well as for crisis management, if warranted. (Examples of BIP forms can be found in the Appendix.)



VII DISCIPLINE PROCEDURES

Principals are responsible for maintaining a safe and orderly learning environment. This relies on school discipline being maintained in order for learning to occur. Also, in an increasingly violent society, schools must be safe havens for students. During the last 30 years, a body of case law dealing with discipline has become well developed; these cases initially began by dealing with general education issues. After passage of the Education for All Handicapped Children Act in 1975, courts were also called into service to determine the extent to which discipline was related to IEPs of students with disabilities. Various components from these cases formed the core of practices and procedures to be considered when disciplining all students.

Specific disciplinary procedures for students with disabilities were included in the 1997 and 2004 reauthorization of the IDEA, and these remain in effect. This document addresses considerations for discipline for all students, and then describes additional considerations for students with disabilities.

VII-A SCHOOL SUSPENSIONS

The purpose of suspension from school is to punish students, alert parents, and protect other students and school staff. Suspension from school is directly related to student learning. When students are suspended from school they are deprived of instructional time (Walker, 2006). Suspensions are often used as an individual disciplinary consequence in attempts to reduce problem behaviors in the future. However, suspensions have been shown to be less

effective for students with specific behavioral challenges and problems. When examining suspensions in the context of behaviorist and social-ecological learning theories, suspension may be inappropriate and ineffective to promote learning or behavioral compliance, specifically for students with behavioral skill deficits (Christle, C.A., Jolivette, K., & Nelson, C.M., 2005).

Research on school suspension indicates that:

(Table 28)

Indicators on School Suspension

- Suspension only works for students who want to be in school.
- Repeated suspensions are not an effective form of school discipline.
- Children who seem to get suspended repeatedly have little to no supervision at home, so suspension is often a free day.
- When not in school, children are more likely to become involved in crime, be sexually active, carry a weapon, and use drugs and/or alcohol.
- They have a higher risk of dropping out.
- Those who receive free and reduced lunch are more likely to be suspended.
- African-American students are twice as likely to be disciplined as Caucasian students.
- Students who come from single-parent homes are suspended two to four times more than those living in two-parent homes.
- Pupils who were suspended have a "C" or lower GPA.

(Advocates for Children and Youth—Voices for Maryland's Children, 2006; American Academy of Pediatrics, 2003; Clark, S, n.d, In-school suspension, n.d.)

Fewer discipline issues emerge in classrooms where teachers keep students academically engaged and their classroom rules and consequences are supported by school policies. Similarly, suspension rates tend to be lower in schools that are proactive versus reactive, where the discipline code, expectations, rules, consequences and follow through are clear, and where suspension is a last resort for

only very serious offenses. There are times when suspending a student is very appropriate. Maintaining a safe school with appropriate disciplinary measures while combating the negative effects of suspension is important (<http://educationpartnerships.org>).

The literature suggests several strategies that can be implemented to create a climate supportive of alternatives to suspension.

(Table 29)

Settings the Stage for Alternatives to Suspension

- Provide ongoing staff development on classroom management, academic engagement, and differentiation of instructional practices (R277-528; R277-609).
- Supply opportunities for new teachers to observe their “challenging” students in other classes, as well as having these teachers observe experienced teachers.
- Offer courses for parents on how they can be actively involved in and aware of their teenager’s life (R277-411).
- Examine a school climate and determine what is and is not supporting the desired behaviors (R277-609).
- Establish a school-wide discipline code with clearly articulated levels of consequences (R277-609).
- Teach sportsmanship in physical education classes.
- Offer instruction in bullying prevention for all stakeholders (R277-609; R277-613).
- Provide rewards and incentives for positive behaviors (R277-609).
- Examine behavioral office referral data. Who is referred? Why are they being referred? How often and for what offense(s) is the student being referred? Does the punishment fit the crime?

Advocates for children and youth—Voices for Maryland’s children, 2006; American Academy of Pediatrics, 2003; Clark, S., n.d.; Delisio, E. R., 2007; Petterson, R. L., n.d.)

Research has also identified several practices that may be used as alternatives to suspension from school.

(Table 30)

Indicators on School Suspension

- Implement a peer mediation and/or conflict resolution program.
- Develop an individualized self-management plan as applicable.
- Hold a conference with the student and parent(s).
- Develop an Intervention School-Based Assistance Team.
- Assure that punishments fit the behavior infraction.
- Require mini-courses where the topic is related to inappropriate behaviors and teach skills in how to deal/handle the same situations(s).
- Provide time for the student to meet with the school counselor or student support staff to discuss and attempt to resolve the issue(s).
- Implement an effective in-school suspension program.

(Advocates for children and youth—Voices for Maryland’s children, 2006; American Academy of Pediatrics, 2003; Clark, S., n.d.; Delisio, E. R., 2008; In-school suspension, n.d.; Peterson, R. L., n.d.; Teach Safe Schools, n.d.)

VII-B REMOVAL: DISCIPLINARY REQUIREMENTS FOR ALL STUDENTS

The school administrator is generally responsible for school-wide discipline and must make decisions regarding disciplinary consequences. When students violate school rules, the school administrator is the one who responds and must make a series of decisions that provide due process protections for all students. When the administrator decides to select removal as a disciplinary consequence, it is assumed that the school has adequate and effective alternative consequences to deter rule-violating conduct and that these have been considered. It is also assumed that removal from school is the appropriate consequence for the particular case at hand. If the administrator has considered the alternatives and

removal is the appropriate consequence in the case, the administrator must be prepared to answer the questions, “Does the behavior exhibited warrant the penalty of removal from school?” Factors to consider in answering the question include:

- Is the penalty consistent with acceptable LEA penalties?
- Have mitigating circumstances surrounding the offense been considered?
- For students with disabilities, is the penalty consistent with those imposed on students without disabilities for the same or similar offenses?

(Table 31)

Indicators on School Suspension

- 1 Due process procedures in connection with suspensions of ten school days or less include:
 - Oral and written notice of the charges to the student and parents.
 - An explanation of the evidence school administrators has obtained related to suspension.
 - An opportunity for the student to present an explanation of the incident.
- 2 For removals of more than ten days, the student is entitled to a hearing in which he can present his/her side of the story and ask questions of school officials.
- 3 An LEA is considered to have knowledge that a student has a disability if:
 - The parent of the student expressed concern in writing to the principal or the teacher that the student is in need of special education.
 - The parent requested an evaluation of the student.
 - The teacher of the student or other educational staff expressed specific concerns regarding the student’s behavior in accordance with the LEA’s child find procedures.
- 4 Principals must keep accurate records on suspensions for all students. It is critical that discipline data be collected and be easily retrievable for all students.

(From *The Tough Kid Principal’s Briefcase* by Jensen, Rhode, Evans, and Morgan (2013).

VII-C DISCIPLINE FOR STUDENTS WITH DISABILITIES

Is the Student Protected Under Federal Statute/State Rule?

The student is protected by IDEA and/or Section 504 discipline procedures if:

- The student is eligible for special education under IDEA.
- The student is an eligible individual under Section 504.
- The school had knowledge that the student had a disability before his behavior that precipitated disciplinary action.

The student is not protected by IDEA discipline procedures if:

- The parent has refused an evaluation of the student.
- The parent has refused or revoked consent for special education services.
- The student has been evaluated and found not to be eligible under IDEA 2004.

Short-Term Removal

The school should document short-term removals of all students. Staff should know the process for entering this documentation into the Student Information System (SIS) used by their LEA. This documentation is critical as the data requirements of the Office for Civil Rights (OCR), the Office for Special Education Programs (OSEP), the Safe and Drug-Free Schools Act, the Elementary and Secondary Education Act (ESEA), and the Gun-Free Schools Act require yearly reporting of this data.

- A running total of the number of school days a student with disabilities has been removed in a year is a criterion for decision making related to educational change-of-placement issues.
- If charged with a civil rights violation of disparate disciplinary treatment under Section 504 (a common complaint), the school must provide documentation that the proposed disciplinary consequences are similar for all students with disabilities and those without disabilities.
- LEAs use data to identify areas of strength and improvement for school planning and to conduct professional development.

(Table 32)

Rules for Removal of Students with Disabilities (§300.530)

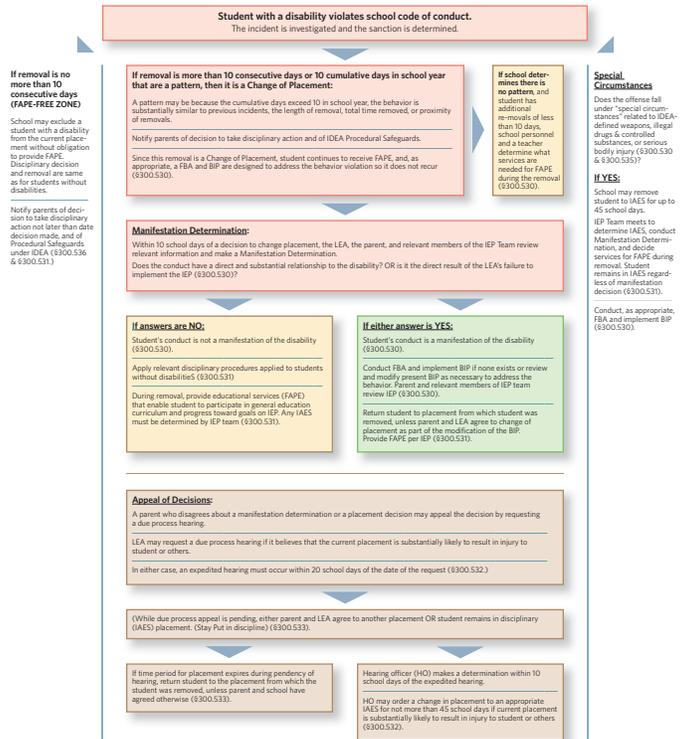
- 1 For students with disabilities, the due process rights for concurrent or cumulative suspensions of ten days or less are the same as for students without disabilities.
- 2 Consequences involving removal are the same for students with disabilities as they are for students without disabilities. Administrators must work through the additional due process rights of the student with a disability to determine other required procedures.
- 3 Educational services must be provided to students with disabilities on the eleventh day of removal.
 - Whether concurrent or cumulative, and whether or not it amounts to a change of educational placement (see discipline flow chart), educational services for IDEA students as listed on their IEPs must be provided on the eleventh day of removal.
- 4 If the parents of an IDEA student agree with a change of educational placement for disciplinary reasons, and with the educational services provided, there is no need for further due process. This includes a FBA and a BIP. However, remember that parents reserve the right to withdraw their consent at any time.
- 5 A principal can change the educational placement of a student with disabilities under special circumstances, as directed in IDEA discipline requirements (§300.530V.B.1). School personnel may remove a student to an interim alternative educational (IAES) setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - Carries a weapon to or possesses a weapon at school, on school grounds, or to a school function under the jurisdiction of an LEA.
 - Possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an LEA.
 - Inflicts serious bodily injury (§300.530V.E.5.d.(3)) upon another person while at school, on school premises, or at a school function under the jurisdiction of the an LEA.
- 6 A manifestation determination must be made prior to the school's final determination of educational change of placement for a student with disabilities. If the behavior is a manifestation of the disability, the student returns to the placement the student was in at the time of the misconduct, unless the IEP team decides on a different placement. If the behavior was not a manifestation, the student may be removed from school as long as the student receives a FAPE on the eleventh day of such removal.
- 7 When a removal constitutes a change of placement, an FBA and a subsequent BIP must be completed for students with disabilities. A removal is a change of placement when it exceeds 10 days in a school year, whether it's an individual instance of removal or cumulative days.
- 8 Principals should find alternatives to out-of-school suspensions (OSS). It is helpful to have effective alternatives to OSS in place to avoid many of the pitfalls surrounding the use of OSS.

(From *The Tough Kid Principal's Briefcase* by Jensen, Rhode, Evans, and Morgan (2013).

VII-D DISCIPLINARY REMOVAL FLOWCHART FOR STUDENTS WITH DISABILITIES & SUMMARY

The disciplinary removal flowchart may be visually overwhelming initially; however, there is only one way in and one way out. In this case, prompts show the way with symbols on the flowchart and short explanations in the summary.

Go through the process step by step. If educators are uncertain about a step, refer to the summary. Educators are ultimately responsible for the disciplinary removal procedures followed in school.



These procedures apply when a student has an IEP and/or if the LEA had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. The LEA has knowledge if (a) the parent of the student expressed concern in writing to LEA supervisory or administrative personnel or to a

teacher of the student that the student needs special education; or (b) the parent requested an evaluation of the student; or the teacher or other LEA personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the director of special education or to other LEA supervisory personnel (§300.534).

DEFINITIONS

BIP:
Behavior Intervention Plan to enable the student to learn a replacement behavior more appropriate to obtain what the student needs.

Change of Placement:
When a student with a disability engages in misconduct and the student is removed from school for 10 consecutive days, or for 10 cumulative days during a school year, unless there is not a pattern of removal, the removal is considered a change of placement and educational services must be provided from the eleventh day forward.

FAPE:
Free Appropriate Public Education for a student with disabilities means all of the services and related services on the IEP and access to the general education such that the student can make progress on the IEP goals and in the core curriculum.

FBA:
A Functional Behavior Assessment to determine the motivation of a student who engages in misconduct.

IEP:
Individualized Education Program for a student with disabilities specifying annual goals and services for the student.

Manifestation Determination:
An analysis of the relationship of the disability to misbehavior and analysis of the implementation of the IEP.

Procedural Safeguards:
A description of the rights of students with disabilities and their parents.

Removal:
Student suspended from school setting for disciplinary reasons such that the student does not receive his IEP-defined specialized instruction, related services, if any, and access to the general curriculum for the student's grade or courses.

VII-E SELECTING INTERVENTIONS

Classroom personnel should document that preventative and proactive practices were adequately implemented and found ineffective before supplemental interventions or highly intrusive interventions are implemented (unless the behavior is severe and warrants emergency interventions to ensure the safety of the students and staff). If less intrusive strategies have not been implemented with fidelity, adjustments in classroom practices should be made prior to moving to a more intrusive intervention.

The interventions selected should be appropriate to the target behavior and the student's developmental level, physical abilities, and communication mode, as dictated by student performance data and the research literature. It is recommended that a minimum of two interventions be implemented and found ineffective within each level before moving on to a higher level of the continuum (Morgan, D. & Jenson, W. R., 1998).

As intervention procedures are considered and selected by multidisciplinary teams (e.g., Student Assistance Team, Professional Learning Community, IEP teams), careful consideration of multiple factors will help the team to make appropriate decisions about behavior intervention procedures.

(Table 37)

Factors for Appropriate Decisions

Strategies should be aligned with the student's developmental level; motor ability; communication mode; other factors relevant to the student current social and behavioral level of performance; and, when applicable, disability.

Less intrusive interventions (including both universal and supplemental) should be in place prior to and during the consideration and use of intrusive interventions. The only exceptions are when the nature or severity of the student's behavior warrants the immediate use of a more intrusive intervention procedure (i.e., ESI). Implementation and use of the school-wide PBIS system or MTSS model helps to ensure the use of fewer intrusive interventions.

Formal and informal individual FBA data should be used to assist the team in selecting interventions for a particular student and a particular behavior.

Intrusive behavior intervention procedures should be used judiciously, only when severe behavior threatens the safety of the student or others. These interventions should be monitored closely to ensure appropriate use and to document results. If misbehavior does not decrease, the team should make changes to the BIP when developed.



VIII CRISIS MANAGEMENT

VIII-A EMERGENCY SAFETY INTERVENTIONS (ESIs)

There may be times when a student's behavior escalates to the point that he/she places himself/herself or others in imminent danger. However, it is less likely to have such situations occur if proper prevention and de-escalation strategies are utilized. Understanding the cycle of a crisis and identified ways of responding can often ensure a safe and productive resolution. Training programs are available that teach school personnel to recognize behavioral escalation levels and utilize effective research-based responses. LEAs and schools should address such procedures in their School Safety Plan/Crisis Management Plan, which shall also include a continuum of interventions, from proactive and preventive to more intrusive.

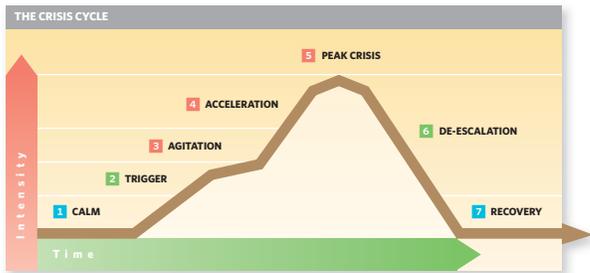
The USOE supports a positive approach to behavior that uses proactive, preventive strategies to create a safe classroom and school climate, recognizing that on rare occasions, a student's behavior, regardless of proper preventive and de-escalation techniques, will escalate point where the student's behavior poses an imminent danger to the student and/or others. In order to protect the safety of students and staff, the USOE has adopted R277-609: Prohibition of Corporal Punishment and Prevention of Emergency Safety Interventions in Utah's Public Schools, which limits the use of physical restraint and seclusion to those situations in which a student's behavior poses an imminent danger to himself/herself and/or others. Neither seclusion nor physical restraint are teaching procedures, nor are they behavioral interventions; thus, they are outside of the scope of a tiered intervention system. These types of interventions are considered highly intrusive, and shall only be used in emergency situations; they should not be used as a punishment or for any non-dangerous or non-emergency reasons, such as noncompliance, disrespect, disobedience, misuse or destruction of property, or disruption.

When episodes of problem behavior occur that pose an immediate danger to the student and/or others, it is important to provide a response that helps to ensure the safety of all involved and produces a timely de-escalation of the behavior. The goals of crisis management procedures are to ensure the safety of the student and/or others, and to de-escalate the problem as quickly as possible. Safe crisis management procedures (crisis cycle) are needed and should be planned thoroughly and in advance. This guidance on Emergency Safety Interventions ESIs; term also applies to highly intrusive individual interventions—USOE Special Education Rules III 1 (b)(5)(c) applies to all students and to any learning environment, including any nonprofit institutional day or residential school and any accredited nonpublic school that receives public funding, or over which the USOE has regulatory authority. This definition includes preschools under a public school district. The regulations also apply to all school personnel and individuals hired or contracted by an LEA or school to perform work on behalf of the LEA or the school, including school resource officers. The intended purpose of this section is to provide broad, overarching support to LEAs, schools, school employees, and the general public on the use of ESIs.

VIII-B CYCLE OF ACTING-OUT BEHAVIORS: CRISIS CYCLE

School administrators, teachers, parents, and peers can often be trapped in escalating interactions with students that can prove to be very disruptive, damaging to relationships, and in some cases, extremely dangerous. This behavior escalation pattern has been described as the seven phases of acting-out behavior or crisis cycle (Colvin, 1992; Kauffman, Mostert, Trent, & Hallahan, 1998; Sprague & Golly, 2004). In general, this conceptual model represents the

interdependent behavioral dynamics of the student's behavior during an escalating and de-escalating interaction. These phrases involve an escalated interaction between the teacher(s) and student that is intense, explosive, and often unsafe. It is when the phases reaches peak that some students may pose an immediate danger to themselves and/or others. The diagram below illustrates this escalation and de-escalation process.



A detailed description of the behavioral characteristics of each of the seven phases, a summary behavioral description of each phase, and a summary check-list for the acting-out behavior cycle can be found in the sections: XII - ADDITIONAL TECHNICAL ASSISTANCE / D - Phases of the Crisis Cycle and XIII - APPENDIX / 14 - Crisis Management Plan.

VIII-C DEFINITION OF TERMS

Chemical restraint:

Chemical restraint means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement. The use of chemical restraint is prohibited, except as prescribed treatments for a student's medical or psychiatric condition by a qualified health professional appropriately licensed to issue such treatments. In all instances, medication should only be provided exactly as prescribed, including the appropriate dosage and with the same frequency as prescribed as is outlined in the student's Health Care Plan (HCP) (School Nurse Act—R 156-31b-701a. Delegation of Tasks in a School Setting).

Emergency:

Emergency means the imminent danger of physical violence/aggression towards oneself or others that is likely to cause bodily harm.

Emergency safety intervention:

Emergency safety intervention means the use of seclusionary time out or physical restraint when a student presents an immediate danger to himself/herself or others, and is not for disciplinary purposes.

Forceful physical guidance:

Forceful physical guidance means physically guiding a student through the proper motions to complete a task or demonstrate a skill in response to moderate resistance (danger to himself/herself and/or others) on behalf of the student. Since the procedure would restrict, immobilize or reduce the ability of the student to freely move his/her torso, arms, legs, or head, the procedure would be considered a form of physical restraint.

Immediate danger:

Immediate danger means the danger of physical violence/aggression towards oneself or others that is likely to cause serious physical harm.

Mechanical restraint:

Mechanical restraint means any device or object used to limit a student's behavior and/or movement and which cannot be removed by the student. The use of mechanical restraint is prohibited, except for those protective or stabilizing devices ordered and supervised by a person appropriately licensed to issue the order, those required by law, and devices used by law enforcement in carrying out law duties, and vehicle safety restraints when used as intended during the transport of a student in a moving vehicle. If vehicle safety restraints are used, school staff shall receive professional development in the proper use of the equipment, including rapid removal in an emergency situation.

Physical restraint:

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely. The length of the restraint and the amount of force used should be for the shortest duration and the least amount necessary to diffuse the emergency situation and ensure the safety of the student(s) and others. The use of prone, or face-down physical restraint; supine, or face-up physical restraint; physical restraint that obstructs the airway of a student; or any physical restraint that impacts a student's primary mode of communication is strictly prohibited.

Physical guidance:

Physical guidance means physically guiding a student through the proper motions to complete a task or demonstrate a skill in response to mild resistance that does not pose a risk of danger to himself/herself and/or others, on behalf of the student, while at the same time it does not restrict, immobilize or reduce the ability of the student to freely move his/her torso, arms, legs, or head.

Seclusionary time out:

Seclusionary time out means involuntary confinement of a student alone in an enclosed room when student is prevented from leaving. Seclusionary time out, when used with a student, means all of the following conditions are met:

(Table 34)

Seclusion Conditions

- 1 The student is placed in an enclosed area by school personnel;
- 2 The student is purposefully isolated from adults and peers; and
- 3 The student is prevented from leaving, or the student reasonably believes that the student will be prevented from leaving, the enclosed area.

A student (no matter his/her age) placed in seclusion must be continuously monitored, visually and audibly, by a school employee, and shall be removed from seclusion immediately when the student no longer presents an immediate danger to self and/or others. LEAs shall identify or develop and implement a professional development program that addresses preventive and de-escalation techniques for staff members whose job responsibilities might warrant the use of emergency safety interventions.

Note: Seclusion does not include a timeout, which is a behavior management technique aimed at reducing reinforcement that is part of an approved program that involves the monitored separation of the student in a non-locked setting and is implemented for the purpose of calming (further guidance can be found in "Additional Technical Assistance," p. 118). In-school suspension (ISS) is also not seclusion. In-school suspension does not typically involve the student being isolated from adults and peers, and thus does not meet the definition of seclusion.

VIII-D DOCUMENTATION

Any time an ESI is used with any student, it must be documented. (A sample ESI Form can be found in the Appendix.) Documentation must include, but is not limited to, the following information:

- Date and time the ESI was used
- Student's behavior that lead to the use of the ESI (defined in measurable and observable terms)
- Type of ESI (seclusion or physical restraint), and the duration the intervention was in place (length of time in minutes)
- Names of school personnel who participated in or supervised the ESI
- Notification of the student's parent(s) and how they were notified (e.g., phone, in person, e-mail)
- Any injuries that resulted from the use of the ESI to the student and/or staff

In addition to the requirements, an LEA may choose to draft a form that includes more than the minimum requirements. This information may help school staff determine how to prevent the need for using an ESI in the future. This documentation becomes part of the student's educational record, which parents may view upon request.

It is best practice that, after using an ESI, a debriefing session takes place with the adults involved. Although not required, such a process is highly recommended, as the goal of the session is to prevent the future use of a similar intervention.

The LEA shall develop procedures for the collection, maintenance, and periodic review of the use of ESIs at each school, including the aforementioned documentation. District-level or charter school staff must follow the LEA procedure for reviewing the ESI data. Upon request from the USOE, documentation of any school, program or LEA's use of ESIs shall be provided. In addition, in accordance with Utah's Program Improvement Planning System (UPIPS), a periodic review of special education programs, procedures or manuals, and emergency safety intervention data as related to IDEA-eligible students will occur.

VIII-E NOTIFICATION

LEAs shall have in place, as part of the LEA's crisis management/safety plan for all students as well as part of their special education policies and procedures, the criteria for using ESIs in accordance with USBE R277-609. LEAs should consider the document the Office of Special Education Programs (OSEP) of the U.S. Department of Education released in May 2012, *Restraint and Seclusion Resource Document* (<http://www2.ed.gov/policy/seclusion/index.html>). This resource identifies 15 principles for states, local school districts, schools, and other stakeholders to consider when developing and implementing policies and procedures related to seclusion and restraint.

At minimum, LEAs policies shall include the following (USBE Rule R277-609):

- Prohibition of the use of prone, or face-down, physical restraint; supine, or face-up, physical restraint; physical restraint that obstructs the airway of a student; or any physical restraint that impacts a student's primary mode of communication.
- Prohibition of the use of mechanical restraint, except those protective or stabilizing or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation.
- Professional development that meets the needs of school personnel and has been approved by the USOE.

These written policies shall be accessible on each school's web site and shall be included in each school's code of conduct, school safety plan, or student handbook, or any combination of these.

VIII-F CAUTIONS

Both students and staff have been injured in secluding and physically restraining students. As has been reported by multiple reports (see Table 35), the use of seclusion and physical restraint can have very serious consequences, including, most tragically, death. Furthermore, there continues to be no evidence that using seclusion or physical restraint is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques. LEAs should do everything possible to ensure all students can learn, develop, and participate in instructional programs that promote high

levels of academic achievement. To accomplish this, schools must make every effort to structure safe environments and provide a behavioral framework, such as the use of positive behavior interventions and supports that apply to all students, all staff, and all locations in the school so that the use of seclusion and physical restraint is greatly minimized. Such interventions should never be used to obtain compliance, nor as a means of discipline. In addition, the use of such ESIs should only be carried out by trained personnel who have demonstrated competency in their use.

(Table 27)

- *School is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools*, National Disability Rights Network, www.NDRN.org.
- *Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers*, United States Government Accountability Office, www.gao.gov.
- *How Safe Is the Schoolhouse?* The Autism National Committee, www.autcom.org.

VIII-G LEA PROFESSIONAL DEVELOPMENT

LEAs must provide appropriate school personnel with professional development consistent with nationally recognized training programs which are approved by the USOE. At a minimum, training must address prevention techniques, positive behavioral supports, crisis reduction and management, de-escalation techniques, and other best practices. Training must be designed to meet the needs of personnel as appropriate to their duties and given their likelihood of using ESIs (e.g., specialized settings). School personnel are required to review the training program as outlined in the chosen program. LEAs shall have the responsibility to maintain documentation on the training provided and a list of those who participated.

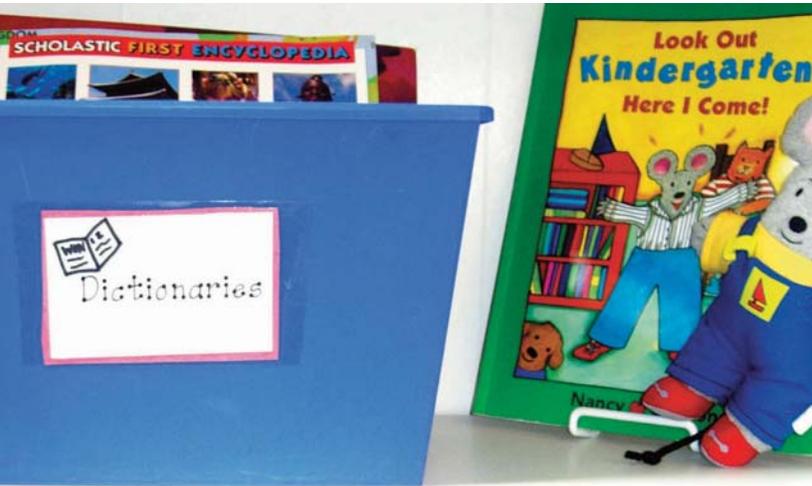
The focus of the training should be on behavior preventative and proactive practices when dealing with crisis management. Seclusion and physical restraint shall be taught as a last measure, and only under the premise that the student's behavior poses an imminent danger to self and/or others. The training program should cover data-based decision making and evidence-based positive behavioral interventions and supports; safe physical escort; conflict prevention; behavioral antecedents; FBAs; de-escalation of challenging behaviors; conflict management; and the signs of medical distress, as well as cardiopulmonary resuscitation.

IX RESPONSIBILITIES

IX-A RESPONSIBILITIES OF THE UTAH STATE OFFICE OF EDUCATION (USOE)

Annually or as needed, the USOE will review needed modifications to the content of the LRBI Guidelines and state level policies. This review will ensure that the LRBI Guidelines document and state policies and procedures reflect current evidence-based intervention practices. Any needed changes will be recommended to the Utah State Board of Education.

When needed, the USOE will review data from LEAs on the frequency of use of emergency safety interventions. This information will be used to monitor the application of ESIs and to identify possible technical assistance needs or professional development priorities. Upon LEA request, the USOE will give technical assistance and provide guidance on the content and critical components of LEA policies. As appropriate, assistance in training for development and implementation of a continuum of positive behavioral interventions and supports in Utah schools can be requested by LEAs.



IX - B RESPONSIBILITIES OF THE LOCAL EDUCATION AGENCY (LEA)

Emergency Safety Interventions Committee

It is required by R277-608 that the LEA will organize an ESI Committee to monitor LEA policies on disciplinary plans, actions and behavioral intervention procedures, protections and safeguards. The ESI Committee should meet often enough to monitor the use of emergency safety interventions in the LEA, determine and implement professional development needs, and develop policies for local dispute resolution processes to address concerns regarding disciplinary actions. The LEA will collect summary information regarding the frequency of use of ESIs in the LEA and be able to report this data to the USOE if requested.

Members of the LEA ESI Committee should include:

- LEA administration
- The local Special Education Director or a designee
- No fewer than two other professionals with behavioral knowledge
- A parent

(Table 36)

Potential Appeals Procedures and Timeline

- If a member of the team disagrees with a decision regarding behavioral intervention, an appeal must be made in writing to the LEA.
- Within five days of appeal receipt, the ESI committee chairperson should initiate steps to conduct an appeal conference to resolve differences and, if possible, avoid a hearing.
- During the pendency of an appeal to the committee, the behavioral intervention in question should not be implemented.
- The appeal conference should be completed within 15 school days, and steps should be taken to avoid an adversarial atmosphere. The Local Education Authority (LEA) can grant an extension of up to five school days if extenuating circumstances are present.
- The committee's recommendations should not conflict with state or federal law which provides procedural safeguards.
- A copy of the written recommendation should be mailed to each party within five school days following the conference.

Behavior Expertise

The LEA should ensure that a recognized specialist in behavioral supports and interventions is a member of the Student Support Team (SST) in situations where highly intrusive interventions procedures are considered. It is recommended that the specialist have expertise in behavioral interventions and an understanding of how different disability characteristics influence and maintain behavior. If the behavior specialist or other personnel require additional professional development on specific interventions, the LEA may request training from the USOE.

Personnel Development

It is the responsibility of the Local Education Authority (LEA) to ensure that the staff receives the training necessary to effectively implement a continuum of behavioral interventions and supports. It is the responsibility of the LEA staff to participate in training as needed (§300.207). Where LEA staff members think they do not have appropriate training to implement specific behavioral intervention procedures appropriately, it is their responsibility to request needed training from LEA.

IX - C EMERGENCY SAFETY INTERVENTIONS (ESI) & INDIVIDUALIZED EDUCATION PROGRAMS (IEP)

Since seclusion and physical restraint should only be used in emergency situations, an ESI should not be a planned intervention for a specific student under foreseeable circumstances. The use of ESIs should not be included in a student's IEP nor Behavior Intervention Plan (BIP). However, if an IEP team decides to include the use of an Highly Intrusive Emergency Safety Intervention (ESI) in an IEP or BIP, a FBA must be conducted and parental consent must be obtained. In addition, focus should be placed on the teaching and supporting of more appropriate behavior(s) that replace the student's dangerous behavior. Even if an ESI is identified on an IEP and/or BIP, the use of such ESI must follow the regulations set forth; it does not exempt the LEA or school from following the regulations.

Seclusion and physical restraint shall not be used as a routine strategy implemented to address instructional problems or inappropriate behavior (e.g., disrespect, noncompliance, insubordination, being out of seat), as a means of coercion or retaliation, or as a convenience. These emergency safety interventions should only be used when a student's behavior poses imminent danger of serious physical harm to self or others. Seclusion and physical restraint are last resorts and shall be avoided to the greatest extent possible without endangering the safety of students and staff; they shall be used only when less intrusive methods have not been effective and when protecting the student and/or others from injury/harm requires their use.

IX - D RESPONSIBILITIES OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM

(§300.324(1)(1))

In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

(§300.324(1)(2))

When making decisions on behavioral interventions, the IEP team must refer to the USOE Least Restrictive Behavior Interventions (LRBI) Technical Assistance Manual for information on research-based intervention procedures (USOE Special Education Rules III.1. (b)(5)(a).

(§300.324(5)(c))

When an emergency situation occurs that requires the immediate use of HI/ESIs to protect the student or others from harm, the staff shall complete and submit an emergency consent form to the LEA and notify the student's parents within 24 hours (USOE Special Education Rules III.1 (b)(5)(c)).

IX - E INFORMED CONSENT

When selecting intensive individual interventions and ESI, the IEP team process should be augmented to ensure parental/guardian informed consent and participation in the behavior intervention planning.

(Table 37)

Recommended IEP Team Augmented Practices for Selection of Interventions

- Documentation and review of data regarding use of preventative interventions and their results which demonstrate the need for additional levels of intervention.
- Discussion and review of suggested new behavior intervention procedures.
- Discussion of potential effectiveness of proposed intervention, including possible side effects.
- Use of FBA data and development of a formal BIP whenever an intensive (highly intrusive) individual intervention is selected.
- Obtain signed parental consent for all (highly intrusive) intensive individual interventions and ESIs when IEP has determined to list on BIP.

IX - F IMPLEMENTATION & MONITORING OF BEHAVIOR INTERVENTIONS

When selecting highly intrusive interventions and certain supplemental interventions, the Student Support Team (SST) process is augmented with the following steps to implement, monitor, and adjust behavior interventions and supports. Behavior interventions can be addressed in the IEP or on a formal BIP for students with disabilities.

(Table 38)

Recommended Implementation and Monitoring of Behavior Intervention Practices for Student Support Teams

- Prior to selecting and implementing an intervention, operationally define the target behavior and appropriate replacement behavior.
- Except for situations when the behavior is extreme (e.g., self-abuse or assaultive behavior) and immediate intervention is required, collect baseline data for a minimum of three sessions or days prior to implementation of a behavior intervention.
- Prior to implementing a selected intervention, ensure staff members are trained on the intervention procedure to encourage a high level of fidelity and consistency with the intervention implementation.
- Plan for appropriate data collection and monitoring of both student response to the intervention and staff consistency in implementing the intervention.
- If a student fails to respond to the intervention, consider conducting an FBA to inform future intervention selection and adjustment of current intervention practices.
- If a Student Support Team selects to include an emergency safety intervention, the SST should work with school personnel to submit to the LEA ESI committee documentation of less intrusive interventions and the plan for monitoring the use of ESIs.

IX - G DEVIATION FROM STUDENT'S BEHAVIOR INTERVENTIONS IN IEP OR BIP

Each student's IEP and/or BIP constitutes a binding agreement. School staff deviation from an approved plan, which includes misapplication of approved interventions, use of unapproved interventions requiring informed consent, and/or failure to follow outlined emergency procedures in emergency situations, will subject the responsible school staff members to disciplinary action as dictated by LEA policy.

If the school staff members implementing behavioral supports finds that ESIs are needed, they must refer to the section on emergency situations in this document and follow the steps outlined. A behavior for which ESI is used should occur not more than:

(Table 39)

Pattern of Behavior

- Once per week.
- Two times in a month.
- Four times in a year.

IX - H DUTY TO WARN

In a school setting, the term "therapist" pertains to school counselors, school psychologists, school social workers, or anyone licensed by the State of Utah to provide any mental health services. Therapists have a unique relationship with clients that allows them access to intensely personal information. Therapists are required by law to keep this information confidential (UCA 58-60-114). However, there is an important exception to the confidentiality of information that is referred to as the duty to warn. According to Utah Code 78-14a-102, a therapist has a duty to warn when "client or patient communicated to the therapist an actual threat of physical violence against a clearly identified or reasonably identifiable victim." When such a threat is

communicated to a therapist, that individual must "make reasonable efforts to communicate the threat to the victim, and notify a law enforcement officer or agency of the threat." Taking action in accordance with the aforementioned statements does not constitute a "breach of trust or privilege, or disclosure of confidential information." While there is no law or legal precedent that explicitly obligates teachers or administrators with a duty to warn, there is good reason to maintain that teachers, administrators and other school personnel do have a duty to warn. Legal precedent indicates that individuals have a duty to warn when certain conditions are met.

(Table 40)

Conditions Warranting Duty to Warn

- The existence of a special relationship.
- The presence of a reasonable prediction of conduct that constitutes a threat.
- Knowledge of a foreseeable victim.



X INTERVENTION PROCEDURES: OVERVIEW & SELECTION

A continuum of evidence-based behavioral support and intervention procedures is listed in this guidelines document. This continuum includes PBIS at three levels. Emergency Safety Interventions are not considered part of this continuum and should only be used under the guidance of USOE Rule (R277-608).

The continuum of intervention procedures identified within each level (universal, targeted, and intensive individual) is sorted alphabetically for convenience.

For each intervention, (a) the intervention is defined; (b) steps for implementation are described; (c) special considerations, including side effects and cautions, are noted; (d) methods of data collection for ongoing progress monitoring are recommended; and (e) references for more information regarding the intervention are provided.

The three tiers or multi-levels represent a hierarchy; however, the interventions within each tier are not hierarchical. For example, when selecting and implementing a targeted intervention, it is not required that IEP teams start with the first on the list; rather, the intervention is selected based on individual student need based on data. It is recommended that a minimum of two interventions within each level be implemented and be found ineffective through data-based decision making prior to moving to the next level. Likewise, when selecting and implementing an intensive individual intervention, it is essential that decisions be based on progress monitoring data from the ineffective lower-level interventions and other information which help determine student need, rather than randomly selecting from the intervention list. Some behavioral interventions can be effectively and appropriately.

X-A UNIVERSAL (PREVENTIVE & PROACTIVE) INTERVENTIONS - EFFECTIVE EDUCATIONAL PRACTICES		
UNIVERSAL INTERVENTION	PARENTAL NOTIFICATION	BEHAVIOR EXPERT ON SS TEAM
U-1	Appropriate and Motivating Instructional Practices	No
U-2	Assistive Technology	No
U-3	Behavior Momentum	No
U-4	Chaining/Sequencing	No
U-5	Contingent Observation	No
U-6	Differential Reinforcement	No
U-6a	Differential Reinforcement of Other Behaviors (DRO)	No
U-6b	Differential Reinforcement of High Rates (DRH)	No
U-6c	Differential Reinforcement of Low Rates (DRL)	No
U-6d	Differential Reinforcement of Alternative/Replacement Behavior (DRA)	No
U-6e	Differential Reinforcement of Incompatible Behavior (DRI)	No
U-6f	Differential Reinforcement of Functional Communicative Behavior (DRC)	No
U-7	Direct Instruction	No
U-8	Environmental Engineering	No
U-9	Fading	No
U-10	Group Reinforcement Response Contingency	No
U-11	High Rates of Positive Responses From Teachers	No
U-12	Instructional Pacing	No
U-13	Monitoring Performance	No
U-14	Parent Conference	No
U-15	Parent Training	No
U-16	Positive Reinforcement	No
U-16a	Continuous Schedule of Reinforcement	No
U-16b	Intermittent Schedule of Reinforcement	No
U-16bi	Ratio Schedules of Reinforcement	No
U-16bii	Interval Schedules of Reinforcement	No
U-17	Prompting / Cueing	No
U-18	Redirection	No
U-19	Rules / Expectations	No
U-20	Staff Training (Ongoing)	No
U-21	Structured Daily Schedule	No
U-22	Supervision	No

U-1 Appropriate and Motivating Instructional Practices

A curriculum/core instruction which challenges students while enabling them to achieve success.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Probe or pretest for student academic performance level. Deliver instruction. Maintain on-task behavior. Record progress. Evaluate progress. Adjust curriculum/instruction as determined by student's needs. 	<p>A curriculum that is too difficult or easy is likely to increase inappropriate behavior. Teacher testing and evaluation skills are important. To use the appropriate curriculum, teachers must know the level at which their students are functioning.</p>	<p>Progress monitoring students are progress monitored weekly, biweekly, bimonthly, or monthly, depending on the intensity of the instructional interventions that are being provided. Sufficient data should be gathered to reliably determine progress and instructional level.</p>

Marzano, R., Pickering, D., & Pollock, J. (2000). *Classroom Instruction that Works*. Alexandria: Association for Supervision and Curriculum Development. IRIS Center video module on "Providing Instructional Supports." <http://iris.peabody.vanderbilt.edu/module/ica/>

U-2 Assistive Technology

Any item, piece of equipment, product or system used to increase, maintain, or improve functional capabilities of students with disabilities.

IMPLEMENTATION	CONSIDERATIONS
<p>After discussing the student's present level of performance and developing the measurable annual goals, if you are concerned that the student may need assistive technology to help meet any of the goals in the following areas:</p> <ul style="list-style-type: none"> Communication Reading Learning/studying Math Motor aspects of writing Computer access Composing written material 	<p>This can involve such items as large print material, a laptop computer, visual supports, or augmentative communication devices required by the student to make progress on IEP goals.</p>

Bausch, M. E., Ault, M. J., & Hasselbring, T. S. (2006). *Assistive Technology Planner: From IEP Consideration to Classroom Implementation*. Livingston, NY: National Assistive Technology Research Institute. IRIS Center video module on "Assistive Technology: An Overview." <http://iris.peabody.vanderbilt.edu/module/iat/>

Lancioni, G. E. & Singh, N. N. (2014). *Assistive Technologies for People with Diverse Abilities*. New York, NY: Springer.

U-3 Behavior Momentum

Increasing compliance by identifying and then making a minimum of three requests with which the student has a high probability of compliance before making a low-probability request.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Identify high-probability behaviors. Request three or more high-probability behaviors. Request the low-probability behavior. Give appropriate consequences. Collect and review data. Gradually reduce requests for high-probability behaviors. 	<p>It is important to know the particular student and use precision requests for behaviors that he/she is likely to perform. The same requests will not work with every student.</p> <p>For students with severe disabilities, precision requests may be geared toward communication or self-care.</p>	<p>Latency—The time it takes to begin a task, or the time the student might delay between problems on the same assignment—should be measured. The purpose of this is to look for a reduction in off-task time and how quickly a student complies with a request.</p>

Rhode, G., Jensen, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.
 Belfiore, P. J., Basile, S. P., & Lee, D. L. (2008). Using a high probability command sequence to increase classroom compliance: The role of behavioral momentum. *Journal of Behavioral Education, 17*, 160-171.
 USOE LRBI information sheet on "Behavioral Momentum." <http://www.iseesam.com/teachall/text/behavior/LRBIpdfs/BehavMomentum.pdf>

U-4 Chaining/Sequencing

Reinforcement of responses in sequence to form more complex behaviors. Chaining can involve both forward and backward steps.

IMPLEMENTATION	CONSIDERATIONS
<ul style="list-style-type: none"> In conjunction with chaining and other behavior management techniques, a strategy known as task analysis must first be used. In task analysis, skills are broken down into concrete, specific component tasks, which in some cases may be very minute. If a child doesn't made progress on a task, it may be that it needs to be task-analyzed further (broken into even smaller steps). 	<p>As each new behavioral step is added, only the most recent step needs to be reinforced.</p>

Bancroft, S. L., Weiss, J. S., Libby, M. E., & Ahearn, W. H. (2010). A comparison of procedural variations in teaching behavior chains: Manual guidance, trainer completion, and no completion of untrained steps. *Journal of Applied Behavior Analysis, 44*(3), 559-569.
 Texas Guide for Effective Teaching: Chaining. <http://www.tvauction.net/uploads/target/Chaining.pdf>

U-5 Contingent Observation

Telling a student who is doing something inappropriately to step away from the activity, sit, and watch the appropriate behavior of other students while the teacher intentionally reinforces them. After a brief period of observation, the teacher prompts the student to rejoin the activity and reinforces the desired behavior.

IMPLEMENTATION	CONSIDERATIONS
<p>Telling a student who is doing something inappropriate to step away from the activity, sit, and watch the appropriate behavior of other students while the teacher intentionally reinforces them. After a brief period of observation, the teacher prompts the student to rejoin the activity, and reinforces the desired behavior.</p>	<p>The observation will usually be for a brief time. (One- to five-minute periods are as effective as longer ones.)</p>

University of Missouri Intervention Brief: Contingent Observation. <http://bmi.missouri.edu/wp-content/uploads/2011/09/Sit-and-Watch.pdf>
 Alberto, P., Heflin, L. J., & Andrews, D. (2002). Use of the timeout ribbon procedure during community-based instruction. *Behavior Modification, 26*, 297-311.
 Kostewicz, D. (2010). A review of timeout ribbons. *The Behavior Analyst Today, 11*(2), 95-104.

U-6 Differential Reinforcement

The reinforcement of one form of behavior, but not another; or the reinforcement of a response under one (stimulus) condition but not under another.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Choose desired observable and measurable behavior to be improved. Introduce an alternative, incompatible, or communicative behavior. Select time interval and criterion. Ignore inappropriate behavior. Reinforce appropriate behavior. Check for progress. 	<p>When you are first ignoring negative behavior, the problem behavior will usually increase. Be sure negative behavior can be tolerated, or try a combination of interventions, such as a contract. Reinforce immediately after behavior. Choose an alternative behavior that is functional.</p>	<p>Frequency data on the number of times the student performs the behavior during a 5-10 minute interval.</p> <p>Fidelity data can be collected by using a beepers or vibrator to see if student uses the alternative behavior. Student could receive a raffle ticket each time he/she is on task.</p>

Rhode, G., Jensen, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.
 IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." <http://iris.peabody.vanderbilt.edu/module/bi/?resource=8content>
 USOE LRBI Information Sheet on "Differential Reinforcement." <http://www.iseesam.com/teachall/text/behavior/LRBIpdfs/Differential.pdf>

U-6a Differential Reinforcement of Other Behaviors (DRO)

Reinforcement following any appropriate/replacement behavior while ignoring the inappropriate/target behavior in a defined period of time.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Define the problem behavior in clear, observable terms so that other individuals are able to identify instances and non-instances of the behavior. Get a frequency count of the behavior prior to intervention (# of times per minute, day, week, etc.) or a typical length of time between problem behavior occurrences. Use average rate of behavior (step 2) to determine amount of time required for student to refrain from engaging in the problem behavior in order to get a reinforcer. Reinforce student for no instances of the problem behavior (reinforcing other behaviors) during the specified period (step 3). As student gains success at not performing the problem behavior, time requirement for reinforcement is lengthened until it can be removed entirely without the problem behavior re-emerging. 	<p>Strengths of DRO: Does not require a FBA (which can be a time-intensive procedure). Has steps and is relatively easy to use in many classroom settings. Positive alternatives for reducing the frequency of undesirable behaviors to that of reductive (punitive) approaches such as response cost or punishment.</p> <p>Limitations on use: Not a particularly good choice for low-frequency or very high-frequency behaviors. May inadvertently reinforce other problematic behaviors. Not designed to teach appropriate adaptive behaviors.</p>	<p>Establishing a baseline behavior rate and then conducting periodic observations and graphing results can provide information as to whether or not the intervention is working. It also provides information about the reinforcement schedule. If the intervention is not working, consider reducing the amount of time between reinforced intervals, enhancing the potency of the reinforcer, using another approach such as conducting a FUBA, or teaching more adaptive ways to meet needs and then reinforcing application of acquired more adaptive skills. Fidelity: Behavior count record, record of reinforcements earned, written plan.</p>

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." <http://iris.peabody.vanderbilt.edu/module/b/2/resource/#content>
Vismara, L., Bogan, J., & Sullivan, L. (2010). *Differential reinforcement of other behaviors: Steps for Implementation*. National Professional Development Center on Autism Spectrum Disorders. http://autismcpe.org/sites/autismcpe.org/files/DifferentialReinforcement_Steps_0.pdf

U-6b Differential Reinforcement of High Rates (DRH)

Reinforcement given after performing some behavior at a predetermined higher rate.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Identify the target behavior. Set a specific time period for which the behavior should occur. Identify a specific number of times the behavior should occur in that time period. Identify consequences (positive and negative). Reinforce when the goal is met. Monitor progress. 	<p>DRH is an effective tool to increase the occurrence of a behavior. Expectations should be high but achievable; it is important that the individual feel success.</p>	<p>Identify a baseline by recording the number of times the target behavior occurs within a set time period. Record data using an interval data record strategy. Compare with post data and decide whether a change in the intervention is necessary. Fidelity data can be gathered by using the same set interval for both pre and post data.</p>

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." <http://iris.peabody.vanderbilt.edu/module/b/2/resource/#content>

U-6c Differential Reinforcement of Low Rates (DRL)

Reinforcement given after performing the target/problem behavior at a predetermined low rate.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Provide students with student contracts based on predetermined behavior. Use reinforcements that the child takes interest in or expresses a desire to accomplish. After target behavior has been met, reevaluate student behavior to continue to extinguish the behavior. Extinguish reinforcement so that child moves in to maintain phase. 	<p>Collect baseline data to establish how often the behavior occurs. After you know how often the behavior occurs, then determine the number of occurrences to which the behavior should be reduced (ABC Evaluation). Reduce the behavior by the stated amount. Determine what the reinforcement will be. Consider the severity of the behavior. What disabilities does the child have? When you have established the reinforcement and baseline, explain to the student the contract that has been established.</p>	<p>Keep frequency data on the number of times the behavior occurs, and reinforce the behavior immediately (sticker sheets, point sheets, self-monitoring check sheets, etc.).</p>

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." <http://iris.peabody.vanderbilt.edu/module/b/2/resource/#content>
Austin, J. L., & Bevan, D. (2011). Using differential reinforcement of low rates to reduce children's requests for teacher attention. *Journal of Applied Behavior Analysis*, 44(3), 451-461.

U-6d Differential Reinforcement of Alternative/Replacement Behavior (DRA)

Reinforcement of a replacement behavior while ignoring the inappropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Reinforcing a student for having appropriate behavior. When the student displays inappropriate behavior, the behavior is ignored. An example of this is if Robert has a problem following the teacher's directions. When Robert follows the teacher's directions, he is highly reinforced with verbal praise. However, when Robert does not follow the teacher's directions, his behavior is ignored and the teacher does not acknowledge his non-compliance. 	<p>Ignoring inappropriate behavior may be rewarding for some students.</p>	<p>Frequency data on how often appropriate behavior is reinforced. Reduction in inappropriate behavior, since they are getting reinforced for the desired behavior. Fidelity data gathered on how frequent the inappropriate behavior occurs.</p>

LeGray, M. W., Dufrene, B. A., Mercer, S., Olmi, D. J., & Sterling, H. (2010). Differential reinforcement of alternative behavior in center-based classrooms: Evaluation of pre-teaching the alternative behavior. *Journal of Behavioral Education*, 22(2), 85-102
Western Michigan University video modules on DRA: http://www.stenhanipeterson.org/grant_materials/content/DRA/dra.html

U-6e Differential Reinforcement of Incompatible Behavior (DRI)

Reinforcement of an appropriate behavior that is physically or functionally incompatible with the target behavior, while ignoring the inappropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Identify target behavior. Select a replacement behavior that is physically or functionally incompatible with the target behavior. For example, if the target behavior is student picking nose, a functionally incompatible replacement behavior would be student using a tissue. Explicitly teach student the replacement behavior. Model appropriate time and use of replacement behavior. Continually reinforce every time behavior is displayed. Fade prompts and reinforcement as needed. 	<p>Select behaviors that are already in the student's ability to perform.</p> <p>Select a replacement behavior that will be naturally reinforced by the environment.</p> <p>Replacement behavior should be accomplished with the same amount of effort or less.</p> <p>DRI has been used successfully with a number of behaviors, including self-injuring, autism self-stimulation, off-task behavior, anti-social actions, or disruptive classroom behavior.</p>	<p>Frequency or event recording – number of times the replacement behavior is performed in an identified setting or situation.</p> <p>Fidelity data on student.</p>

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." <http://iris.peabody.vanderbilt.edu/module/bi7/resource/#content>
 Autism Internet Modules on "Differential Reinforcement." <http://www.autisminternetmodules.org/>
 Sigafos, J., Green, V. A., Payne, D., O'Reilly, M. F., & Lancioni, G. E. (2009). A classroom-based antecedent intervention reduces obsessive-repetitive behavior in adolescent with autism. *Clinical Case Studies*, 8, 3-13.

U-6f Differential Reinforcement of Functional Communicative Behavior (DRC)

Reinforcement of a functional communication skill leading to a needed reward, activity, or alternative while ignoring inappropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Select behavior to be decreased or increased. Select communicative behaviors to be taught. Determine time interval. Set criterion. Ignore inappropriate behaviors. Monitor the student's performance. 	<p>The instructor ignores inappropriate behavior and reinforces a communication skill that leads to a needed reward, activity, or alternative.</p>	<p>Identify baseline by recording the number of times the target behavior occurs. Record data using an interval data record strategy. Compare with post data and decide whether a change in the intervention is necessary.</p>

Rhode, G., Jensen, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.
 Franzone, E. (2009). Steps for implementation: Functional Communication Training. National Professional Development Center on Autism Spectrum Disorders. <http://www.nprdc.fpg.unc.edu/ncdcenter/functional-communication-training>
 Kelley, M. E., Lerman, D. C., Fisher, W. W., & Roane, H. S. (2011). Reinforcement delay fading during differential reinforcement of communication: The effects of signal response maintenance. *Journal of the Experimental Analysis of Behavior*, 96(1), 107-122.

U-7 Direct Instruction

Active teaching or explicit instruction, including explaining to students exactly what they are expected to learn, demonstrating the steps needed to accomplish a task, providing opportunities for practice and giving feedback based on performance.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Establish learning goals for students. Design assignments or activities that are clear and sequenced in such a way that each is built upon the previous ones to obtain the goal. Provide students with clear and concise explanations of the subject. Ask questions to assess learning, review and give plenty of opportunities to practice the skills. 	<p>Direct instruction can be effective for teaching basic skills (e.g., identifying colors or naming terms) and more complex skills (e.g., steps to solve a math problem), but may not be effective for general skills such as social skills.</p> <p>Social skills may be most effectively taught with direct instruction and with plenty of opportunities to practice outside of direct instruction, in natural interactions with peers. Direct instruction may be most effective when paired with other strategies.</p>	<p>Use frequency data to determine how many correct/incorrect responses were given during instructional time.</p> <p>One example may be to see what specific steps were correct and incorrect in solving a math problem.</p> <p>May use checklists, etc. to collect fidelity data. Have teachers or observers check off whether direct instruction was implemented as part of the lesson.</p>

Archer, A., & Hughes, C. (2011). *Explicit Instruction: Effective and Efficient Teaching*. Eugene, OR: Pacific Northwest.
 Explicit Instruction video modules for elementary and secondary students. <http://explicitinstruction.org/>
 National Institute for Direct Instruction video guides. http://www.nidi.org/resources/downloads/cat_viewer/54-video-supplements

U-8 Environmental Engineering

The process of arranging the physical environment of the classroom to enhance student learning and behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<p>The physical environment serves as a set of stimuli that influence appropriate and inappropriate behavior. Teachers can pay attention to such factors as basic layout of classroom space, wall displays, traffic patterns, and other aspects of the classroom.</p> <ul style="list-style-type: none"> Determine the instructional format used most frequently. Arrange student seating. Designate specific purposes to each area of the classroom. <p>Environment Checklist (PEC) to evaluate your classroom and determine where modifications should be made.</p>	<p>Environmental factors can create antecedent conditions for some students. Become aware of the needs of your students and accommodate differences in their responses. For example, children with autism might need quiet, while children with Attention Deficit Hyperactivity Disorder (ADHD) might respond well to low background music.</p>	<p>Frequency of problem behaviors, especially specific behaviors the teacher may have been targeting through environmental engineering, should be recorded in order to determine whether the strategies have been effective.</p> <p>Going through a checklist again to see if your classroom obtains a better score would give data about how well the strategies have been implemented. Teachers might also choose to use more than one checklist and compare the results.</p>

OSEP Center on PBIS classroom checklists and environmental inventory checklist. http://www.pbis.org/pbis_resource_detail_page.aspx?Type=6&PBIS_ResourceID=192
 Kansas Institute for PBS Positive Environment Checklist: http://www.kipbs.org/new_kipbs/files/PositiveEnvironmentChecklist.pdf
 Guardino, C., & Fullerton, E. (2010). Changing behaviors by changing the classroom environment. *Teaching Exceptional Children*, 42(6), 8-13.
 Ganz, J.B. (2007). Classroom structuring methods and strategies for children and youth with autism spectrum disorders. *Exceptionality*, 15, 249-260.

U-9 Fading

The gradual elimination of cues, prompts, reminders, or suggestions that control a specific response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Teacher models. Teacher uses full physical gesture/ prompt. Verbal prompt. Student independently completes task. Gradually fade out prompts. 	<p>Provide only necessary prompts when teaching.</p> <p>For students who are nonverbal, teachers can determine an accommodation to embed sight words into pictures, and eventually fade out the pictures.</p> <p>Also, teach functional sight words and gradually fade the survival sign pictures.</p>	<p>Latency recording, and/or frequency recording.</p> <p>Record, if necessary, which prompt is used.</p>

Park, C., Weber, K. P. & McLaughlin, T. F. (2007). The effects of fading, modeling, prompting, direct instruction on letter legibility for two preschool students with physical and developmental delays. *Child and Family Behavior Therapy*, 29(3), 13-21.
 National Professional Development Center on Autism Spectrum Disorders learning module on time delay and fading procedures. <http://bit.ly/1smode>
<http://www.education.com/autism/autism-delay>

U-10 Group Reinforcement Response Contingency

Group reinforcement response contingency reinforces an entire group when particular members meet the arranged condition or contingency.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Select a contingency. Set a criterion. Choose consequences. Give feedback. 	<p>In some instances, one or two students may decide to sabotage the group reinforcement for the whole class. In such cases, these students can form their own group. When they perform appropriately, they can rejoin the class group.</p>	<p>The contingency can be evaluated on the performance of a specific individual, the average of two or three random students' performances, or the average of the high and low student's performance.</p>

Wright, R. A., & McCurdy, B. L. (2012). Class-wide positive behavior support and group contingencies: Examining a positive variation of the good behavior game. *Journal of Positive Behavior Interventions*, 14(3), 173-180.
 Maggin, D. M., Johnson, A. H., Chafouleas, S. M., Ruberto, L. M., & Berggren, M. (2012). A systematic review of school-based group contingency interventions for students with challenging behavior. *Journal of School Psychology*, 50(5), 625-654.

U-11 High Rates of Positive Responses From Teachers

Frequent use of positive comments or actions to students who demonstrate appropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Select and define a behavior to increase. Choose reinforcers. Deliver positive reinforcement. Monitor student performance. The recommended ratio of positive to negative responses is at least 4:1. 	<p>Teachers create a positive environment by frequently praising the student for appropriate behavior and correct academic responses. Positive responses should be specific, so student can repeat the desired behaviors. If too general, students may not know which behaviors to repeat.</p> <p>If the behavior failed to increase, there was not enough positive reinforcement.</p>	<p>Frequency data on the number of positive reinforcements given.</p>

Rhode, G., Jensen, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies* (2nd ed). Eugene, OR: Pacific Northwest.
 Myers, D. M., Simonsen, B., & Sugai, G. (2011). Increasing teachers' use of praise with a response-to-intervention approach. *Education & Treatment of Children*, 34(1), 35-59.
 The Teaching Channel video on "Specific Praise" <https://www.teachingchannel.org/Videos/positive-feedback-to-students>

U-12 Instructional Pacing

The speed or rate at which the teacher presents instructional material and tasks to the learner.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Maintain a brisk pace. Vary the pace. Ask questions for understanding and give corrective feedback. Manage classroom behavior. 	<p>Instructional pacing is important both to maximize learning and to minimize behavior problems. Present material too quickly or too slowly, and your audience will become disengaged from the lesson and engaged in something else. With brisk, energetic, clear instruction, combined with frequent opportunities for students to respond, students can be engaged throughout the learning process: becoming acquainted with a new topic, becoming accurate with applying the new knowledge or skill, becoming fluent in carrying out the knowledge or skill, and becoming able to identify the instances in which the new knowledge or skill can be properly applied. To get a good instructional pace:</p>	<p>Be aware of the number of opportunities that students have to respond, and monitor the quality and accuracy of responses. Watch the body language and facial expression of a variety of students (not just the star ones) during instruction to get a sense of understanding and engagement. Ask questions and have regular student activities that allow you to check for understanding. Where appropriate, monitor progress with a formative measurement tool (e.g., CBA, mastery measurement strategies, CBM-ORF, CBM-Spelling, CBM-Math). Fidelity: Lesson plan to include opportunities for student responding.</p>

Gilbertson, D., & Bluck, J. (2006). Improving responsiveness to intervention for English-Language Learners: A comparison of instructional pace on letter naming rates. *Journal of Behavioral Education*, 15(3), 131-147.
 IRIS Center video module on "Differentiated Instruction" <http://iris.peabody.vanderbilt.edu/module/66>

U-13 Monitoring Performance

Collecting specific information systematically and consistently on a student's academic or behavioral performance.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Identify instructional level. Establish baseline by administering three probes and finding the median score. Set up a graph by identifying # of weeks CBM will be monitored identifying desired rate of increase. Draw a projected goal line. 	<p>Collecting information can help the teacher determine whether the program is effective. By analyzing the data, the teacher knows when to make changes in both academic and behavior programs.</p>	<p>Progress monitoring is an ongoing assessment that provides the objective data to determine which students are making adequate progress towards a specific goal and benefiting from the current instruction. Fidelity data can be gathered by using scripts and following the same procedure every time.</p>

IRIS Center video module on "Classroom Assessment" <http://iris.peabody.vanderbilt.edu/module/gpm/>
 IRIS Center video module on "RTI: Assessment" <http://iris.peabody.vanderbilt.edu/module/rti02/assessment/>
 Intervention Central assessments, monitoring forms, and curriculum-based measures. <http://www.interventioncentral.org/curriculum-based-measurement-reading-math-assessment-tests>
 National Center on Student Progress Monitoring: <http://www.studentprogress.org>

U-14 Parent Conference

A meeting (or other communication) with parents to discuss the student's progress, successes, and difficulties, and to involve parents in problem resolution.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Make introductions Identify the reason for the conference. Celebrate something about the student. Offer solutions. Ask for parent input. Agree upon a plan. Follow up. 	<p>If parents are English language learners, provide interpreters (ASL, Spanish, etc.). Use flexible scheduling for parents who may have special considerations.</p>	<p>Keep phone logs of communication with parents. Use sign-in sheet to track meetings with parents. Use parent feedback (survey or questionnaire worksheet addressing areas of concerns/successes).</p>

IRIS Center video module on "Collaborating with Families" <http://iris.peabody.vanderbilt.edu/module/fam/>
 Jenson, W. R., Rhodes, G., Evans, C., & Morgan, D. (2013). *The Tough Kid's Principal Briefcase*. Eugene, OR: Pacific Northwest.
 Staples, K. E., & Dilberto, J. A. (2010). Guidelines for successful parent involvement working with parents of students with disabilities. *Teaching Exceptional Children*, 42(6), 58-63.

U-15 Parent Training

Training parents to use appropriate behavioral interventions with their child.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Make parents part of the team and establish rapport early on. Parents may feel defensive, and the literature suggests a high dropout rate of parents attending such meetings. Focus on difficult issues that the parents may be facing with their child (e.g., non-compliance, aggression, tantrums, poor school performance, social problems, and arguing). Start with increasing positive reinforcement strategies and antecedent strategies before moving on to teaching punitive or reductive strategies; the former generally come less naturally but tend to be more effective (particularly when combined with reductive techniques). 	<p>Parents typically have many competing demands on their time. To help parents with attendance, select convenient times, provide child care, consider helping with transportation (bus passes, gas coupons, etc.), and call before training sessions to remind parents. Keep sessions lively, fun and active, providing activities, practice, discussion time and audiovisuals.</p>	<p>Parents typically have many competing demands on their time. To help parents with attendance, select convenient times, provide child care, consider helping with transportation (bus passes, gas coupons, etc.), and call before training sessions to remind parents. Keep sessions lively, fun and active, providing activities, practice, discussion time and audiovisuals.</p>

Rhode, G., Jenson, W. & Hipworth Neville, M. (2010). *The Tough Kid Parent Book*. Eugene, OR: Pacific Northwest.
 Moughan, D.R., Christiansen, E., & Jenson, W.R. (2005). Behavioral parent trainings as a treatment for externalizing behaviors and other externalizing disorders: a meta-analysis. *School Psychology Review*, 37(3), 267-286.
 Menting, A. T. A., de Castro, B. O., & Matthys, W. (2013). Effectiveness of the incredible years parent training to modify disruptive and prosocial child behavior: A meta-analytic review. *Clinical Psychology Review*, 33(8), 901-913.

U-16 Positive Reinforcement

Reinforcement of a student contingent upon performing a specific behavior, to maintain/increase a behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Identify and define desired behaviors to increase. Choose reinforcers (e.g., tokens, candy, etc.). Deliver positive praise with reward and monitor student progress. 	<p>Desired behavior should be observable and measurable. Reinforcers should be immediate, frequent, and presented in an enthusiastic way. Describe the desired behavior, and use variety</p>	<p>Frequency data records the number of times student uses the desired behavior for a given time. Teachers can also record the frequency for which they positively reinforce student behaviors to ensure they are creating a positive rich environment. Fidelity data can be gathered by choosing one or two behaviors to monitor at any given time.</p>

Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.
 Neitzel, J. (2009). Steps for implementation: Positive reinforcement. National Professional Development Center on Autism Spectrum Disorders. http://autismodc.fpg.unc.edu/sites/autismodc.fpg.unc.edu/files/Reinforcement_Steps-Positive.pdf

U-16a Continuous Schedule of Reinforcement

A schedule of reinforcement in which each occurrence of a response is reinforced.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Determine the behavior that will be shaped. Decide when you are going to shape the behavior (e.g., instruction periods, non-instructional periods). Determine what the reinforcement is going to be (e.g., stickers, verbal praise, etc.). When target behavior is displayed, reinforce target behavior. 	<ul style="list-style-type: none"> Determine what is reinforcing to the child (primary, secondary, or tertiary). Determine what the rate of behavior is (high or low). Determine how much time it will take to reinforce the behavior. Decide who will reinforce the behavior (teacher, aide, or other students). Provide a schedule to fade reinforcement. 	<ul style="list-style-type: none"> Tally sheets Use a clicker to count high-level occurrences, then transfer to tracking sheet. Use of tangible object (marbles, toothpicks, etc.).

Luczynski, K. C., & Harley, G. P. (2010). Examining the generality of children's preference for contingent reinforcement via extension to different responses, reinforcers, and schedules. *Journal of Applied Behavior Analysis*, 43(3), 397-409.

Rhode, G., Jenson, W. R., Reavis, H. K. (2009). *The Tough Kid Tool Box*. Eugene, OR: Pacific Northwest.

U-16b Intermittent Schedule of Reinforcement

A schedule of reinforcement in which some, but not all, of the occurrences of a response are reinforced.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Reinforcement occurs randomly when the appropriate behavior is being observed. An example of this is if Bobby is seen on task he is reinforced with verbal praise, but not every time he is seen on task. 	<ul style="list-style-type: none"> Specify the behavior for which you are reinforcing the student. Example: "Bobby, I like how you are on working on your math assignment." With intermittent reinforcement, the behavior is more likely to become a habit. Be careful to not have a widespread schedule of reinforcement. If the reinforcement schedule is too spread out, then behaviors may not decrease or change. 	<ul style="list-style-type: none"> Frequency data on how often reinforcement was given for appropriate behavior. Fidelity data gathered by the frequency of undesired behavior compared to the appropriate behavior desired.

Hagopian, L. P., Boelter, E. W., & Jarmolowicz, D. P. (2011). Reinforcement schedule thinning following functional communication training: Review and recommendations. *Behavior Analysis in Practice*, 4(1), 4-16.

Rhode, G., Jenson, W. R., Reavis, H. K. (2009). *The Tough Kid Tool Box*. Eugene, OR: Pacific Northwest.

U-16bi Ratio Schedules of Reinforcement

A schedule in which reinforcement is made contingent upon a specific number of responses before being reinforced (fixed ratio), or upon the average number of responses (variable ratio), (fixed ratio), or upon the average number of responses (variable ratio).

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Select target behavior. Determine number of times the student must exhibit behavior before he/she will be reinforced. Determine whether student will be reinforced by the number of times the behavior is exhibited (fixed ratio) or by (variable ratio). Pair reinforcement with verbal praise. 	<ul style="list-style-type: none"> Be cautious of a post-reinforcement pause. If a student knows there is a fixed number of responses to earn a reward, he will work hard immediately preceding the reinforcement to quickly gain access to the stimulus. However, following the reinforcement, the student's production will decrease because reinforcement seems far away. That is, misbehaviors and academic errors increase immediately following a reinforcer. 	<ul style="list-style-type: none"> Event recording of target behavior will show if the reinforcement is successful. Data can be gathered right before and immediately after a reinforcer. This will determine whether a post-reinforcement pause is occurring. Fidelity data shown by the increase of desired behavior.

Bernstein, H., Brown, B. L., & Sturney, P. (2009). The effects of fixed ratio values on concurrent mands and play responses. *Behavior Modification*, 33(2), 199-206.

Hausman, N. L., Ingvarsson, E. T., & Kahng, S. (2014). A comparison of reinforcement schedules to increase independent responding in individuals with intellectual disabilities. *Journal of Applied Behavior Analysis*, 47(1), 155-159.

U-16bij Interval Schedules of Reinforcement

A schedule in which some specified amount of time must pass, and then the next occurrence of one appropriate response is reinforced.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Select target behavior. Determine time interval the reinforcement will be delivered. Pair reinforcement with verbal praise. 	<ul style="list-style-type: none"> If the work is too much, the student may stop working and become frustrated. If the schedule of reinforcement is too infrequent, it may not produce the desired change in behavior. 	<ul style="list-style-type: none"> Frequency data on how often reinforcement was given for appropriate behavior. Fidelity data gathered by the frequency of undesired behavior compared to the appropriate behavior desired.

Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.

Rasmussen, K., & O'Neill, R. (2006). The effects of fixed-time reinforcement schedules on problem behavior of children with emotional and behavioral disorders in a day-treatment classroom setting. *Journal of Applied Behavior Analysis*, 39(4), 453-457.

U-17 Prompting/Cueing

Presentation of a cue (visual, auditory, or physical) in order to facilitate a given response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Present the situation (e.g., communication, task) and determine whether least-to-most or most-to-least prompting should be used. Example of least-to-most: Prompt first with a visual cue or a verbal prompt. Give a wait time. If task or communication is carried out, provide immediate reinforcement. If not, move up the hierarchy of prompts, such as to direct verbal or modeling to facilitate a response. Continue moving up to more intrusive prompts (full or partial physical, hand over hand) to reach desired response, and provide positive feedback. An additional term for this procedure is graduated guidance. 	<p>Remember that it is important to fade prompts over time to prevent children from becoming prompt dependent. Also, physical prompts may not be appropriate for some children, so each situation should be carefully evaluated before deciding what levels of prompting to use. Most-to-least prompting may be appropriate for children who need more assistance to learn the steps of a task such as hand washing.</p>	<p>Prompting and cueing data may be taken in many ways. One way may include using a task analysis and tracking data on responses to specific steps.</p> <p>Fidelity data may be taken by observing whether the facilitator present prompts and cues during instruction.</p>

Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest National Professional Development Center on Autism Spectrum Disorders learning module and resources on "Prompting." <http://autismpdc.fog.unc.edu/content/promoting-module-menu>

Faul, A., Stepensky, K., & Simonson, B. (2012). The effects of prompting appropriate behavior on the off-task behavior of two middle school students. *Journal of Positive Behavior Interventions*, 14(1), 47-55.

U-18 Redirection

Interruption of a problem behavior and redirection to an appropriate replacement behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Redirect when problem behavior occurs. Usually re-teach desired behavior. Redirect negative conversations with more appropriate positive conversations. Generally redirect with a positive statement or task. 	<p>Provide positive reinforcement.</p> <p>Use positive communication when redirected. For example: If student is complaining and/or sad, redirect students by talking about what he/she enjoys doing (e.g., going to the mall).</p>	<p>Record data on how many times student was redirected (frequency).</p>

Lydon, S., Healy, O., O'Reilly, M., & McCoy, A. (2013). A systematic review and evaluation of response redirection as a treatment for challenging behavior in individuals with developmental disabilities. *Research in Developmental Disabilities*, 34(10), 3148-3158.

Neitzel, J. (2009). Steps for implementation: Response interruption/redirection. National Professional Development Center on Autism Spectrum Disorders. http://autismpdc.fog.unc.edu/sites/autismpdc.fog.unc.edu/files/ResponseInterruption_Steps.pdf

U-19 Rules/Expectations

Behavioral expectations for whole school, classroom and transitional environments.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Identify three to five positively stated general rules. Expectations for each unique environment (the bus, lunchroom, playground, commons area) should be taught. Explicitly teach rules in the environment. Role play both examples and non-examples. Post the rules and review them frequently. Reinforce students often for following the rules. 	<p>Rules should be taught to the entire student body. State the rules in terms that apply to the student population. Keep the rules short, easy to understand, and easy to cite and memorize. Review the rules often, and at times other than when they are not followed. Frequently model the expectations for following the rules. Be cautious not to develop too many rules, or to create rules that are wordy or inapplicable.</p>	<p>Office referral forms may have a section that identifies which rule the student has broken. If one rule is fractured more than other rules, the expectations may not have been taught explicitly.</p> <p>Fidelity data gathered by interviewing students to see if they are able to identify rules and expectations for each environment.</p>

Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.

Jenson, W. R., Rhodes, G., Evans, C., & Morgan, D. (2013). *The Tough Kid's Principal Briefcase*. Eugene, OR: Pacific Northwest.

OSEP Center on PBIS on primary prevention behavior rules and expectations matrices and examples. http://www.pbis.org/school/primary_level/default.aspx

U-20 Staff Training (Ongoing)

Personnel development activities conducted for general and special educators, para-educators, and administrators to gain and maintain competencies in the strategies required for them to be effective

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Assess staff skills and needs. Select training method. Provide support, incentives, and follow-up. Provide coaching and mentoring as needed. 	<p>All staff training should emphasize research-validated procedures.</p>	<p>Staff performance evaluation, implementation fidelity data, and program evaluation.</p>

Barnes, L., Sprick, R., Knight, J., Reinke, W., McKale Skyles, T. (2010). *Coaching classroom management: Strategies and tools for administrators and coaches (2nd ed)*. Eugene, OR: Pacific Northwest Publishing.

Sprick, R. (2009). *CHAMPS: A proactive and positive approach to classroom management (2nd ed)*. Eugene, OR: Pacific Northwest Publishing.

OSEP Center on PBIS training and coaching resources and manuals. <http://www.pbis.org/training/default.aspx>

U-21 Structured Daily Schedule

A daily outline of classroom activities designed to maximize student learning.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Identify routines or skills that need to be taught in the classroom on a daily basis, including lunch and recess routines. Write down the order in which they should be done every day. Make a visual schedule using words or pictures to display in the classroom where all students can easily see it. Review the daily or weekly schedule with the class and highlight other events that may happen during the week that are not part of the typical schedule. This should be done on a regular basis. Keep the schedule consistent; stick to it. 	<p>Structured daily schedules should be adapted to each individual classroom, and the daily activities should be structured in a way that leads to easily facilitated transitions. It is important to keep in mind that the schedule should be posted where all can see and designed in such a way that all may benefit from it (e.g., you may need to use PECS pictures for some children to more easily understand it). Structured daily schedules are key to increasing appropriate behaviors and decreasing inappropriate behaviors.</p>	<p>Frequency data on the number of times specific behaviors occur during transitions and during what part of the daily routine. Fidelity data may be taken by asking the students to name what comes next during the day to see if they understand the schedule. Observe students to assess knowledge of strategy.</p> <p>Fidelity data may be taken by asking the students to name what comes next during the day to see if they understand the schedule. Observe students to assess knowledge of strategy.</p>

Hume, K. (2009). Steps for implementation: Visual schedules. National Professional Development Center on Autism Spectrum Disorders. <http://www.nprc-ndc.org/wp-content/uploads/2009/04/Steps-and-Considerations-for-Implementing-Visual-Schedules.pdf>

Springs, A. D., Gatt, D. L., & Ayres, K. M. (2007). Using Picture Activity Schedule Books to Increase On-Schedule and On-Task Behaviors. *Education and Training in Developmental Disabilities, 42*, 209-223.

U-22 Supervision

Systematic management and monitoring to promote academic and behavioral success of students.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> If necessary, monitor students on a daily basis. Provide support/supervision training with both special education teacher and instructional assistants. 	<p>Know who your students are.</p> <p>Observe your students.</p> <p>Provide positive behavioral supports.</p>	<p>Provide an observation checklist.</p> <p>Frequency data (how many times student is being supervised).</p>

Haydon, T., Degreg, J., Manheady, L., & Hunter, W. (2012). Using active supervision and precorrection to improve transition behaviors in a middle school classroom. *Journal of Evidence-Based Practices for Schools, 13*(1), 81-94.

Johnson-Gros, K. N., Lyons, E. A., & Griffin, J. R. (2008). Active supervision: An intervention to reduce high school tardiness. *Education and Treatment of Children, 31*(1), 39-53.

USOE LRBI information sheet on "Supervision." <http://www.state.tx.us/teachall/text/behavior/LRBIpdfs/Supervision.pdf>

X-B TARGET INTERVENTIONS —

INTERVENTION	PARENTAL NOTIFICATION	BEHAVIOR EXPERT ON SS TEAM
T-1 Administrative Intervention	No	No
T-2 Behavior Education Program	Yes	No
T-3 Functional Communication	Yes	No
T-4 Home Notes	Yes	No
T-5 Mentoring/School-Based	Yes	No
T-6 Modeling/Differential Reinforcement of Another Person's Appropriate Behavior	No	No
T-7 Peer Tutoring	Yes	No
T-8 Planned Ignoring	No	No
T-9 Precision Requests	No	No
T-10 Self-Management	No	No
T-11 Social Skills Instruction	No	No
T-12 Stimulus Cueing	No	No
T-13 Token Economy	No	No
T-14 Tracking	No	No
T-15 Verbal Reprimand/Correction of Behavioral Error	No	No
T-16 Video Modeling	No	No
T-17 Work Detail	Yes	No

T-1 Administrative Intervention

Interaction between student and designated building administrator regarding problem behavior, including procedures for de-escalating disruptive behavior, obtaining and maintaining instructional control, teaching alternative behaviors, and preparing student for classroom re-entry.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Determine, as a school staff, what will be considered minor behavior infractions handled in the classroom and what will be major infractions and require administrative intervention. Refer to office discipline referral form and flowchart in Appendix E. Identify consequences for negative behavior. Write behavior contract. Discuss and sign contract with student and anyone else involved. Implement and monitor progress. 	<p>Administrative intervention should be used for a limited number of extreme behaviors. Classroom behaviors must be managed by the teacher to achieve behavior change in context.</p>	<p>Frequency of office discipline referral forms, number of safe school violations, and both in-school suspensions and out-of-school suspensions.</p> <p>Fidelity data by having student self-monitor contract and explain the behavior.</p>

Jenson, W., Rhode, G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.
 Rhode, G., Jenson, W. R., & Rawls, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies* (2nd ed.). Eugene, OR: Pacific Northwest.
 Missouri Schoolwide Positive Behavior Support "Tier 1 workbook-Office Discipline Referrals" <http://pbismissouri.org/archives/980>
 PBIS world.com "Behavior Contract" <http://pbisworld.com/tier-2/behavior-contract/>

T-2 Behavior Education Program

The Behavior Education Program is designed to help the student who fails to meet school-wide disciplinary expectations but does not require a high level of behavior support.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> One example of a Behavior Education Program is Check-in, Check-out. Student checks in at the beginning of the day with a school employee who greets the student, primes the student for positive behavior, and gives the student a daily behavior report card (DBRC). Classroom teachers mark the DBRC over the course of the day. (Student could self-monitor as well.) At the end of the day, the student checks out with a school employee, who goes over the DBRC with the student and supervises/assists the student's graphing of the percentage of points obtained. The DBRC is sent home with the student for parent notification and home reinforcement. The DBRC is returned to school the following day for filing. 	<p>The Behavior Education Program (BEP) is designed to provide additional support for students who have not responded to the school-wide behavior program. Due to time constraints, it would not be a practical procedure for large numbers of students.</p> <p>Some students will need more intensive intervention supports based on functional assessment of the behavior. Students frequently need to be reinforced to ensure that DBRCs are returned.</p>	<p>The DBRC provides information to monitor the student's progress in the program. Staff will also want to look at other relevant indicators, such as number of office referrals, academic outcomes (CBM, report cards, etc.), and classroom observations (e.g., time on task and level of preparation).</p> <p>Fidelity: DBRC (completed and initialed, data graphed), record of reinforcements earned.</p>

Cione, D. A., Hawken, L. S., & Horner, R. H. (2010). *Responding to problem behavior in schools: The behavior education program*. New York, NY: Guilford Press.
 Sprick, R., Garrison, M. (2008). *Interventions: Evidence-Based Behavioral Strategies for Individual Students* (2nd ed.). Eugene, OR: Pacific Northwest.
 Jenson, W.R., Sprick, R., Sprick, J., Majczak, H., Phosalal, L. (2013). *Absenteeism & Truancy Interventions & Universal Procedures*. Eugene, OR: Pacific Northwest.
 "Check-On Check-Out Model Video" <https://www.youtube.com/watch?v=FRX8y1BKs48>

T-3 Functional Communication

Behavior directed to another person, who in turn provides related direct or social rewards (interaction between speaker and listener).

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
Reinforce communication modes other than speech (gestures, vocal sounds, eye gaze, voice output devices, picture exchange, etc.) that serve the function of requesting.	If the student uses adequate speech related to the student's environment, functional communication may not be needed.	The student's attempts at initiating communication should be observed. Form, use, and content of communication attempts should be identified.

Gaustad, J. (1992). Tutoring for at-risk students. *Oregon School Study Council*, 36(3), 4-74.
 Jenson, W.R., Sprick, R., Sprick, J., Majszak, H., Phosal, L. (2013). *Absenteeism & Truancy: Interventions & Universal Procedures*. Eugene, OR: Pacific Northwest.

T-4 Home Notes

An informational note that provides clear, precise communication between school and parents about student's academic and behavioral performance.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Create home note for student(s). Choose no more than three observable and measurable goals to focus on. Discuss home note with parents. If desired, have a spot for parent signature. Decide on a reinforcement system for when student meets goal, as well as consequences. 	If students are younger, create home notes with smiley, plain, and frowning faces. If students are older, points from 0-2 are appropriate. Have students self-monitor how they performed. Parents may help to select goals. This will help parents feel involved and able to reward at home.	Frequency data on the number of times the particular goal was performed or not performed. Fidelity data collected by tracking the number of times the student gets all smiley faces or a point total.

Rhode, G., Jenson, W. R., Reavis, H. K. (2009). *The Tough Kid Tool Box*. Eugene, OR: Pacific Northwest.
 Vannest, K. J., Davis, J. L., Davis, C. R., Mason, B. A., & Burke, M. D. (2010). Effective intervention for behavior with a daily behavior report card: A meta-analysis. *School Psychology Review*, 39, 654-672.

T-5 Mentoring/School-Based

The program provides a structured opportunity for at-risk students to build trusting and supportive relationships with an adult at school, and through this relationship, to build a strong school connection that will carry them through to graduation.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Focus on "connections" at school, not monitoring work or nagging regarding behavior. Use a staff volunteer not in classroom and not an administrator. Match student to volunteer: 20 minutes minimum per week. Emphasize the importance of being ready to meet with the student on a regular, predictable, and consistent basis. The goal is not to become a "friend" but a positive adult role model who expresses sincere and genuine care for the student. 	School-based mentoring programs typically target at-risk students based on a variety of factors such as poor attendance, school-related behavior problems, poor grades and/or teacher/counselor referrals. Program objectives vary from improving student self-esteem and attitudes about school to improving student test scores and academic performance.	Mentor's logs, and student-level data such as: <ul style="list-style-type: none"> Attendance Grades Mentoring sessions' outcomes.

Gaustad, J. (1992). Tutoring for at-risk students. *Oregon School Study Council*, 36(3), 4-74.
 Jenson, W.R., Sprick, R., Sprick, J., Majszak, H., Phosal, L. (2013). *Absenteeism & Truancy: Interventions & Universal Procedures*. Eugene, OR: Pacific Northwest.

T-6 Modeling/Differential Reinforcement of Another Person's Appropriate Behavior

Learning through observation of a peer or adult model's behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Select a specific behavior to be taught. Praise and reinforce students performing desired behavior. Adult may demonstrate appropriate behavior. Reward student when he/she performs skill. 	Be sure that the student is capable of modeling behavior and recognizes behavior being modeled.	Frequency data on the number of times selected behavior is performed. Fidelity data collected by asking student to show appropriate behavior.

Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed.)*. Eugene, OR: Pacific Northwest.
 Richards, L. C., Tuesday-Heathfield, L., & Jenson, W. R. (2010). A class-wide peer-modeling intervention to increase on-task behavior. *Psychology in the Schools*, 47(6), 551-566.

T-10 Self-Management

Strategies that involve students' management and control of their own behavior through the systematic application of behavioral principles (e.g., self-monitoring, self-reinforcement, self-evaluation).

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Teach self-monitoring and targeted social skill simultaneously. Practice self-monitoring until students accurately self-monitor at 80 percent or better. Use periodic checks on accuracy. This is not simply giving students a self-evaluation checklist; you must teach and practice to fluency and reinforce both accurate self-evaluation and appropriate behavior. 	<p>The desired behavior must be taught using other procedures.</p> <p>Young children may not respond well to self-management interventions.</p>	<p>Self-management system.</p>

Briesch, A. M., & Chafouleas, S. M. (2009). Review and Analysis of Literature on Self-Management Interventions to Promote Appropriate Classroom Behaviors (1988– 2008). *School Psychology Quarterly*, 24(2), 106-118.
 Evidence Based Intervention Network, "Self-Management." <http://ebi.missouri.edu/?s=selfmanagement>

T-11 Social Skills Instruction

Individual or group instruction designed to teach appropriate interaction with adults and peers.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Modeling and practice of social skills to mastery is very important. Teachers should take the time to teach them and review them until students can perform them consistently and independently. With school-age students, use of examples and non-examples of appropriate social skills clarifies the desired behavior. Identify critical skills. Develop social skills lessons. "Teach, practice, monitor, acknowledge." Match language to school-wide expectations. Use generalization strategies. Provide clear and specific activities all staff follow to promote generalization and utilize strategies. 	<p>For students with a skill deficit in a specific social skill area (e.g., how to perform skills, when to perform skills, etc.).</p>	<p>Methods used to monitor progress on social skills performance can include the following:</p> <ul style="list-style-type: none"> Frequency recording Duration recording Time sampling procedures Latency recording Response ratio

Bellini, S. (2006). *Building Social Relationships: A Systematic Approach to Teaching Social Interaction Skills to Children and Adolescents with Autism Spectrum Disorders and Other Social Difficulties*. Lenexa, KS: Autism Asperger Publishing Company.
 January, A. M., Casey, R. J., & Paulson, D. (2011). A meta-analysis of classroom-wide interventions to build social skills: Do they work? *School Psychology Review*, 40(2), 242-256.
 Sartini, E. C., Knight, V. F., & Collins, B. C. (2013). Ten guidelines to facilitate social groups for students with complex special needs. *Teaching Exceptional Children*, 45(3), 54-62.

T-12 Stimulus Cueing
 Use of a random auditory or visual cue to prompt appropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Explain to target students (or class) the exact behaviors they are expected to exhibit in order to earn point or token when cued. Select appropriate stimulus cue. Select a method for recording points or tokens earned. Decide what points or token will be traded for. When cued the teacher should give immediate and specific verbal praise to whoever is doing what he/she is supposed to be doing and inform him/her that he/she has earned a point or token. As appropriate behavior increases, the teacher should use cues with longer intervals. Review the daily or weekly schedule with the class and highlight other events that may happen during the week that are not part of the typical schedule. This should be done on a regular basis. Keep the schedule consistent; stick to it. 	<p>A beeper tape with a tone at random intervals is an example.</p>	<p>Fidelity measures Outcome measures</p>

MotivAide: Thief River Falls, MN: Behavioral Dynamics, Inc. <http://habitchange.com/>
 Althouse, B. R., Jensen, W. R., Likins, M., Morgan, D. P. (1999). *Get'em on Task*. Longmont, CO: Sopris West.
 Spriggs, A.D., Gast, D.L., & Aynes, K.M. (2007). Using picture activity schedule books to increase on-schedule and on-task behaviors. *Education and Training in Developmental Disabilities*, 42, 209-223.

T-13 Token Economy
 A system of individual reinforcement of appropriate/replacement behavior in which tokens are given (chips, check marks, paper money) and exchanged later for back-up reinforcers.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Pinpoint behaviors to be changed. Build the token economy. Implement the program. When student displays appropriate behavior a token is given. When the student has the required tokens, he/she exchanges the tokens for a desired reinforcer. 	<p>Token economy can be used in many aspects of teaching. Even if a student did not fully do the behavior the way it is expected, the behavior should still be reinforced. The use of token economies should be used after the student is taught the behavior.</p> <p>Delays when receiving tokens may cause a decrease in the response to the token economy. Note that tokens should not be delayed for too long.</p> <p>When giving student a token, specify the reason the student earned the token.</p>	<p>Frequency data gathered on how many times tokens were received for appropriate behavior.</p> <p>Reduction of inappropriate behavior.</p> <p>Fidelity data gathered by asking students how they earn tokens.</p>

Reavis, K., Sweeten, T. M., Jensen, W. R., Morgan, D. P., Andrews, D. J., & Fister, S., (1996). *Best Practices: Behavioral and Educational Strategies for Teachers*. Longmont, CO: Sopris West Publishers, Inc.
 Mussier, E.H., Bray, Melissa, A. Kehle, T., Jensen, W.R.(2001). Reducing Disruptive Behaviors in Students with Serious Emotional Disturbance. *School Psychology Review* 30 (2), 294-304.
 Classroom Interventions for Children with ADHD: <http://www.wams.edu/ged/nelson.htm>
 Applications: Working4 (iPad, iPod Touch, iPhone, and Android); ChorePad HD (iPad, iPod Touch, and iPhone); iReward (iPhone, iPod Touch)

T-14 Tracking
 Monitoring a student's academic and/or behavioral performance with regular feedback.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Select target behavior. Explicitly teach desired behavior. Develop a format to record student behavior. For example, if the desired behavior is being on time to class, a daily progress report would be signed by each teacher indicating whether or not the student was on time. Establish a regular time and routine to review progress report. Provide clear feedback to student on a consistent basis. Reinforce students for achieving target behavior. 	<p>Feedback must be consistent. This intervention is best implemented if a scheduled time is set aside to review student performance.</p> <p>Student performance should be tracked and recorded. It should be given in a positive manner from an adult the student trusts.</p> <p>Expected student behavior should be reviewed frequently.</p>	<p>Percentage data recorded on number of points a student earned on tracking sheet.</p> <p>Fidelity data collected by student accomplishing target behavior.</p> <p>Student should be able to explain the expected behavior.</p> <p>Student progress is graphed to show improvement.</p>

Crone, D., Horner, R., & Hawken, L. (2004). *Responding to Problem Behavior in Schools: The Behavior Education Program*. New York, NY: Guilford Press.
 Riley-Tillman, T.C., Chafouleas, S.M., & Briesch, A.M. (2007). A school practitioner's guide to using daily behavior report cards to monitor student behavior. *Psychology in the Schools*, 44 (1), 77-89.
 Intervention Central "Behavior Tracking" <http://www.interventioncentral.org/html/docs/interventions/behavior/editing.php>

T-15 Verbal Reprimand/Correction of Behavioral Error

Providing feedback and correction when student engages in an inappropriate behavior, with the goal of teaching the correct behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Reprimands should always be delivered in a calm, strong voice. Reprimands can be helpful in reducing disruptive behavior in a classroom. Reprimands should not be over-used. A teacher should not issue more than one reprimand every four to five minutes. If a consequence is indicated, it should be delivered. Keep track of the number of teacher reprimands he/she delivers in comparison to the number of reinforcing statements. The rate of reinforcement should be four times as high as the rate of reprimands. A set of presentation variables is important in the effective delivery of reprimands. 	<p>This may be reinforcing and should be used sparingly. Use judiciously, as these techniques interrupt instruction for the entire class. This does not mean yelling at a student.</p>	<p>Frequency data record each incidence of verbal reprimand. Reduction of inappropriate behavior.</p>

Reavis, K., Sweeten, T. M., Jenson, W. R., Morgan, D. P., Andrews, D. J., & Fister, S. (1996). *Best Practices: Behavioral and Educational Strategies for Teachers*. Longmont, CO: Sopris West Publishers, Inc.
Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.

T-16 Video Modeling

Students are videotaped as they attempt each step of a new skill, with prompts as necessary.*

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Connect - Even students who are extremely difficult to reach may be interested in posing and performing for the camera. With your camera in hand, capture their attention and their moments of success. Communicate - Clarify the new skill into small, accessible steps that your student can accomplish. Relate the essential background information clearly and effectively Create sincere, dramatic positive change. Compose the essential information and the video clips into a multimedia PowerPoint presentation. Present it to your students and celebrate their success. 	<p>Since the students' motivation to imitate the video clips of themselves is so strong, it is necessary to avoid having the targeted students demonstrate an inappropriate behavior.</p> <p>Parental permission is required to take pictures and video of the students.</p> <p>For non-readers, a verbal recording of the essential information can be incorporated into the PowerPoint.</p> <p>For nonverbal students, use whatever mode of communication they have.</p> <p>A video clip of them communicating successfully will likely increase their communication attempts.</p>	<p>Record decrease of inappropriate behavior or increase of targeted skills to assess effectiveness.</p> <p>This intervention procedure should not be limited to teaching a replacement behavior. It can be implemented to make any curriculum more motivating and engaging. It can be used to effectively teach:</p> <ul style="list-style-type: none"> Appropriate behaviors. Schedules/routines Language development. Classroom expectations. Social skills. Independent living skills. Literacy / comprehension. Academic concepts. <p>These video PowerPoints can be shared on CD with parents to develop a common understanding of the language and steps of the skill, as well as to increase success in generalizing the skill.</p>

*The video is edited so that it seems the students are completing the steps independently. The video clips can be incorporated into PowerPoint to provide the students with the essential background information necessary to understand the skill. Once the students see themselves as the "movie stars," they may begin to imitate themselves and initiate the skill in various settings. This is a mixture of two research-validated teaching strategies - video modeling and social stories.

Johnson, W. L., Bowles, K., McCampbell, K., Adair, V. (February, 2013). Video Self-Modeling: A Mirror for Behavior Change. Mini-skills presentation given at the National Association of School Psychologists Conference, Seattle, WA
Bellini, S., & Akullian, J. (2007). A Meta-Analysis of Video Modeling and Video Self Modeling Interventions for Children and Adolescents with Autism Spectrum Disorders. *Exceptional Children* 73, 261-284.
Siskin Children's Institute "Video Modeling" <http://www.siskin.org/www/docs/208/vsm-videos/Video-self-modeling-videos-buggey.html>

T-17 Work Detail

As a consequence of relatively serious misconduct, assigning a specific task of labor or engagement in a task for a specified period of time, under the appropriate supervision of a school staff member.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> • Select a location and specific task. • Specify the amount of time. • Collect and review data. 	<p>Note that the work detail is not related to the inappropriate behavior. Do not run afoul of child labor laws. Students should not be assigned to tasks such as cleaning toilets, using dangerous equipment, or those which carry risks of injury or disease.</p>	<p>Design and use a data collection system. For example, each time the intervention is used, an instructor might record the following:</p> <ul style="list-style-type: none"> • Date • Problem behavior • Length of the work detail • The student's reaction

X-C INTRUSIVE INDIVIDUAL INTERVENTIONS

(Table 2)

INTERVENTION	PARENTAL NOTIFICATION	BEHAVIOR EXPERT ON SS TEAM
I-1 Detention Before and After School	Yes	Staff Discretion
I-2 Detention, Lunch	Yes	Staff Discretion
I-3 Food Delay	Yes	Staff Discretion
I-4 In-School Suspension (ISS)	Yes	Staff Discretion
I-5 Mechanical Restraint (for Bus)	Yes	Yes
I-6 Over-Correction	Staff Discretion	No
I-6a Restitutional Over-Correction	Staff Discretion	No
I-6b Positive Practice Over-Correction	Staff Discretion	No
I-7 Physical Guidance	Yes	Staff Discretion
I-8 Response Cost	No	No
I-9 Required Relaxation	Staff Discretion	No
I-10 Time Out, Inter-Class	Staff Discretion	Staff Discretion
I-11 Time Out, Non-Seclusionary	Staff Discretion	Staff Discretion
I-12 Time Out, Exclusionary	Yes	Yes

I-1 Detention Before and After School		
A school-based intervention whereby a student reports to a supervised study hall for an assigned period of time (usually 30 minutes to two hours) before or after the normal school day		
IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Student is required to stay at school additional hours, usually to complete an academic assignment. Students must be well supervised and shouldn't be allowed idle free time. Students should have a purposeful activity to work on during detention. This may include a behavior processing activity to reexamine what went wrong during their infractions and what they could do better the next time. 	<p>Detention before and after school may be excessive if the student is dependent on a school bus or other limited form of transportation to get to and from school. Check with your district's detention policy before developing a detention program.</p>	<p>Data could be collected to measure how frequently each student is put in detention. For students who are repeatedly put in detention, consider another level of support.</p> <p>Administrators should make periodic, random observations in order to see if detention is being carried out in the recommended manner.</p>
<p>Kerr, M.M., & Nelson, C.M. (1998). <i>Strategies for Managing Behavior Problems in the Classroom: Third Edition</i>. Upper Saddle River, NJ: Prentice-Hall, Inc.</p> <p>Jenson, W., Rhode, G., Evans, C., & Morgan, D. (2013). <i>The Tough Kid Principal's Briefcase</i>. Eugene, OR: Pacific Northwest.</p>		

I-2 Detention, Lunch		
Similar to before- and after-school detention, except that the time assigned is during the student's lunch period.		
IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Select a location for lunch detention in an isolated, quiet area. Post the rules in a conspicuous place. Assign students a seat. Provide the student with the opportunity to eat. 	<p>To be effective, the detention must occur in a non-reinforcing environment, with no reinforcement from the adult supervisor.</p>	<p>Frequency count on lunch detention log noting student's name, date, time arrived, and time dismissed.</p>
<p>Jenson, W., Rhode, G., Evans, C., & Morgan, D. (2013). <i>The Tough Kid Principal's Briefcase</i>. Eugene, OR: Pacific Northwest.</p> <p>National Association for School Psychologists "Fair and Effective Discipline for All Students: Best Practice Strategies for Educators" http://www.nasponline.org/communications/awareness/efdiscipln.pdf</p>		

I-3 Food Delay		
Delay of food for a specified period of time, contingent on inappropriate behavior.		
IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Pinpoint the behavior. Specify when and for how long food will be delayed. Obtain parent(s)' consent. Inform administration and food service. Explain program to student. Collect and review data. 	<p>Students cannot be completely denied a meal (e.g., lunch). Usually a delay is about fifteen minutes or half of the allotted lunch period. Delay should never be more than two hours. Check with parents regarding medical consideration related to food delays. Signed parental permission is recommended.</p> <p>If food is delayed too long, the student may increase the misbehavior.</p>	<p>Design and use a data collection system. For example, each time the intervention is used, an instructor might record the following:</p> <ul style="list-style-type: none"> Date Problem behavior How long food was delayed. The student's reaction.
<p>Jenson, W. R., Rhodes, G., Evans, C., & Morgan, D. (2013). <i>The Tough Kid's Principal Briefcase</i>. Eugene, OR: Pacific Northwest.</p>		

I-4 In-School Suspension (ISS)
 Removal of a student from the classroom to a non-reinforcing supervised setting inside the school where the student works on assignments.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> In advance, decide on a place for ISS (e.g., corner, another classroom, or desk space in the office). Establish rules for ISS (e.g., no talking, no sleeping, stay in your seat, and do your work). Procedure: Student is removed from his/her typical environment (e.g. class room, PE) and placed in a less reinforcing environment within the school. This could be in another classroom with older or younger students, or in a quiet room with supervision. Effective ISS generally involves holding students accountable for school assignments AND involves an intervention component (e.g., teaching and reinforcing teacher-pleasing behaviors). 	<p>This procedure tends to be overused in schools, perhaps since it quickly removes a problem behavior from a teacher's classroom. ISS can be quite ineffective if a student is trying to escape a task (e.g., math work). If this procedure is not decreasing the problem behavior, then it is not an appropriate punishment for appropriate punishment for the student. Furthermore, seclusion away from the classroom can be quite rewarding for some students. Use positive classroom strategies prior to and in addition to ISS.</p> <p>Parents should be informed when ISS is used. Care should be taken that students do not miss out on valuable instructional time.</p>	<p>Keep an ISS log. Teachers should document frequency, duration, and location of ISS. Fidelity: written ISS procedures, faculty training in ISS, ISS log.</p>

Jenson, W., Rhoads, G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.
 Raavis, K.H., Sweeten, T.M., Jenson, W.R., Morgan, D.P., Andrews, D.J., Fister, S.L. (1996). *BEST Practices: Behavioral and Educational Strategies for Teachers*. Longmont, CO: Sopris West.
 Skiba, R., Sprague, J. (2008). Safety without suspension. *Association for Supervision and Curriculum Development*, 66(1), 38-43.

I-5 Mechanical Restraint (for Bus)
 A mechanical harness or device used during pupil transportation to keep a student from injuring or endangering him/herself or others.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Make certain that all staff who implements intrusive individual interventions are thoroughly trained in the proper procedures. Staff should refer to specific LEA policy and procedures relating to the usage of mechanical harness (for bus). 	<p>This intervention applies to a harness, vest or other device on the bus, required as a safety measure when necessary to keep a student from injuring or endangering him/herself or others.</p> <p>Bus personnel must be properly trained in the use of the harness, including its emergency release.</p> <p>District transportation departments may choose to follow National Highway Traffic Safety Administration recommendations regarding child restraints for all preschool students. These restraints are for general safety, not for dangerous behavior by an individual student.</p>	<p>Follow appropriate documentation procedures from specific LEA policy.</p>

I-6 Over-Correction
 Performing an appropriate behavior intensely or repeatedly after the occurrence of an inappropriate behavior. There are four types of overcorrection procedures

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Give a verbal cue. Follow the verbal cue with timeout from positive reinforcement. Proceed with restititional activity. Minimize attention. Observe the student. 	<p>For all over-correction procedures, forceful physical guidance/manual restraint and forceful physical guidance are not suggested by best practice.</p>	<p>Collect data on the rate, frequency, or percentage of intervals of occurrence of the problem behavior for at least three days before implementing overcorrection procedures.</p>

Bowen, J., Jenson, W.R., Clark, E. (2004). *School-Based Interventions for Students with Behavior Problems*. New York, New York: Springer

I-6a Positive Practice Over-Correction

Intense practice of an appropriate behavior for a specified number of repetitions or a specified period of time.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
Example: Solve a math problem using steps. • Re-teach. • Correct problem. • Re-teach if necessary.	Provide verbal praise for the student. When student is working on a math problem, provide a task analysis that uses concrete steps for each part of the problem.	Duration of how long it took the student to complete the problem and/or task. Latency (how long between request and behavior).

Katzman, A., Carder, S., & McNamara, M. (2012). *How Overcorrection Improves Behavior*. *Journal of Applied Behavior Analysis*. Western Kentucky University Digital Commons Network. <http://digitalcommons.wku.edu/appliedbehavior/10>

I-6b Restitutional Over-Correction

Restoration of the environment to its original condition.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> When student is engaging in inappropriate behaviors, give verbal cue or prompt specifically pointing out inappropriate behavior in a stern voice. Immediately following the verbal cue, provide overcorrection and withdraw from positive reinforcement. Deliver instructions for restitution in a neutral voice of voice. If student begins to engage in inappropriate behavior again, start the restitution activity again. Be on the lookout during the day to comment on positive behaviors. 	Be sure to plan the activity and arrange the environment in such a way that the negative behavior will not be reinforced by teacher or peer attention. Avoid physical contact, conversation or eye contact. All restitution activities should be carefully planned to be implemented efficiently and effectively; restitution activities should be related to the inappropriate behavior.	Data may be collected by noting the occurrences of appropriate and inappropriate behaviors in all contexts and whether restitutional over-correction decreased the behavior. Fidelity data may be taken by observing the over- correction and prompts leading up to its implementation, checking whether the steps were followed, and assessing the environment.

Bowen, J., Jenson, W.R., Clark, E. (2004). *School-Based Interventions for Students with Behavior Problems*. New York, New York: Springer
 Gossen, D. (1998). Restitution: Restructuring school discipline. *Educational Horizons*, 76, 182-188.
 Behavior Advisor: <http://www.behavioradvisor.com>
 Utah State University: <http://www.usu.edu/teachall/test/behavior/88jpdfs/Overcorrection.pdf>

I-7 Physical Guidance

Physical guidance means physically guiding a student through the proper motions to complete a task or demonstrate a skill in response to mild resistance that does not pose a risk of danger to him/herself, and/or others, on behalf of the student while at the same time does not restrict, immobilize or reduce the ability of the student to freely move their torso, arms, legs, or head.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Make certain that all staff who implements intrusive individual interventions are thoroughly trained in the proper procedures. Staff should refer to specific LEA policy and procedures relating to the usage of forceful physical guidance. 	Student meets with mild resistance. The guidance used is always the least needed to accomplish the task, and is faded out as quickly as possible. This procedure must be used with minimal force so that physical restraint, and injury do not occur.	Duration of how long it took the student to complete the problem and/or task.

Ryan, J.B. & Peterson, R.L. (2004). Physical restraints in schools. *Behavioral Disorders*, 29(2), 155-169.
 Ysseldyke, J., Algozzine, B., Thurlow, M. (2000). *Critical Issues in Special Education*. New York: Houghton Mifflin Company.

I-8 Response Cost

Contingent withdrawal of a specific amount of available reinforcers following an inappropriate response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Decide on a method to give out reinforcers. Pinpoint behaviors to be fined. Set up response cost system. Implement the response cost system. Monitor student performance. 	Response cost must be less than the total amount or number of reinforcers available (i.e., never go in the hole). If students are allowed to go in the hole, all motivation for behaving and performing appropriately is likely to be lost. Further misbehavior may intensify. Any aversive intervention should be implemented in a very positive, rich environment. Be precise and detailed with expectations and consequences. The use of a "what if" chart is an effective tool.	Frequency data record each incidence of response cost. Identify the student, behavior, and penalty. Then graph the data. Fidelity data can be gathered by using a response cost raffle.

Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies* (2nd ed). Eugene, OR: Pacific Northwest.
 Conyers, C., Miltenberger, R., Maki, A., Barenz, R., Jurgens, M., Sallee, A., Haugen, M., & Kopp, B. (2004). A comparison of response cost and differential reinforcement of other behavior to reduce disruptive behavior in a preschool classroom. *Journal of Applied Behavior Analysis*, 37, 411.
 Evidence Based Intervention Network "Response Cost Raffle" <http://ebimissouri.edu/?a=response+cost>

I-9 Required Relaxation

Spending a fixed period of time in relaxation following each occurrence of an upsetting behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Teach relaxation techniques to the student under non-stressful circumstances. A student may resist being touched or struggle when guided through this procedure. 	Physical Guidance may be necessary to implement this intervention. If the student mildly resists, review the Special Considerations section for Physical Guidance. The period is never more than one hour. No talking, eating, listening to radios, or playing with objects is permitted. If you encounter moderate resistance (danger to him/herself, and/or others) review the Special Considerations section under Emergency Safety Interventions and Forceful Physical Guidance.	Frequency data that records the number of times the behavior occurs. Duration of the required relaxation.

Merrill, K. W., Whitcomb, S. A., Paris, D.M. (2007). *Strong Kids: A Social-Emotional Learning Curriculum*. Baltimore, MD: Brookes Publishing.
 Klein, R. (2008). Ready...set...relax: Relaxation strategies with children and adolescents. *Creative Interventions with Traumatized Children*, 302-320.
 Breathe to Relax (Application) -
 iOS: <https://itunes.apple.com/za/app/breathe2relax/id492572024>
 Android: <https://play.google.com/store/apps/details?id=com.thealth.breathe2relax&hl=en>

I-10 Time Out, Inter-Class

Removal of student from a reinforcing setting into another classroom with a lower reinforcing value.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> This procedure requires making arrangements with the other teacher in advance. Where the student sits in the other classroom is important. The student remains in the other room for a specified period of time, not until a particular assignment is completed. 	Effective practice is to place student two or more grade levels away from his or her own.	Frequency data on number of times removal of a student from an activity occurs.

Nelson, J., & Carr, B. A. (2000). *The Think Time Strategy for Schools Kit*. Longmont, CO: Sopris West.
 Reavis, K., Sweeten, T. M., Jensen, W. R., Morgan, D. P., Andrews, D. J., & Fister, S., (1996). *Best Practices: Behavioral and Educational Strategies for Teachers*. Longmont, CO: Sopris West Publishers, Inc.

I-11 Time Out, Non-Seclusionary

Removal of student from reinforcing activities in the instructional setting for a specified period of time.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> If student displays inappropriate behavior, the reinforcing activity is removed for a certain amount of time and then given back. An example of this might be if Ricky is playing with toy cars but likes to pull Sarah's hair, Ricky has his toy cars removed every time he pulls Sarah or any other student's hair, but is given toy cars back after five minutes. 	Intervention is most effective if the reinforcing activity is timed out or the chance of getting reinforcement during an activity is timed out. This intervention does not allow physical guidance that is used with force. It is simply removing the object or activity that is reinforcing for a time period. A ribbon or bracelet can allow students to know when they are receiving reinforcement, but if they show inappropriate behaviors, the bracelet or ribbon is removed for a certain amount of time.	Frequency data on number of times removal of a student from an activity occurs. Reductions of inappropriate behavior such as hitting. Fidelity data gathered by having the student tell you when he/she is not able to earn reinforcers.

Wolfgang, C. H. (2001). The many views of "time-out." *Teaching strategies. Journal of Early Education and Family Review*, 8, 18-28.
 National Association of School Psychologists "Temper Tantrums" http://www.nasponline.org/resources/behavior/1tantrums_to.aspx
 Benner, G.J., Nelson, J.R., Sanders, E.A., Ralston, N.C. (2012). Behavior Intervention for students with externalizing behavior problems: Primary-level standard protocol. *Exceptional Children*, 78(2)181-198.

I-12 Time Out, Exclusionary

Removal of student from a reinforcing setting into a setting with a lower reinforcing value, but not a time-out room.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
<ul style="list-style-type: none"> Establish designated area/setting to which the child can be referred. Establish the amount of time the child will be in the time-out setting (1 min. per year of the age of the child). While in the time-out area the child should not be addressed by staff or other students. When amount of time in time-out area is complete, child will return to the activity previously engaged in to maintain normal activity. Child should be held accountable for the work done while in time-out. 	Time out is used for a relatively short amount of time based on the age of the student, and is not effective unless the classroom is positively reinforcing. Being in the time-out area should not be humiliating to the child (inform children about the time-out area and explain to them the reason why they would be placed there).	Collect data on amount of time student is put into exclusionary time out. ABC evaluation to determine what causes the behavior. After period of time is complete in time out, determine whether or not child was able to return to previous activity without distractions.

Nelson, J. (1999). *Positive Time Out: Over 50 Ways to Avoid Power Struggles in the Home & the Classroom*. Prima Publishing.
 Intervention Central "Time-out from reinforcement." <http://www.interventioncentral.org/behavioral-interventions/challenging-students/time-out-reinforcement>
 Reavis, K., Sweeten, T. M., Jensen, W. R., Morgan, D. P., Andrews, D. J., & Fister, S., (1996). *Best Practices: Behavioral and Educational Strategies for Teachers*. Longmont, CO: Sopris West Publishers, Inc.
 Teacher's Workshop: <http://www.teachersworkshop.com/twshop/relations/disc.htm>



XI EMERGENCY SAFETY INTERVENTIONS

(Table 44)

Interventions	Parental Notifications	Behavior Expert on SS Team	LEA ESI Committee Involvement	References
E1 Physical Restraint "Physical restraint" means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.	Yes	Yes	Yes	Fisher, W. W., Piazza, C.C., Bowman, L.G., Hanley, G.P. & Adelinis, J.D. (1997). Direct and Collateral Effects of Restraints and Restraint Fading. <i>Journal of Applied Behavior Analysis</i> , 30(1), 105-120. General Accounting Office (1999). <i>Improper Restraint or Seclusion Use Places People At Risk</i> . Washington, DC: Author.
E1 Physical Restraint "Seclusionary time out" means when used with a student, all the following conditions are met: 1 The student is placed in an enclosed area by school personnel. 2 The student is purposefully isolated from adults and peers, and 3 The student is prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.	Yes	Yes	Yes	Brantner, J. & Doherty, M.A. (1983). A review of time-out: A conceptual and methodological analysis. In A. Axelrod & J. Apsche (Eds.), <i>The effects of punishment on human behavior</i> . New York: Academic Press. Gast, D.L. & Nelson, C.M. (1977). Legal and ethical considerations for the use of time-out in special education settings. <i>Journal of Special Education</i> , 11, 457-467.

Refer to: USBE R277-609 Standards for LEA Discipline Plans and Emergency Safety Interventions.

XI-A EMERGENCY CONTACT FORM

If an emergency situation occurs that requires the immediate use of highly intrusive individual interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the LEA and notify the student's parents within 24 hours (Utah State Office of Education Special Education Rules III I (b)(5)(c)).

Student Name: _____ Date: _____
 School: _____ Grade: _____

Staff member(s) present at time of incident: _____

1 What were the circumstances surrounding the incident?

Activity	Location	Time of Day
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2 Describe the incident or event.

Antecedent <small>(Activity/event that occurred before the behavior)</small>	Behavior <small>(Measurable and observable)</small>	Consequence <small>(Events that follow the behavior)</small>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3 What highly intrusive intervention(s) were used?

Intervention Procedure	Duration of Intervention	Staff Member(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**4 Were any injuries a result of the emergency situation?
 If yes, describe:**

Was medical attention required: Yes _____ No _____

5 What additional behavior intervention/s could be used to assist in preventing this from happening again?

Preventative Proactive Intervention(s)	Steps Needed to Implement Intervention(s)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6 Parent or guardian(s) notified within 24 hours:

Written _____ Phone _____ In Person _____

By Whom Notified: _____ Time: _____

Signature of Person Completing Form _____ Date _____

Signature of School Administrator _____ Date _____

Parent or guardian(s) are encouraged to contact school staff or administrator to obtain additional information if needed or to process documented emergency situation.

XII ADDITIONAL TECHNICAL ASSISTANCE

XII-A METHODS FOR DATA COLLECTION

(Table 45)

Event Recording	A count or tally that examines the frequency of a behavior. The target behavior must be discrete. <ul style="list-style-type: none"> Example: Tallying each time a student raises his/her hand.
Duration Recording	Used to measure the duration of a behavior per occurrence. The target behavior must be discrete. A stopwatch is used to measure the duration by starting the stopwatch at onset of a behavior and stopping it when the behavior ends. <ul style="list-style-type: none"> Example: Duration recording could be used to measure the length of a temper tantrum.
Latency Recording	Measures the period of time between a given stimulus and the initial behavior response. The target behavior must be discrete. <ul style="list-style-type: none"> Example: A teacher instructs the student to sit down; the time between the command and when the student takes his/her seat is measured.
Interval Recording	Used to measure the occurrence of a behavior within a specified time period. Interval recording is a good measurement of non-discrete behaviors. The length of the interval is specified (for example, ten seconds), and the behavior is marked if it occurs any time within the interval. <ul style="list-style-type: none"> Example: A student is observed for off-task behavior. The observer times ten-second intervals. If the student is off-task anytime within the interval, the observer marks an "O" for off-task. If the student is on-task during the next ten-second interval, the observer marks an "N" for on-task.
Momentary Time Sampling	Similar to interval time sampling. However, instead of sampling the entire length of the interval, you sample one second of the ten-second interval. <ul style="list-style-type: none"> Example: A student is observed for off-task behavior. The observer times ten-second intervals and collects the data at every ninth second of the interval. The observer only marks "O" for off-task if the student is off-task at the ninth second of each interval.
Permanent Products	Measured by an observed impression left on the environment. <ul style="list-style-type: none"> Example: Completed student assignments.



XII-B CONDUCTING A FUNCTIONAL BEHAVIOR ASSESSMENT

Professional practice establishes what constitutes an appropriate FBA. As the intensity of the problem behavior increases or the restrictiveness of the intervention used in the BIP increases, the rigor of the FBA should also be increased. The behavior assessment should be conducted by persons knowledgeable about the student and include at least one person trained in the procedures of functional behavior assessment. Ideally, all members of the IEP team, including the parent(s), have important information to contribute.

Direct assessment methods (functional analysis): FAs are the only form of FBA that empirically demonstrate function of problem behavior. It is necessary for at least one team member to be trained or supervised by a Board Certified Behavior Analyst or behavior specialist with experience conducting FAs. Functional Analysis includes the following:

- Standard functional analysis (FA)
- Brief FA
- Trial-based FA
- Latency FA
- Precursor FA
- Single-function test
- Alone/ignore series test

The standard FA involves exposing the student to multiple sessions of a variety of test conditions (attention, escape, tangible, automatic) and a control (play) condition. Test conditions are designed to examine sensitivity to different potential sources of reinforcement for problem behavior (attention, escape, tangible, automatic). The control condition (play) is compared to the test conditions. In each test condition, the presumed reinforcer (attention, escape, tangible access) is only delivered contingent on the occurrence of problem behavior in order to determine what motivating operations and consequences are functionally related to problem behavior. A number of variations on the standard FA have been developed to meet the needs of particular situations. Some variations may not always be as accurate as a standard FA. They are briefly described below:

(Table 46)

Brief FA:	Similar to the standard FA; however, the duration and number of sessions are abbreviated in cases when assessment time is limited.
Trial-based FA:	Conditions are conducted as brief trials that are embedded into ongoing classroom activities. Each trial includes a test and control component. Trial-based FAs were designed for teachers in cases when access to controlled environments were unavailable.
Latency FA:	Sessions are terminated after the first response. Latency FAs were designed for cases in which problem behavior is high risk because only a single instance of problem behavior can occur per session.
Precursor FA:	FA is conducted using a precursor response rather than problem behavior. Precursor FAs were designed for cases in which problem behavior is extremely high risk because the target problem behavior never has to occur during session. This form of FA may not be useful in cases in which problem behavior is automatically maintained.
Single-function test:	Only test and control sessions for a single function are conducted. The single-function test was designed to provide data to support a suspected function.
Alone/ignore series:	Student is exposed to only alone/ignore sessions in order to confirm a suspected automatic function. The alone/ignore series was designed to be conducted by itself or in conjunction with a standard FA.

XII-C DUTY TO WARN

The first criterion to establish a duty to warn is a special relationship. Utah case law supports and explains this condition in the case of *Higgins v. Salt Lake County*. This case explains that a special relationship exists when an individual has a responsibility to control the conduct of another individual or when an individual has a responsibility for the protection of another. Utah Code 53A-3-402 establishes the responsibility of school personnel to protect students and to control their conduct. So, a special relationship may be said to exist.

The second criterion is the reasonable prediction of a threat. Teachers and administrators are not under the same restrictions as therapists in terms of disclosing information. So, when school personnel perceive a threat they may inform administration, law enforcement, parents, teachers and other students. Some have been concerned about sharing information because FERPA places limits what information can be shared in school settings. The U. S. Department of Education released the following statement to guide school personnel:

In an emergency, FERPA permits school officials to disclose without consent education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals. At such times, records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel. See 34 CFR § 99.31(a)(10) and § 99.36. This exception is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's education records.

The third condition is knowledge of a foreseeable victim. If the intended victim of a threat is clearly identified or can be identified with reasonable effort, then an individual has a duty to warn the individual who is the intended victim. In the case of a perceived threat in a school setting, one ought to inform the building administrator, the intended victim, the intended victim's parents and the parents of the intended perpetrator.

When all three of the above conditions are met, school personnel have a duty to warn. Though this duty may not be explicitly stated at present in Utah law, it is clearly the ethical responsibility of all school personnel to take appropriate and reasonable measures to ensure the safety of all students.

Following are a couple of examples of how to apply the duty to warn.

1) Billy, a sixth grade student, comes to school having had a difficult morning, including missing breakfast and getting in an argument with his mother. He is clearly in a bad mood. While sitting at his desk he is bumped by another student and reacts by standing up and yelling at the student who bumped him. The teacher responds by saying, "Billy! That's enough! Sit down and do your work!" In exasperation Billy yells, "I hate this school! I just want to shoot someone!"

While Billy's response to this situation is clearly inappropriate and ought to be addressed, it does not constitute a duty to warn because there is no "foreseeable victim." Billy did not indicate specifically who it was that he wanted to shoot, and so there is no one in particular that needs to be warned.

2) Mrs. Smith, a tenth grade English teacher, asks Sarah to stay after class to discuss her poor performance in class. Sarah explains that her father recently remarried and she hates his new wife. She describes how it has been hard for her with this new woman in the house. Finally Sarah says, "I should just kill her. Then everything would be okay again. I think I'll just kill her."

In this situation the teacher has a duty to warn Sarah's father as the custodial parent and her stepmother as the intended victim of the threat. The teacher should work with the school administrator and school counselor or psychologist to inform the necessary parties and to work with Sarah to ensure that she does not follow through with her threat.



XIII APPENDIX

(Table 48)

ITEMS	Page
A-1 Classroom Management Checklist	122
A-2 Functional Behavioral Assessment Form	125
A-3 Behavior Intervention Plan	128
A-4 ABC Observation Form	132
A-5 Designing Functional Interventions Form	133
A-6 Data Triangulation Chart	134
A-7 Scatter Plot Form	135
A-8 Behavior Graphing Form	136
A-9 Duration Data Recording Form	137
A-10 Emergency Safety Interventions Committee Meeting Form	138
A-11 Physical Restraint Log	142
A-12 Seclusionary Time Out Log	143
A-13 Office Discipline Checklist	144
A-14 General Procedures for Dealing with Problem Behaviors	145
A-15 Detailed Procedures for Dealing with Major Behavior Infractions	146
A-16 Crisis Management Plan	147
A-17 Social Interaction Recording Form	148
A-18 UTMS LEA Leadership Team Practice Profile	149
A-19 Utah Evidence-based Professional Development (EBPD) Rubric	151

A-1 CLASSROOM MANAGEMENT CHECKLIST

Directions: For each item, place a check mark in the corresponding box for the statement that most closely matches your current classroom. When you are done with each category, count the number of check marks under each column and enter the total on the line provided. Add each category total together to obtain an overall total.

CLASSROOM ENVIRONMENT			
ITEM	RED	YELLOW	GREEN
1. Is a daily schedule posted and large enough for all students to see? Do you refer to/explain the daily schedule and any schedule changes? U-21	<ul style="list-style-type: none"> Not posted Not large Not referred to frequently <input type="checkbox"/>	<ul style="list-style-type: none"> Posted Large Not referred to frequently <input type="checkbox"/>	<ul style="list-style-type: none"> Posted Large Referred to frequently <input type="checkbox"/>
2. Have classroom routines been established and systematically taught (e.g., entering the classroom; procedures to go to the bathroom; get help from the teacher; and sharpen a pencil)? U-19	<ul style="list-style-type: none"> 0 - 1 routines established OR Procedures not systematically taught <input type="checkbox"/>	<ul style="list-style-type: none"> 2 - 3 routines established OR Procedures systematically taught <input type="checkbox"/>	<ul style="list-style-type: none"> At least 4 routines established OR Procedures systematically taught <input type="checkbox"/>
3. Are transitions between activities structured (e.g., moving from one activity to the next; cues to initiate transitions)? U-17/ U-19	<ul style="list-style-type: none"> On average, takes the class about 4 minutes or more to transition <input type="checkbox"/>	<ul style="list-style-type: none"> On average, takes the class about 2 - 3 minutes to transition <input type="checkbox"/>	<ul style="list-style-type: none"> On average, takes the class under 1 minute to transition <input type="checkbox"/>
4. Is unstructured time kept to a minimum? U-17/ U-19	<ul style="list-style-type: none"> More than 45 minutes of unstructured time across the school day <input type="checkbox"/>	<ul style="list-style-type: none"> 20 - 45 minutes of unstructured time across the school day <input type="checkbox"/>	<ul style="list-style-type: none"> Less than 20 minutes of unstructured time across the school day <input type="checkbox"/>
5. Is the classroom environment arranged and organized to effectively support students (e.g., adequate space to move between areas; postings are not overly distracting; materials, tables are organized)? U-8	<ul style="list-style-type: none"> Inappropriately arranged Inappropriately organized <input type="checkbox"/>	<ul style="list-style-type: none"> Appropriately arranged, but disorganized OR Inappropriately arranged, but organized <input type="checkbox"/>	<ul style="list-style-type: none"> Appropriately arranged Appropriately organized <input type="checkbox"/>
6. Are there mechanisms established for frequent parent communication, particularly for positive events that occur (i.e., home note, "caught you being good," phone calls, class website, parent corner)? T-4	<ul style="list-style-type: none"> Not in place Not in use <input type="checkbox"/>	<ul style="list-style-type: none"> In place Not in use <input type="checkbox"/>	<ul style="list-style-type: none"> In place In use Regularly maintained <input type="checkbox"/>
7. Are there clearly defined and appropriately used classroom spaces (e.g., art area, computers, reading zone, homework center)? U-8	<ul style="list-style-type: none"> No defined areas Not used <input type="checkbox"/>	<ul style="list-style-type: none"> Somewhat defined areas Appropriately used <input type="checkbox"/>	<ul style="list-style-type: none"> Clearly defined areas Appropriately used <input type="checkbox"/>
8. Do all students have a clear and unobstructed view of the teacher and/or instructional area? U-8	<ul style="list-style-type: none"> Less than 75% of students have a clear view <input type="checkbox"/>	<ul style="list-style-type: none"> At least 75% of students have a clear view <input type="checkbox"/>	<ul style="list-style-type: none"> 100% students of have a clear view <input type="checkbox"/>
9. Do students have adequate space or storage for personal belongings (e.g., backpack, lunch bags, learning materials/supplies, coats)? U-8	<ul style="list-style-type: none"> Some or none have a designated space <input type="checkbox"/>	<ul style="list-style-type: none"> Most students have a designated space <input type="checkbox"/>	<ul style="list-style-type: none"> All students have a designated space <input type="checkbox"/>
10. Is there an adequate number of supplies or materials for students and are materials accessible? U-8	<ul style="list-style-type: none"> Inadequate Inaccessible <input type="checkbox"/>	<ul style="list-style-type: none"> Adequate, but inaccessible OR Inadequate, but accessible <input type="checkbox"/>	<ul style="list-style-type: none"> Adequate Accessible <input type="checkbox"/>
CLASSROOM ENVIRONMENT TOTALS			

BEHAVIOR MANAGEMENT			
ITEM	RED	YELLOW	GREEN
1. Are the classroom rules/expectations posted (3-5 rules, positively stated)? U-19	<ul style="list-style-type: none"> 0-1 rules posted 3-5 rules posted <input type="checkbox"/>	<ul style="list-style-type: none"> 3-5 rules posted <input type="checkbox"/>	<ul style="list-style-type: none"> Rules are positively stated <input type="checkbox"/>
2. Have the rules/expectations been systematically taught and reviewed regularly (e.g., beginning of the year, after breaks, monthly)? U-7/ U-19	<ul style="list-style-type: none"> Not systematically taught Not reviewed regularly <input type="checkbox"/>	<ul style="list-style-type: none"> Systematically taught Not reviewed regularly <input type="checkbox"/>	<ul style="list-style-type: none"> Systematically taught Rules are reviewed regularly <input type="checkbox"/>
3. Are procedures to address students who are following classroom rules and expectations posted, taught, and consistently implemented? U-6/ U-18	<ul style="list-style-type: none"> Not Posted OR Posted, but not taught or implemented <input type="checkbox"/>	<ul style="list-style-type: none"> Posted and taught Inconsistently implemented <input type="checkbox"/>	<ul style="list-style-type: none"> Posted and taught Consistently implemented <input type="checkbox"/>
4. Are procedures to address students who are not following classroom rules and expectations posted, taught, and consistently implemented? U-6/ U-15	<ul style="list-style-type: none"> Not Posted OR Posted, but not taught or implemented <input type="checkbox"/>	<ul style="list-style-type: none"> Posted and taught Inconsistently implemented <input type="checkbox"/>	<ul style="list-style-type: none"> Posted and taught Consistently implemented <input type="checkbox"/>
5. Are there positive consequences/rewards (more than verbal praise)? Is a preference assessment regularly conducted to ensure rewards are motivating for students? U-16/ T-13	<ul style="list-style-type: none"> No positive consequences No preference assessments <input type="checkbox"/>	<ul style="list-style-type: none"> Positive consequences No preference assessments <input type="checkbox"/>	<ul style="list-style-type: none"> Positive consequences Regular preference assessments <input type="checkbox"/>
6. Is there at least a 4:1 ratio of positive to negative consequences for academic and behavioral responses implemented? <i>Examples of positive:</i> verbal praise, thumbs up, points on a point chart, and classroom bucks <i>Examples of negative:</i> redirections, verbal reprimand, school detention, and response cost U-16/ T-13	<ul style="list-style-type: none"> About 1:1 ratio of positive to negative consequences, or less <input type="checkbox"/>	<ul style="list-style-type: none"> About 2:1 ratio of positive to negative consequences <input type="checkbox"/>	<ul style="list-style-type: none"> At least 4:1 ratio of positive to negative consequences <input type="checkbox"/>
7. Is students' performance monitored by circulating among students (i.e., moving around the room while students are working)? U-22	<ul style="list-style-type: none"> No defined areas Not used <input type="checkbox"/>	<ul style="list-style-type: none"> Sometimes <input type="checkbox"/>	<ul style="list-style-type: none"> Almost Always <input type="checkbox"/>
8. How often are you standing in the front of the class and/or sitting at your desk? U-22	<ul style="list-style-type: none"> Almost always <input type="checkbox"/>	<ul style="list-style-type: none"> Sometimes <input type="checkbox"/>	<ul style="list-style-type: none"> Infrequently <input type="checkbox"/>
9. Is there an attention signal to get students on task in less than 5 seconds (e.g., "May I have your attention please?", "One, two, three-eyes on me.")? U-17	<ul style="list-style-type: none"> No <input type="checkbox"/>	<ul style="list-style-type: none"> Yes, but inconsistently used <input type="checkbox"/>	<ul style="list-style-type: none"> Yes, and consistently used <input type="checkbox"/>
10. Are precision requests used to increase student compliance? T-9	<ul style="list-style-type: none"> No <input type="checkbox"/>	<ul style="list-style-type: none"> Yes, but inconsistently used <input type="checkbox"/>	<ul style="list-style-type: none"> Yes, and consistently used <input type="checkbox"/>
BEHAVIOR MANAGEMENT TOTALS			

CLASSROOM INSTRUCTION			
ITEM	RED	YELLOW	GREEN
1 Do you regularly perform assessments of student achievements or needs (e.g., CBM, DIBELS; weekly, monthly)? U-13/T-14	• Never OR • Infrequently <input type="checkbox"/>	• Yes, but only at the end of a term <input type="checkbox"/>	• Yes, frequently <input type="checkbox"/>
2 Have the rules/expectations been systematically taught and reviewed regularly (e.g., beginning of the year, after breaks, monthly)? U-7/T-14	• Never OR • Infrequently <input type="checkbox"/>	• Yes, but only at the end of a term <input type="checkbox"/>	• Yes, frequently <input type="checkbox"/>
3 Are procedures to address students who are following classroom rules and expectations posted, taught, and consistently implemented? U-12	• Infrequent opportunities to respond • 0 - 2 strategies/methods <input type="checkbox"/>	• Frequent opportunities to respond • 2 - 3 strategies/methods <input type="checkbox"/>	• Frequent opportunities to respond • 4 or more strategies <input type="checkbox"/>
4 Are procedures to address students who are not following classroom rules and expectations posted, taught, and consistently implemented? U-7/U-18	• Infrequently <input type="checkbox"/>	• Sometimes <input type="checkbox"/>	• Almost always <input type="checkbox"/>
5 Are there positive consequences/rewards (more than verbal praise)? Is a preference assessment regularly conducted to ensure rewards are motivating for students? U-1/U-16	• Yes, less than 4 types of instructional strategies used across the week <input type="checkbox"/>	• Yes, about 5 - 7 types of instructional strategies used across the week <input type="checkbox"/>	• Yes, about 8 - 10 types of instructional strategies used across the week <input type="checkbox"/>
6 Do you have knowledge of individual student needs and have intervention plans or strategies in place (e.g., students with SO4 Plans, IEPs)? U-1/U-13	• Unsure of student needs • Unsure of intervention plans <input type="checkbox"/>	• Some students OR • Some interventions in place <input type="checkbox"/>	• All students • All interventions in place <input type="checkbox"/>
CLASSROOM ENVIRONMENT TOTALS			
GRAND TOTAL = CLASSROOM ENVIRONMENT + BEHAVIOUR MANAGEMENT + CLASSROOM INSTRUCTION			
If your highest total is:			
GREEN	Your classroom management and instructional strategies may be appropriately structured to promote learning for all students.		
YELLOW	Your classroom management and instructional strategies may require additional structure in order to effectively promote learning for all students.		
RED	Your classroom management and instructional strategies requires a high level of structure and management in order to effectively promote learning for all students.		
Next Steps	Review each of the three categories to see if your totals are green, yellow, or red to determine your highest areas of need. Under each specific item is a reference code to an instructional strategy or intervention as listed in LRBI. You may want to refer back to these references for additional information, descriptions, and guidelines for implementation to use in your classroom.		

A-2 FUNCTIONAL BEHAVIOR ASSESSMENT FORM

Student: _____ Grade: _____ DOB: _____
 School: _____ Teacher: _____

The purpose of this form is to document a **Functional Behavioral Assessment (FBA)**, for (1) students who are exhibiting a pattern of behavior resulting in school wide discipline, (2) students who are being considered for an interim alternative placement due to Safe School violations, or (3) requests for intensive individual interventions. This form should be kept in the student's file.

I - SOURCES OF BACKGROUND INFORMATION

THE TEAM HAS REVIEWED THE FOLLOWING BACKGROUND INFORMATION (FILL OUT ALL THAT APPLY); PLEASE ATTACH FORMS/PROTOCOLS.

Required	Brief Summary of Results	Other	Brief Summary of Results
Parent Information:		Behavior Checklist Rating/Scale: Name of Instruments:	
Observations:		Previous Behavior Interventions and Effectiveness:	
		Other Agencies/Sources:	
		Social Peers:	
Student Interview:		Academic Assessments:	
		Name of Instruments:	
Past IEP Records:		Dates of Administration:	
Teacher Interview:		Administrator Interview:	
Positive Reinforcement System:		Psychological Evaluation:	

The **FBA** addresses the relationship among precipitating conditions, the behavior its consequences, and the function of the behavior. The **FBA** also reflects a consideration of all relevant data gathered, both as background information and by using specific assessment techniques.

II - FUNCTIONAL BEHAVIORAL ASSESSMENT SUMMARY

PRECIPITATING CONDITIONS: (Identify one only)
(Setting, time of day, or other situations, with who behavior occurs, activity, events typically occurring before the behavior, other issues, i.e., illness, hunger, etc.)

Unstructured time in _____ Academic instruction in _____
 When given a directive to _____ When too close to _____
 When provoked or teased _____ Encouraged by _____
 When unable to _____ Other _____
 Alone/no attention _____

TARGET BEHAVIOR PATTERN: (Resulting in discipline)
Exactly what the student does or does not do, e.g., talk out, threaten, (including frequency, intensity, duration, current baseline, etc.)

CONSEQUENCES: (Events that typically follow the behavior)

Teacher attention _____ Removal from class _____
 Peer attention _____ In-school suspension (length?) _____
 Verbal warning/reprimand _____ Time away from seat _____
 Loss of privilege (what kind?) _____ Remain after school _____
 Avoids task _____ Other _____

FUNCTION OF THE BEHAVIOR: (Identify one only) (Hypothesized purpose(s) that the behavior serves)

Escape/avoidance _____ Sensory stimulation _____
 Gaining attention _____ Relief of fear/anxiety _____
 Expression of anger _____ Access to activity or item _____
 Frustration _____ Other _____
 Seeking of power/control _____

DESIRED REPLACEMENT BEHAVIOR: (Identify one only) (Which could produce the same consequences as the problem behavior?)

Hand raising _____ Request help from staff _____
 Short/time-out break _____ Other _____
 Express frustration appropriately _____ Other _____

DESIRED REPLACEMENT BEHAVIOR: (Identify one only) (Which could produce the same consequences as the problem behavior?)

From the information above on this student, write a brief summary statement that includes what sets off the behavior, the behavior itself, and what the student gains from the behavior. For example: When Jason is given an assignment, he will throw his pencil across the room in order to obtain attention from the teacher.

FUNCTIONAL BEHAVIOR ASSESSMENT TEACHER FORM

Student: _____ Grade: _____ DOB: _____
 School: _____ Teacher: _____

WHEN does the behavior occur the most? (What time?)
 morning before/after school teacher request
 afternoon unch/recess a consequence has been imposed
 _____ other unexpected schedule change

WHAT events or conditions occur right before the behavior?
 teacher times per day
 peers times per week
 paraeducators other
 other

WHERE does the behavior occur the most?
 regular classroom
 cafeteria
 hallway
 other

MOTIVATION ASSESSMENT SCALE

DIRECTIONS: READ EACH QUESTION CAREFULLY AND CIRCLE THE ONE NUMBER THAT BEST DESCRIBES YOUR OBSERVATIONS:

QUESTION	NEVER	ALMOST NEVER	Seldom	HALF THE TIME	USUALLY	ALMOST ALWAYS	ALWAYS
1 Would the behavior occur continuously, over and over if this student were left alone for long periods of time?	0	1	2	3	4	5	6
2 Does the behavior occur following a request to perform a difficult task?	0	1	2	3	4	5	6
3 Does the behavior seem to occur in response to your talking to other students in the room?	0	1	2	3	4	5	6
4 Does the behavior ever occur to get a toy, food or activity that this student has been told he/she can't have?	0	1	2	3	4	5	6
5 Would the behavior occur repeatedly, in the same way, for long periods of time, if no one were around?	0	1	2	3	4	5	6
6 Does the behavior occur when any request is made of the student?	0	1	2	3	4	5	6
7 Does the behavior occur whenever you stop attending to the student?	0	1	2	3	4	5	6
8 Does the behavior occur when you take away a favorite toy, food or activity?	0	1	2	3	4	5	6
9 Does it appear that this student enjoys performing the behavior?	0	1	2	3	4	5	6
10 Does this student seem to do the behavior to upset or annoy you when you are trying to get him/her to do what you ask?	0	1	2	3	4	5	6
11 Does this student seem to do the behavior to upset or annoy you when you are not pay attention to him or her?	0	1	2	3	4	5	6
12 Does the behavior stop occurring shortly after you give this student the toy, food, or activity he or she requested?	0	1	2	3	4	5	6
13 When the behavior is occurring, does the student seem calm and unaware of anything else going on around him or her?	0	1	2	3	4	5	6
14 Does the behavior cease shortly after you stop making demands of this student?	0	1	2	3	4	5	6
15 Does the student seem to initiate the behavior in order to get you to spend some time with him or her?	0	1	2	3	4	5	6
16 Does this behavior seem to occur when the student has been told that he or she can't do something he/she had wanted to do?	0	1	2	3	4	5	6

TRANSFER THE NUMERIC ANSWER FOR EACH QUESTION TO THE BLANKS BELOW.
 SCORES ARE ORGANIZED INTO COLUMNS BY TYPE OF MOTIVATION. ADD THE TOTAL SCORE AND CALCULATE THE MEAN SCORE FOR EACH MOTIVATION. THEN DETERMINE THE RELATIVE RANKING BY ASSIGNING THE NUMBER "1" TO THE MOTIVATION WITH THE HIGHEST MEAN SCORE, THE NUMBER "2" TO THE MOTIVATION WITH THE SECOND HIGHEST MEAN SCORE, AND SO FORTH.

SENSORY	ESCAPE	ATTENTION	TANGIBLE	TOTAL SCORE:
1 _____	2 _____	3 _____	4 _____	_____
5 _____	6 _____	7 _____	8 _____	MEAN SCORE: _____
9 _____	10 _____	11 _____	12 _____	_____
13 _____	14 _____	15 _____	16 _____	RELATIVE RANKING: _____

A-3a BEHAVIOR INTERVENTION PLAN

Student: _____ Grade: _____ DOB: _____
 School: _____
 Teacher: _____ Date Developed: _____ Date Implemented: _____

Summary Statement of Problem Behavior: (Trigger and function of target behavior based on FBA)	Baseline Data of Problem Behavior: (Frequency, intensity, duration, etc.)
---	---

Target Behavior(s) or Problem Behavior(s):

- Replacement Behavior:** Which could meet the same function/need as the problem behavior? (Identify one only)
- | | |
|--|---|
| <input type="checkbox"/> Hand raising/Asking for help/"Sure I will" | <input type="checkbox"/> Express frustration/feelings appropriately - e.g., cool down, problem solving ("I" messages), relaxation, diversion, re-direct into activity |
| <input type="checkbox"/> Short break - e.g., break cards/tickets, scheduled breaks | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Peer interaction skills | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Sensory break | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Responds to choices - e.g., choice of work tasks, preferred activities or interests, offer negotiations | <input type="checkbox"/> Other _____ |

Instructional Interventions for teaching replacement behavior:

What will be taught?	When (frequency)?	Who will teach?	How skills will be taught/monitored across settings?

Instructional Interventions for teaching replacement behavior:

Antecedent/trigger	Strategy based on antecedent/trigger

Consequence Intervention - POSITIVE:	Consequence Intervention - NEGATIVE:
---	---

Student: _____ Grade: _____ DOB: _____

Summary Statement of Problem Behavior: (Trigger and function of target behavior based on FBA)	Baseline Data of Problem Behavior: (Frequency, intensity, duration, etc.)
---	---

- Emergency Safety Interventions and Possible Side Effects:**
- | | |
|--|--|
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Physical Restraint:
The minimum amount of force necessary is used to hold/restrain a student only as long as the student is a danger to themselves or others. Risk of physical limb injury, asphyxiation, possible death, internal injuries, aspiration, skeletal injuries - especially if the student fights or struggles. |
| <input type="checkbox"/> Seclusionary Time-Out:
Student is placed in a supervised setting for a specified period of time. Student may become aggressive or injure themselves or staff when being taken to a time-out room. | |

Data Collection Method: <input type="checkbox"/> Not Applicable <input type="checkbox"/> Time-out Booth Logs and Graphs <input type="checkbox"/> Manual Restraint Logs & Graphs	Summary of Emergency Safety Interventions data to be reviewed at the Initial Behavior Plan Review Meeting:
---	---

Signature & Title of Student Support Team & Meeting Participants: _____ **Date of Meeting:** _____

Parent: _____ Student: _____
 Special Ed Teacher (if appropriate): _____ Regular Teacher: _____
 LEA: _____ Other: _____
 Follow-up and Behavior Plan Review Date: (within 2 weeks) _____

Initial Behavior Plan - Summary of Changes: (Summary of changes based on intervention data)

Signature & Title of Student Support Team & Meeting Participants: _____ **Date of Meeting:** _____

Parent: _____ Student: _____
 Special Ed Teacher (if appropriate): _____ Regular Teacher: _____
 LEA: _____ Other: _____
 Next Behavior Plan Review Date: (review every 2 weeks until progress, then review at the end of every term)
 Use the Supplemental Behavior Plan Review Form _____

A-3b BEHAVIOR INTERVENTION PLAN

Student: _____ Grade: _____ Date: _____
 School: _____ Age: _____ Review Date: _____

One Target Behavior (TB):	Antecedents:	Replacement Behavior (RB):
What does the TB look like?	Previous Ineffective Consequences:	What does the RB look like?
Baseline Rate:	Probable Function of the Behavior:	Steps of Direct Instruction for RB:

Strategies to discourage Target Behavior (LRBI hierarchy): Begin with least intrusive U's and add T's and F's as needed.			Strategies to encourage Replacement Behavior/ enhance relationship with the student:	
LRBI Code	LRBI Description	Special Considerations	1	2

Planning Team			
Signature	Title	Signature	Title
1		1	
2		2	
3		3	
4		4	

Date of 2-week review:	Target date for 4-week review:
Team Coordinator:	Team Coordinator:
REVIEW OF PROGRESS-2 WEEKS	REVIEW OF PROGRESS-4 WEEKS
Date of Review:	Date of Review:
Current Rate of Target Behavior:	Current Rate of Target Behavior:
Progress Report:	Progress Report:
Adjust Strategies? Yes/No	Adjust Strategies? Yes/No
Adjusted Strategies (if needed): List adjusted positive supports, LRBI codes, and descriptions. Include special considerations for Level F's.	Adjusted Strategies (if needed): List adjusted positive supports, LRBI codes, and descriptions. Include special considerations for Level F's.

Planning Team			
Signature	Title	Signature	Title
1		1	
2		2	
3		3	
4		4	

Date of next review:	Target date for next review:
Team Coordinator:	Team Coordinator:
REVIEW OF PROGRESS-2 WEEKS	REVIEW OF PROGRESS-4 WEEKS
Date of Review:	Date of Review:
Current Rate of Target Behavior:	Current Rate of Target Behavior:
Progress Report:	Progress Report:
Adjust Strategies? Yes/No	Adjust Strategies? Yes/No
Adjusted Strategies (if needed): List adjusted positive supports, LRBI codes, and descriptions. Include special considerations for Level F's.	Adjusted Strategies (if needed): List adjusted positive supports, LRBI codes, and descriptions. Include special considerations for Level F's.

Planning Team			
Signature	Title	Signature	Title
1		1	
2		2	
3		3	
4		4	

A-4 ABC OBSERVATION FORM

Antecedent-Behavior-Consequence

Student: _____ Observer: _____

Date: _____ Time: _____ Activity: _____

Context of Incident:

Antecedent:

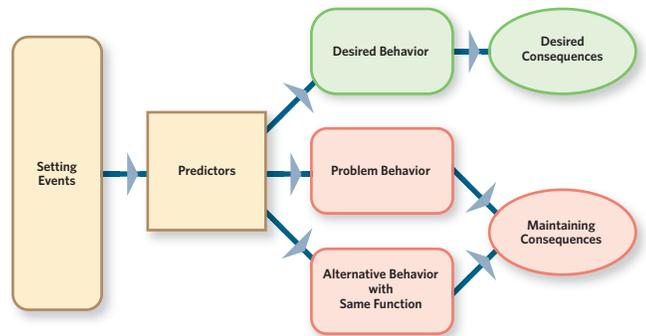
Behavior:

Consequence:

Comments/Other Observations:

Observation Statement:
 From the information above, write a brief summary statement that includes what sets off the behavior, the behavior in measurable terms, and what the student gains or avoids.

A-5 DESIGNING FUNCTIONAL INTERVENTIONS FORM



Setting Events	Predictors	Behavior	Consequences
Setting Event Strategies	Predictor Strategies	Teaching Strategies	Consequence Strategies

O'Neil, R.E., Horne, R.H., Sprague, J.R., Storey and Newton, J.S. (1995). *Functional assessment and programs development for problem behavior: A practical handbook* (2nd edition). Brook/Cole Publishing Company.

PREVIOUS FOLLOW-UP ITEMS:

• **Elementary Schools-Previous Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

• **Secondary Schools-Previous Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

• **Special Schools-Previous Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

CURRENT TRAINING NEEDS:

Review of previous meetings' follow-up items:

-
-
-
-

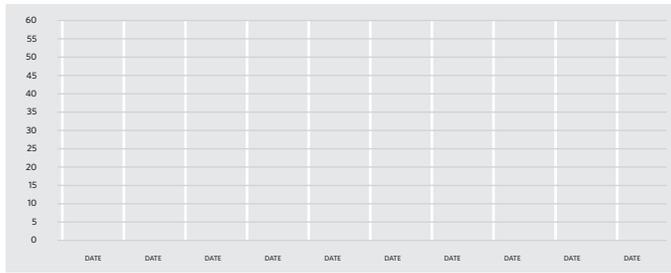
Overall training issues or considerations:

- -
 -
 -
 -
 -
-

A-11 PHYSICAL RESTRAINT LOG

Student: _____ Grade: _____
 School: _____ Teacher: _____

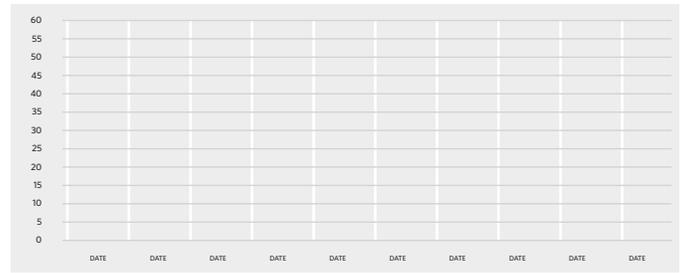
DATE	ANTECEDENT	BEHAVIOR	LENGTH OF RESTRAINT	TYPE OF RESTRAINT	INJURIES TO STUDENT OR STAFF - IF YES, DESCRIBE	STAFF IN ATTENDANCE	PARENTS RECEIVED NOTICE
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person



A-12 SECLUSIONARY TIME OUT LOG

Student: _____ Grade: _____
 School: _____ Teacher: _____

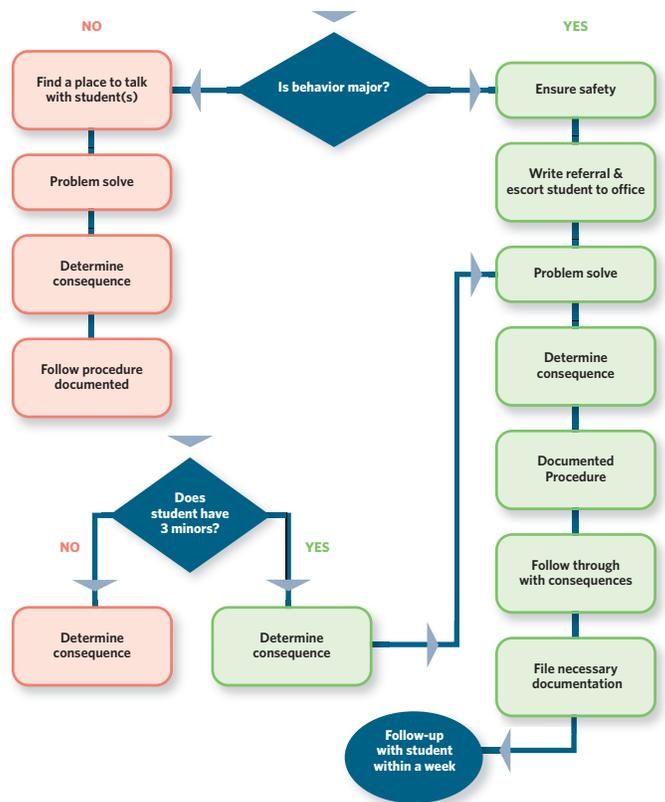
DATE	ANTECEDENT	BEHAVIOR	LENGTH OF RESTRAINT	TYPE OF RESTRAINT	INJURIES TO STUDENT OR STAFF - IF YES, DESCRIBE	STAFF IN ATTENDANCE	PARENTS RECEIVED NOTICE
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person
				1 Person stability 2 Person stability Chair stability			Phone Written Person



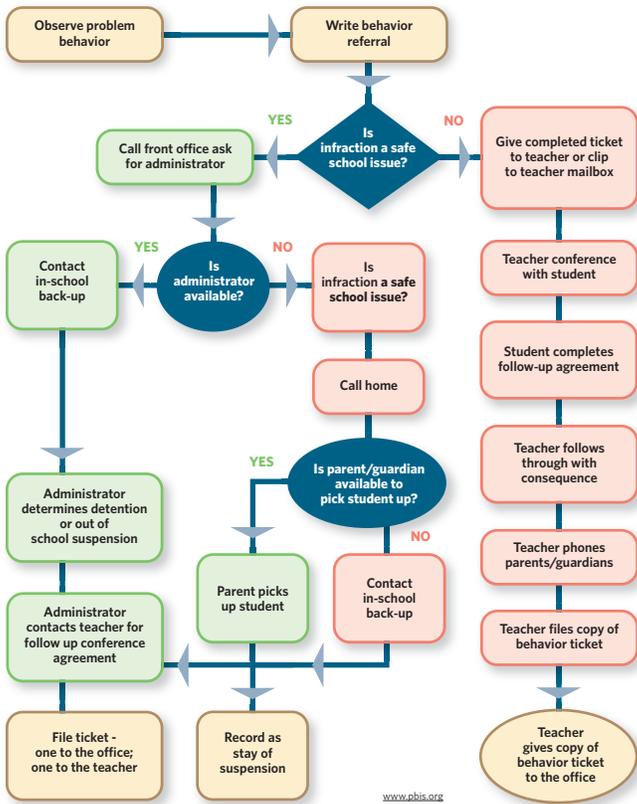
A-13 OFFICE DISCIPLINE CHECKLIST

Is there consensus with staff regarding the purpose of office disciplinary referrals?	Yes	No
Does a clear distinction between problem behaviors that are "reports" versus "referrals" exist?	Yes	No
Is your form easily transportable and a single sheet of paper?	Yes	No
Does your form require mainly check marks, as opposed to writing?	Yes	No
Are all categories clearly defined with no overlap?	Yes	No
Is there consensus with the staff regarding the usage of the form?	Yes	No
Consider your categories - do you have the following required categories?	Yes	No
▪ Student name	Yes	No
▪ Date	Yes	No
▪ Time of incident	Yes	No
▪ Location of incident	Yes	No
▪ Problem behavior	Yes	No
▪ Referring staff	Yes	No
Consider your categories - do you need any of the following categories?	Yes	No
▪ Student grade level	Yes	No
▪ Others involved	Yes	No
▪ Consequences	Yes	No
▪ Possible motivation (function)	Yes	No
▪ General/special education	Yes	No
▪ Minority/non-minority	Yes	No
▪ Other	Yes	No
Do the categories on the form match the database categories?	Yes	No
Are procedures for transferring data into the database in place?	Yes	No
Is there a dedicated person identified for data entry?	Yes	No

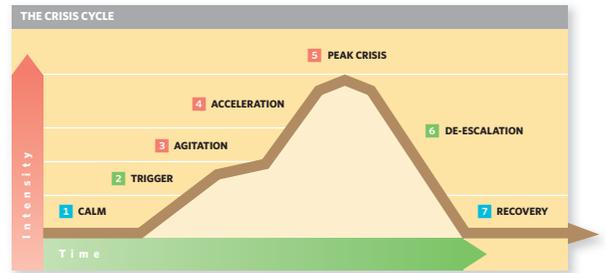
A-14 GENERAL PROCEDURE FOR DEALING WITH PROBLEM BEHAVIORS



A-15 DETAILED PROCEDURE FOR DEALING WITH MAJOR BEHAVIOR INFRACTIONS



A-16 CRISIS MANAGEMENT PLAN



Crisis Cycle Phases	Responses
1 CALM	•
2 TRIGGER	•
3 AGITATION / ESCALATION	•
4 ACCELERATION	•
5 PEAK CRISIS	•
6 DE-ESCALATION	•
7 RECOVERY	•

A-17 SOCIAL INTERACTION RECORDING FORM

Student: _____ Date of Completion: _____
 Student: _____ Date of Completion: _____

Social Engagement with Peers (Partial Interval, 1 minute in length)

X - PARTICIPATION
 O - NO PARTICIPATION

1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Social Initiations and Responses (Event/Frequency Recording)
 RECORD EACH OBSERVANCE OF AN INITIATION OR RESPONSE DURING THE 30-MINUTE OBSERVATION

Social Initiations:	Opportunities for Response:
Social Response:	

Notes:

A-18 UMTSS LEA LEADERSHIP TEAM PRACTICE PROFILE

District/LEA: _____ Date of Completion: _____
 District/LEA Team Members: _____
 UMTSS Representative: _____

INSTRUCTIONS: THE DISTRICT/LEA TEAM SHOULD COMPLETE THE LEA PRACTICE PROFILE FORM WITH THE UMTSS REPRESENTATIVE, EVALUATING IMPLEMENTATION OF PRIORITIZED DIRECTIVES IN THE DISTRICT. CALCULATE A SCORE FOR EACH AREA OF IMPLEMENTATION AS WELL AS AN OVERALL SCORE. ALSO PROVIDE EVIDENCE FOR THE SCORE SELECTED IF POSSIBLE.

Prioritized Practice: _____
Target Schools: _____

CRITICAL COMPONENT	CRITICAL COMPONENT OUTCOME	2 (CIRCLE APPROPRIATE SECTION)	1	0	DOCUMENTING EVIDENCE
Foundations	Establishes a well-representative LEA team that meets regularly with defined roles and functions	1 Team is developed with representation from appropriate range of stakeholders (special education, regular education, families, mental health, etc.). Must include someone with expertise in content area(s) of focus. Also must have liaison with school teams (e.g. coach), and include someone who can make funding decisions.	Team is developed with partial representation of recommended team members	No team exists	E.g., mtg. agenda, TIPS
		2 Team completes or reviews District Implementation Goals Forms (DIG), District Priorities Action Plan, and Team Practice Profile (this document) quarterly	Team completes or reviews DIG, District Priorities Action Plan, and Team Practice Profile (this document) one to three times in the year	Team does not complete or review documents	DIG Form, LEA Priorities Action Plan, LEA Team Practice Profile
		3 Team meets at least quarterly and uses consistent meeting process (agenda, minutes, etc.)	Team meets less than quarterly OR with inconsistent process	Team meets less than quarterly AND with inconsistent process	E.g., mtg. agenda, TIPS, 8-Step Problem-Solving form
		4 Role and function of team members is identified (facilitator, note-taker, data analyst, active participant, etc.)	Role and function of some team members is identified	Role and function not determined for team members	E.g., mtg. agenda, TIPS
Foundations Percentage Score (add scores / 8) =					
Implementation and Funding	Provides a specific plan of steps necessary and resources required for implementing UMTSS. Provides support for building -level MTSS plan development, consensus-building efforts and implementation. Provides monitoring of implementation efforts so that the plan is continued or modified.	5 Team prioritizes and braids together current LEA initiatives to focus implementation (e.g. common language, common goals, collaborative funding allocation)	Communication among initiatives but operating in isolation	No collaboration among initiatives.	E.g., District Improvement Plan, 8-Step Problem-Solving form
		6 Implementation plan or calendar is developed based on LEA data and monitored to assure progress	Implementation plan is developed based on LEA data but not monitored	No implementation plan is developed	E.g., PD Calendar, PD Planning Guide
		7 Team reviews progress toward plan quarterly	Team reviews progress less than quarterly	Team does not review progress	E.g., PD Calendar, PD Planning Guide
		8 Team works to allocate funding to support implementation fidelity across multiple school site and across multiple years	Role and function of some team members is identified	Role and function not determined for team members	E.g., mtg. agenda, TIPS
Implementation and Funding Percentage Score (add scores / 8) =					
Communication, Visibility and Political Support	Dissemination strategies are identified and implemented to ensure stakeholders are kept aware of activities and accomplishments. Helps to ensure "buy-in" from the LEA personnel and community. Provides opportunity for feedback to and from schools on implementation, social validity, and student outcomes. Provides opportunity to coach and reinforce staff implementation.	9 Implementation plan, with common vision for LEA-wide supports is shared with school board and community annually and cabinet meetings quarterly	Information is provided, but not to all key stakeholders or not according to suggested schedule	Information is not shared	E.g., PD Calendar, PD Planning Guide
		10 A policy statement is developed and endorsed by LEA administrators and board of education around UMTSS and success for all students	Policy statement is developed but not endorsed by administrators and board of education	Policy statement is not developed	E.g., LEA Board Policy Manual
		11 Team demonstrates importance of implementation efforts by including MTSS language in the LEA's annual improvement goals.	Team indicates implementation is a priority but not stated in goals	Implementation is not indicated as a priority	E.g., District Improvement Plan
		12 Documentation exists that feedback loops are established between schools and LEAs to address implementation, and student outcomes	Feedback loops are stated/implied but documentation does not exist	No feedback loops exist	E.g., school data reports, district data meeting notes
Communication, Visibility and Political Support Percentage Score (add scores / 8) =					

CRITICAL COMPONENT	CRITICAL COMPONENT OUTCOME	2 (CIRCLE APPROPRIATE SECTION)	1	0	DOCUMENTING EVIDENCE		
Evidence-Based Professional Development and Technical Assistance	Develops local capacity for efficient, effective, and evidence-based implementation of LEA-wide supports, rather than dependence on others to implement program	13 Professional development is aligned with the implementation plan	Professional development partially addresses the implementation plan	Professional development is not aligned with implementation plan	E.g., LEA Action Planning, PD Calendar, PD Planning Guide		
		14 Local expertise (LEA or regional) is identified and provides technical assistance to staff	Team may provide the technical assistance or coordinate technical assistance by eliciting outside experts	No technical assistance is provided to staff	E.g., PD Calendar, PD Planning Guide		
		15 A plan for providing evidence-based professional development to all necessary staff is provided	The plan for providing evidence-based professional development does not include all necessary staff	Professional development is not provided	E.g., PD Calendar, PD Planning Guide		
		16 Evaluation of professional development addresses organization support and change, use of new knowledge and skills and student learning outcomes (See Goksepe Five Level of PD Evaluation)	Team provides evaluation on participant reaction to and learning of content	No evaluation of professional development is taking place	E.g., PD Planning Guide, Utah EBPD Rubric		
Professional Development and Technical Assistance Percentage Score (add scores / 8) =							
Coaching	Provides support and increases capacity for effective implementation	17 Systems level coaching support/ technical support provided (i.e., district to school) at least monthly to school teams regarding implementation	Coaching support provided at least quarterly to school team	No coaching supports exist	Coaching Log		
		18 Instructional coaches are trained to provide differentiated and content-specific support to improve teacher practice	Instructional coaches identified and trained but limited classroom support provided	No instructional coaching	E.g., training log/record		
		19 School level data used on a regular basis to modify systems level supports provided to all students	Limited data used to consider program planning needs	Data is not used for systems level coaching	E.g., school level data reports		
		20 Classroom level data should be used on a regular basis to support teacher improvement in evidence-based instructional delivery	Limited data used to consider classroom instructional needs	Data is not used for instructional level coaching	E.g., classroom level data reports		
		Coaching Percentage Score (add scores / 8) =					
Materials	Materials that are evidence-based, available, and easy to use will increase effectiveness of educational practices	21 Materials are identified and aligned with goals of the implementation plan	Materials are partially aligned with goals of the implementation plan	Implementation materials are not aligned with goals of the implementation plan	E.g., PD Guide		
		22 Implementation materials and tools are 1) cost effective, 2) easy to use, and 3) readily available	Policy statement is developed but not endorsed by administrators and board of education	Policy statement is not developed	E.g., LEA Board Policy Manual		
Materials Percentage Score (add scores / 4) =							
Evaluation	Measures fidelity of implementation and impact on student outcomes	23 LEA team identifies evidence-based tools for measuring fidelity of implementation at school level	LEA team identifies tools for measuring fidelity of implementation but they have limited or no evidence-base	LEA team does not identify tools for measuring fidelity of implementation	PD Planning Guide		
		24 LEA team consistently measures fidelity of implementation of universal practices in academics and behavior	Instructional coaches identified and trained but limited classroom support provided	No instructional coaching	E.g., training log/record		
		25 Team measures fidelity of implementation of targeted (Tier 2) and intensive (Tier 3) interventions at least yearly	Limited data used to consider program planning needs	Data is not used for systems level coaching	E.g., school level data reports		
		26 Team reviews quarterly student outcome data as indicator of instruction and interventions in academics and behavior at all tiers	Limited data used to consider classroom instructional needs	Data is not used for instructional level coaching	E.g., classroom level data reports		
		27 Team reviews quarterly student outcome data as indicator of instruction and interventions in academics and behavior at all tiers	Team is either inconsistent (less than quarterly) or only collects student outcome data at universal level	No student outcome data reviewed	E.g., student outcome data reports		
		28 Team consistently uses problem-solving process to make decisions	Team inconsistently uses problem-solving process	Team does not use problem-solving	8-Step Problem Solving Process form		
		29 School acknowledgement system is implemented systematically to promote school success (e.g., school recognition in monthly LEA employee newsletter)	Acknowledgment system is informal or inconsistent	Schools are not acknowledged for success	E.g., newsletter		
		Coaching Percentage Score (add scores / 8) =					

A-19 UTAH EVIDENCE-BASED PROFESSIONAL DEVELOPMENT (EBPD) RUBRIC

District/LEA _____ Date of Completion _____ UMTSS Representative _____

DIRECTIONS: THE UMTSS REPRESENTATIVE SHOULD COMPLETE THE UEBPD RUBRIC WITH THE DISTRICT LEADERSHIP TEAM OR DISTRICT IMPLEMENTATION TEAM, EVALUATING IMPLEMENTATION OF EVIDENCE-BASED PROFESSIONAL DEVELOPMENT. CALCULATE A SCORE FOR EACH AREA AS WELL AS AN OVERALL SCORE. USE EVIDENCE TO DEMONSTRATE THE SCORE SELECTED IF POSSIBLE.

PROF DEVELOPMENT COMPONENT	SPECIFICATIONS	2 IN PLACE	1 PARTIALLY IN PLACE	0 NOT IN PLACE	SCORE
Professional Development Infrastructure					
1 A district team is in place that will oversee and evaluate the effectiveness of the PD delivered.	Team uses the UEBPD rubric to evaluate their PD efforts	District team meets regularly, sets specific roles and responsibilities for evaluating PD on all levels, and sets specific timelines for evaluation.	District team in place and completes PD evaluation form, but does not address all levels of PD evaluation, or does not specify all needs and schedules.	District team not sufficiently in place, does not evaluate PD, or does not provide specific methods of evaluation.	
2 District goals are created with benchmarks for collection of implementation and student outcome data (National Implementation Research Network - NIRX).	Fidelity and student outcome data are used to inform modifications to implementation (e.g., how can Selection, Training, and Coaching better support fidelity) (NIRX).	Practice protocols describing program components and steps toward achieving gold standard implementation are created. Student outcome data, implementation data, and teacher input are used to determine modifications needed.	Protocols for some program components are created, but data are not used frequently for modifications by the district team.	Protocols for implementation not created and data not used for improvements.	
3 Coaching system (i.e., systems and/or instructional coaches) established to ensure follow-up of PD activities.	A description of specific coaching responsibilities is created along with a system for responding to implementation and outcome data.	Specific FTE dedicated to coaching and coaching oversight. This includes job descriptions, interview protocols, training for the coaches, oversight of coaching fidelity, use of fidelity and outcome data to determine further training for coaches, and evaluation of annual progress.	Specific FTE dedicated to coaching, but lacks some specificity in oversight of coaching fidelity, or use of data to modify coaching structure.	Coaching system not in place for the prioritized professional	
4 Building Leadership Teams (BLT) established in schools receiving PD that use effective teaching structures to evaluate implementation of PD.	Schools receiving PD have representative teams that use data for decision-making regarding the prioritized practice.	Each school receiving PD has established a BLT using an effective team problem-solving model (e.g., Team Initiated Problem Solving - TIPS) in delivering oversight and evaluating implementation fidelity and student outcomes.	Each school has a BLT in place but they do not use an effective strategy for using data for decision-making.	BLT charged with implementation oversight not in place in every school receiving PD.	
5 Administrators and BLT are trained appropriately on the PD area and have knowledge of how to support its implementation.	Describe how steps are taken to ensure administrators support implementation.	Principals are trained in practice implementation including use of student outcome and teacher input data to align systems to ensure valued student outcomes.	Principals receive training in prioritized practices but not in use of student and teacher data to support implementation.	PD is not provided to administrators, or only outlines process for supporting effective implementation.	
6 Data system established for evaluation of implementation fidelity	Efficient, accessible data system should be in place that evaluates implementation of PD. That data system should also be easily accessible to school personnel for use in decision-making.	Data systems in place that effectively and efficiently evaluate fidelity data related to professional development. School personnel can access the data system easily and make decisions based on that data.	Data systems in place but not easily accessible.	Data systems not in place in every school receiving PD.	
7 Data system established for evaluation of student outcomes.	Efficient, accessible data system should be in place to evaluate student outcomes. That data system should also be easily accessible to school personnel for use in decision-making.	Data systems in place that effectively and efficiently evaluate student outcome data related to professional development. School personnel can access the data system easily and make decisions based on that data.	Data systems in place but not easily accessible.	Data systems not in place in every school receiving PD.	
8 Data system established for teacher evaluation.	Efficient, accessible data system should be in place to evaluate teacher effectiveness. That data system should also be easily accessible to school personnel for use in decision-making. (e.g. PEER, ...)	Data systems in place that effectively and efficiently evaluate teacher effectiveness related to professional development. School personnel can access the data system easily and make decisions based on that data.	Data systems in place but not easily accessible.	Data systems not in place in every school receiving PD.	
9 Resources allocated for effective delivery of PD that sustains and evaluates implementation, and data systems.	Resources must be allocated to provide effective PD, including coaching, building level learning structures, and data systems.	District resources allocated for effective delivery of PD, ongoing follow-up and coaching of the practice, establishment of building level learning structures, and data systems for support, implementation, and data systems for evaluation.	District resources allocated for delivery of PD, but not all other activities critical for effective implementation.	District resources not sufficiently allocated for effective delivery of PD, or is lacking for several of the other activities critical to implementation success.	

PROF DEVELOPMENT COMPONENT	SPECIFICATIONS	2 IN PLACE	3 PARTIALLY IN PLACE	0 NOT IN PLACE	SCORE
10 Implementation and student outcomes data are shared regularly w/ stakeholders at multiple levels (SEA, regional, local, individual, community, other agencies). (NERN)	Describe use of multiple sources of information to guide improvement and demonstrate its impact. Describe specific schedule for presenting outcome data to stakeholders	Student outcome data and implementation fidelity data is measured _____ times a month by _____ (as determined by the District Implementation Team). That data is shared with the school board and specific stakeholders regularly (e.g., quarterly).	District team considers implementation and fidelity data, but does not share implementation and student data with the school board or SEA on a regular basis.	District team does not consider both implementation and outcome data, and does not share with critical stakeholders.	
11 Specific District Plans in place to share and celebrate successes with all stakeholders (e.g., schools, parents, administration, school board)	Positive recognition processes in place for high degrees of implementation. Plans also include strategies for dissemination of results.	District Implementation Team (DIT) implements specific strategies to reinforce successful implementers including teachers, administrators, and other district personnel. District also has established plans for celebrating school progress toward goals and reporting progress to other stakeholders in the district.	DIT implements some strategies for celebrating success, but does not provide adequate recognition to implementers or does not frequently report progress to important stakeholders.	DIT does not develop specific strategies for celebrating successes.	
Professional Development Delivery					
12 Accountability for delivery and quality monitoring of training is clear (e.g., lead person designated and supported).	Role/job descriptions provided. Expectations for roles provided.	Specific FTE devoted to (1) designing a training plan; (2) ensuring all trainers meet the skill-level expectations; (3) planning training events; and (4) monitoring the overall training plan. Progress is discussed regularly with the DIT.	Trainer is assigned to design and oversee training of personnel. Trainer will ensure training is sufficient to meet the needs of all participants, coaches, teachers, administrators, and others involved in the initiative.	Trainer will provide training but will not ensure training is sufficient	
13 Content for training is evidence-based.	Evidence-based practices. Show positive results that can be attributed to the practice, are endorsed by credible organization and referenced in peer-reviewed journals.	Content has evidence of effectiveness. (effect size > 0.4)	Content has minimal evidence of effectiveness (effect size < 0.4)	Content has no evidence-base.	
14 Evidence-based delivery using adult learning principles including the following features: planning, application and deep understanding (Dunst & Trivette, 2009).	Did the training include activities in planning, application and deep understanding? Was there active engagement in the training? Were participants able to demonstrate skills?	Professional development places an emphasis adult learning principles in all aspects of training.	Professional Development uses some adult learning principles.	Professional Development uses no adult learning principles (Dit & Get, Spray & Piny).	
Professional Development Evaluation					
15 Professional Development activities are evaluated for participant reaction (Guskey Level 1).	Was the trainer knowledgeable? Were effective opportunities for practice or application provided? Did the session materials contribute to learning? Were the facilities and equipment conducive to learning? Were the stated session objectives met? In terms of preparing you to do your job better, how would you rate the overall quality of the session?	Specific FTE devoted to (1) designing a training plan; (2) ensuring all trainers meet the skill-level expectations; (3) planning training events; and (4) monitoring the overall training plan. Progress is discussed regularly with the DIT.	Trainer is assigned to design and oversee training of personnel. Trainer will ensure training is sufficient to meet the needs of all participants, coaches, teachers, administrators, and others involved in the initiative.	Trainer will provide training but will not ensure training is sufficient	

PROF DEVELOPMENT COMPONENT	SPECIFICATIONS	2 IN PLACE	3 PARTIALLY IN PLACE	0 NOT IN PLACE	SCORE
16 Professional Development activities are evaluated for participant learning (Guskey Level 2).	Did the participants acquire the intended knowledge & skills? Did participants' attitudes, beliefs or dispositions change?	District tool(s) developed for evaluation of participant learning along with system for evaluating learning and modifying future PD. Tools can include: <ul style="list-style-type: none"> Paper-and-pencil instruments, Self assessments Simulations & demonstrations Participant reflections Participant portfolios Case study analyses 	District tool(s) developed for evaluation of participant learning, but no efficient system is established for using the data for improvements in PD.	District tool(s) not developed or implemented for participant learning.	
17 Professional Development activities are evaluated for organizational support and change (Guskey Level 3).	Was implementation advocated, facilitated, and supported? Does coaching address problems quickly and efficiently? Were sufficient resources allocated for implementation? Were successes recognized and shared? Was the organization positively impacted?	District data collection system in place to evaluate ongoing support of implementation. Tools for this evaluation can include: <ul style="list-style-type: none"> District and school records Minutes from follow-up meetings Coaching logs Participant portfolios 	District data collection system in place, but no efficient system is established for using the data for improvements in PD and coaching.	District data system not developed or implemented for ongoing support of implementation	
18 Professional Development activities are evaluated for participant use of new knowledge and skills (Guskey Level 4).	Did participants effectively apply the new knowledge and skills? Did teachers' or teams' practices change? Are the teachers or teams consistently applying the knowledge and skills?	District tool(s) developed for evaluation of participant use of new knowledge and skills, along with a system for analyzing outcomes. Tools can include: <ul style="list-style-type: none"> Questionnaires Structured interviews with participants and coaches Participant portfolios Participant reflections Direct observations Video or audio tapes 	District data collection system in place, but no efficient system is established for using the data for improvements in PD and coaching.	District data system not developed or implemented for ongoing support of implementation	
19-19 Professional Development activities are evaluated for student learning outcomes (Guskey Level 5).	What was the impact on students? Did it affect students' performance or achievement? Did it influence students' physical or emotional well-being? Is student attendance improving? Are dropouts decreasing?	District data system established for ongoing evaluation of student learning outcomes as a result of professional development. System can include: <ul style="list-style-type: none"> Student records School records Questionnaires Structured interviews with students, parents, teachers, and/or administrators Participant portfolios. 	District data system established, but not easily accessed regularly or used for decision-making or not evaluated as a result of the professional development.	District system not established or not implemented.	
					Total score:
					(Total score/38 X 100)
					Percent of Features in Place



XIV DISCIPLINE PROCEDURES (§300.530)

DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES

Consistent with the requirements of Part B of the IDEA and these Rules, each LEA shall establish, maintain, and implement policies and procedures for disciplining students with disabilities.

AUTHORITY OF SCHOOL PERSONNEL

- 1 School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates a code of student conduct.
- 2 School personnel may remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent these alternatives are applied to students without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- 3 After a student with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the LEA must provide services to the extent required.
- 4 For disciplinary changes in placement that would exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities, except after the 10th day of removal that constitutes a change in placement, the LEA must provide services to the student.

AUTHORITY OF SCHOOL PERSONNEL

- 1 A student with a disability who is removed from the student's current placement must:
 - a Continue to receive educational services, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
 - b Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- 2 The services may be provided in an interim alternative educational setting.
- 3 An LEA is only required to provide services during periods of removal to a student with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year, if it provides services to a student without disabilities who is similarly removed.

- 4 After a student with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if the current removal is for not more than ten (10) consecutive school days and is not a change of placement, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.
- 5 If the removal is a change of placement, the student's IEP team determines appropriate services to be provided during the removal.

CHANGE OF PLACEMENT DUE TO DISCIPLINARY REMOVALS (§300.536)

- 1 For purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs if:
 - a The removal is for more than ten (10) consecutive school days; or
 - b The student has been subjected to a series of removals that constitute a pattern:
 - i Because the series of removals total more than ten (10) school days in a school year;
 - ii Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - iii Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.
- 2 The LEA determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceeding.

This LRBI Technical Assistance Manual document does not mandate when a FBA or BIP must be utilized by an IEP team. However, federal regulations IDEA and USOE Special Education Rules state that the LEA must:

- (1) conduct a functional behavioral assessment and
- (2) implement a Behavioral Intervention Plan.

As appropriate, the student should receive a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior (§300.530(d)(1)(ii)). A student's IEP team must conduct a manifestation determination whenever it proposes to change the educational placement of a student with disabilities by removing the student from school more than 10 days due to a violation of the school's code of conduct.

For quick reference, the following table outlines IEP team responsibilities regarding disciplinary actions and students who are IDEA protected.

Fewer than 10 days = Short-Term Removal	More than 10 days = Long-Term Removal
<ul style="list-style-type: none"> No educational services (FAPE) required unless provided to non-disabled students. Not a change of placement. No manifestation determination required. No functional behavior assessment or behavior intervention plan required. 	<ul style="list-style-type: none"> Student must receive services determined to be necessary for student to progress in the general curriculum and advance toward IEP goals. IEP Team must meet. Review IEP. Consider special factors, supplementary aide and services (BIP). Determine more assessment data needed. Conduct FBA. Develop and implement BIP.

MANIFESTATION DETERMINATION (§300.530)

1 Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the student's IEP team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- a If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- b If the conduct in question was the direct result of the LEA's failure to implement the IEP.

2 The conduct must be determined to be a manifestation of the student's disability if the LEA, the parent, and relevant members of the student's IEP team determine that the misconduct was caused by or had a direct and substantial relationship to the student's disability, or was the direct result of the LEA's failure to implement the IEP.

3 If the LEA, the parent, and relevant members of the student's IEP team determine that the misconduct was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies.

4 If the LEA, the parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the student's disability, the IEP team must:

- a Either:
 - i Conduct a functional behavioral assessment (FBA), unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
 - ii If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- b Unless the misconduct falls under the definition of special circumstances in V.E.5, return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

1 Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- a Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an LEA;
- b Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an LEA, or
- c Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.

d Definition For purposes of this section, the following definitions apply:

- i Controlled substance means a drug or other substance that cannot be distributed without a prescription, identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC 812(c)).
- ii Illegal drug means a controlled substance but does not include a drug controlled, possessed, or used under the supervision of a licensed healthcare professional or one legally possessed or used under the Controlled Substances Act or under any other provision of Federal law (21 USC 812).
- iii Serious bodily injury means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 USC 1365). Serious bodily injury does not include a cut, abrasion, bruise, burn, disfigurement, physical pain, illness, or impairment of the function of a bodily member, organ or mental faculty that is temporary (20 USC 1365).
- iv Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2-1/2 inches (18 USC 930).

For quick reference, the following table outlines IEP team responsibilities regarding disciplinary actions and manifestation determination for students who are IDEA protected.

Determined misconduct was direct relationship	Determined misconduct was not direct relationship, but result of the LEA's failure to implement the IEP	Determined not a direct relationship (the IEP team determines)
<ul style="list-style-type: none"> Conduct a FBA. Develop a BIP, or review existing FBA and BIP to modify as necessary to address the behavior. Return the student to previous placement unless: (1) the offense involved "special circumstances," or (2) parent and school agree to a change of placement as part of the modification of the IEP. 	<ul style="list-style-type: none"> Student must receive services determined to be necessary for student to progress in the general curriculum and advance toward IEP goals. IEP Team must meet. Review IEP. Consider special factors, supplementary aide and services (BIP). Determine more assessment data needed. Conduct FBA. Develop and implement BIP. 	<ul style="list-style-type: none"> The IAES for services. If the removal is a change of placement. The behavior falls under "special circumstances."

XV ADDITIONAL TRAINING RESOURCES

The Principal's 200 Club

The Principal's 200 Club is a powerful positive behavior support system for the whole school. Designed to serve as a major component of a school's comprehensive positive behavior support system, it is just one component of a more extensive school behavior management system. The Principal's 200 Club focuses on positive behavioral interactions between students and staff across the whole-school environment.

Training materials can be requested at no cost to Utah educators to help support this intervention. Available through the Utah State Office of Education, Special Education Services and the Utah Personnel Development Center are a training DVD, PowerPoint and troubleshooting list for implementation. Please make requests for these materials through carol.anderson@schools.utah.gov.

The Behavior Education Program (BEP)

The Behavior Education Program (BEP) is designed to help the students who fail to meet school-wide disciplinary expectations but do not require a high level of behavior support.

Training materials can be requested at no cost to Utah educators to help support this intervention. Available through the Utah State Office of Education, Special Education Services and the Utah Personnel Development Center are a training DVD, PowerPoint and troubleshooting list for implementation. Please make requests for these materials through carol.anderson@schools.utah.gov.

PBIS Blueprint for Implementation

The purpose of the PBIS Implementation Blueprint is to present a rationale for adopting school-wide positive behavior support (SW-PBIS), describe the key features of SW-PBIS, and illustrate processes, structures, and supports of SW-PBIS. The blueprint is intended to make a conceptual theory, organizational models, and specific practices more accessible for those involved in changing how schools, districts, and state education systems operate effectively and efficiently. The complete blueprint can be found at <http://www.pbis.org>.

XVI SUPPORTING RESEARCH & REFERENCES

- Advocates for children and youth—Voices for Maryland's children. (2006). School suspension and alternatives. http://www.soros.org/initiatives/baltimore/articles_publications/articles/issues_20060418/issuebrief_20060418.pdf
- American Academy of Pediatrics. (2003). Out of school suspension and promotion.
- Babkie, A. (2006). 20 ways to be proactive in managing classroom behavior. *Intervention in School and Clinic*, 41, 184–187.
- Bradshaw, C. P., Koth, C. W., Bevans, K. B., Ialongo, N., & Leaf, P. J. (2008). The impact of School-Wide Positive Behavioral Interventions and Supports (PBIS) on the organizational health of elementary schools. *School Psychology Quarterly*, 23, 462-473.
- Brantner, J. & Doherty, M.A. (1983). A review of time-out: A conceptual and methodological analysis. In A. Axelrod & J. Apsche (Eds.), *The effects of punishment on human behavior*. New York: Academic Press.
- Brophy, J., & Good, T.L. (1886). Teacher behavior and student achievement. In M.C. Wittrock (Ed.), *Handbook of Research on Teaching* (3rd ed., pp. 328-375). New York: Macmillan.
- Christle, C.A., Jolivette, K., & Nelson, C.M., *Breaking the School to Prison Pipeline: Identifying School Risk and Protective Factors for Youth Delinquency*. *Exceptionality*, 2005. 13: p. 69-88.
- Cipani, E., & Schock, K.M., (2011). *Functional behavioral assessment, diagnosis, and treatment*. Springer Publishing Company.
- Clark, S. (n.d.). Alternatives to suspension keep kids in school. <http://www.catalyst-cleveland.org/archives/12-01/1201story2.htm>
- Colvin, G., (2004). *Managing the cycle of acting-out behavior in the classroom*. Eugene, OR: Behavior Associates.
- CRDC & the OCR definitions of restraint and seclusion (2009-10) <http://www2.ed.gov/about/offices/list/ocr/whatsnew.html>
- Darch, C., & Kame'uni, F. (2004). *Instructional classroom management: A proactive approach to behavior management*. Upper Saddle River, NJ: Pearson/Prentice Hall.
- Delisio, E. R. (2007). Evaluating in-school suspension programs. http://education-world.com/a_issues?chat/chat082.shtml (An interview with Dr. Anne Wheelock regarding effective programs and support for positive discipline is reported.)
- Delisio, E. R. (2008). In-school suspension: A learning tool. http://www.educationworld.com/a_admin/admin/admin/329.shtml (A description of the components for successful secondary in-school suspension program is provided in this brief piece.)
- Emmer, E., Everson, C., & Worsham, M. (2003). *Classroom management for secondary teachers*. Boston: Allyn and Bacon.
- Fairbanks, S., Sugai, G., Gardino, D. & Lathrop, M. (2007). Response to intervention: Examining classroom behavior supports in second grade. *Council for Exceptional Children*, 50, 39-44.
- Farmer, T.W., Goforth, J., Hives, J., Aaron, A., Hunter, R., & Sigmatt, A. (2006). Competence enhancement behavior management. *Prevention School Failure*, 50, 39-44.
- Fixsen, D. L., & Blase, K. A. (2008). Implementation: The Secret to Using Science in Human Service Settings. Tampa, FL: University of South Florida. 5th International Conference on Positive Behavior Support, Chicago, Illinois, March 28, 2008.
- Gast, D.L. & Nelson, C.M. (1977). Legal and ethical considerations for the use of time-out in special education settings. *Journal of Special Education*, 11, 457-467.
- Guerra, N. G., & Williams, K. R. (2003). Implementation of school based wellness centers. *Psychology in the Schools*, 40, 473-487.
- Horner, R. H., Sugai, G., & Anderson, C. M. (2010). Examining the evidence base for school-wide positive behavior support. *Focus on Exceptionality*, 42, 1-14.
- Horner, R. H., & Sugai, G. Considerations for Seclusion and Restraint Use School-Wide Positive Behavior Supports, April 29, 2009.
- Horner, R., Sugai, G., Smolkowski, K., Todd, A., Nakasato, J., & Esperanza, J., (in press). A Randomized Control Trial of School-wide Positive Behavior Support in Elementary Schools. *Journal of Positive Behavior Interventions*.
- How Safe Is the Schoolhouse? The Autism National Committee, <http://www.autcom.org>
- Jenson, W.R., Rhodes, G., Evans, C., & Morgan, D., (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest Publishing.
- Jenson, W.R., Rhodes, G., & Reavis, H. K. (2010). *The Tough Kid Book*. Eugene, OR: Pacific Northwest Publishing.
- Lassen, S., Steele, M., & Sailor, W. (2006). The relationship of school-wide positive behavior support to academic achievement in an urban middle school. *Psychology in the Schools* 43(6), 701-712.
- Lewis, T. J., & Sugai, G. (1999). Effective behavior support: A systems approach to proactive school-wide management. *Focus on Exceptional Children*, 31(6), 1-24.
- Lohrmann, S., & Kavale, K. (2004). Anchor the boat: A classwide intervention to reduce problem behavior. *Journal of Positive Interventions*, 6, 113-120.
- Luiselli, J. K., Putnam, R. F., Handler, M. W., & Feinberg, A. B. (2005). Whole-School Positive Behaviour Support: Effects on student discipline problems and academic performance. *Educational Psychology* 25(2-3), 183-198.
- Morgan, D., & Jenson, W. R. (1998). *Teaching Behaviorally Disordered Children: Preferred Strategies*. Columbus, OH: Merrill Publisher.
- Muscott, H., & Mann, E. (in press). Positive behavioral interventions and supports in New Hampshire: Effects of large-scale implementation of school-wide positive behavior support on student discipline and academic achievement. *Journal of Positive Behavior Interventions*.
- Peterson, R. L. (n.d.). Ten alternatives to suspension. <http://column.edu/products/impact/182/cover5.html> (This article suggests alternative to suspension, along with components that should be in place in order for a discipline program to be effective.)
- Restraint and seclusion data are available at <http://ocrdata.ed.gov>
- School is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools National Disability Rights Network, <http://www.NDRN.org>
- Shores, R., Gunter, P., & Jack, S. (1993). Classroom management strategies: Are they setting events for coercion? *Behavioral Disorders*, 18, 92-102.
- Scheuermann, B., & Hall, J.A. (2008). *Positive behavioral supports for the classroom*. Upper Saddle River, NJ: Pearson Education, Inc.
- Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers. United States Government Accountability Office, <http://www.gao.gov>.
- Sprick, R. S., Garrison, M., & Howard, L., (2009). CHAMPS: A proactive and positive approach to classroom management. Eugene, OR: Pacific Northwest.
- The American Civil Liberties Union. (2008). *Locating the School-to-Prison Pipeline*. New York, NY: Author.
- Trussell, R. (2008). Classroom universals to prevent problem behaviors. *Intervention in School and Clinic*, 43, 179-185.
- Walker, K. (2006). In-school suspension alternatives. Research Brief. <http://www.principalspartnership.com/issalternatives.pdf> (This brief describes different types of alternatives to in-school suspensions.)
- United States Department of Education, Office for Civil Rights. (March 2012). Civil Rights Data Collection: Revealing New Truths About Our Nation's Schools. www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf?utm_source=3.712Statement-on-New-ED-OCData&utm_campaign=3.712+OCR+ED+PR&utm_medium=email
- U.S. Department of Education (2012). *15 Principles on Restraint and Seclusion*.
- Zins, J., Weissberg, R., Wang, M., & Wallberg, H. (2004). *Building Academic Success on Social and Emotional Learning: What Does Research Say?* New York, NY: Teachers College Press.

XVII FREQUENTLY ASKED QUESTIONS (FAQ)

What authority do the school and district have when disciplining a student who has a disability?

The federal statute indicates that school personnel may suspend a child with a disability from his/her current placement for violation of the student code of conduct for up to 10 school days per school year, as long as the length of the removal is the same that non-disabled students would receive. The 10 allowable days have been called "FAPE-free" days, meaning that schools may remove the student without providing special education services for up to 10 days. However, following the 10 "free" days, schools must provide a continuation of FAPE for the student with a disability. This means that the school is responsible for providing the student with the services included in his/her IEP (including BIP) to the extent necessary to allow him to progress on the goals, and have access to and make progress in the general education curriculum. When a school exceeds the 10 school days allowable by law, a further removal constitutes a change of placement. This change of placement triggers IDEA 2004 disciplinary procedures.

What is Manifestation Determination Review (MDR), and when must a school conduct MDR?

In the publication *The Complete OSEP Handbook, Manifestation Determination* is defined as "a review of the relationship between the child's disability and the behavior subject to the disciplinary action (Section 10.19)." The MDR procedure has been greatly simplified from previous authorizations of IDEA. Under the IDEA 2004, within 10 days of any decision to change a student's education placement for disciplinary reasons, the school district, the parent, and relevant members of the IEP team must review all relevant information in the student file, IEP (including BIP), teacher observations, and other relevant information provided by the parent to determine the answer to two questions:

- 1 Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability, and/or
- 2 Whether the conduct in question was the direct result of the school district's failure to implement the IEP (remember, the Behavior Intervention Plan is part of the IEP).

If the answer to question (1) and/or (2) is YES, the student's conduct shall be determined to be a manifestation of the child's disability. Conversely, if the answer to both questions is NO, the student's conduct shall not be determined to be a manifestation of the child's disability.

If the MDR team finds no manifestation, IDEA 2004 allows the school to change the student's placement for more than 10 school days. However, during such a change of placement the district must continue to provide the student with a free and appropriate public education (FAPE) that will enable the student to make progress toward meeting the goals of his/her IEP and continue participation in the general curriculum (through the alternative setting). At no time may the school discontinue FAPE for a student who has a disability.

What must the school do if the MDR team finds the misconduct was a manifestation of the student's disability?

The school must do three things:

- 1 Conduct a functions behavioral assessment (FBA), if this has not already been done.
- 2 Implement a behavior intervention plan (BIP), if this has not already been done. If a BIP was already in place, the team must review and modify the existing BIP as necessary to address the misconduct to prevent recurrence.
- 3 Return the child to his/her previous placement, unless:
 - a The offense involved "special circumstances" or
 - b Parent and school agree to a change of placement as part of the modification of the BIP (remember the Behavior Intervention Plan is part of the IEP).

IDEA 2004 defines "special circumstances" as the following:

- 1 The child carries or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district.
- 2 The child knowingly possesses or uses illegal drugs (including alcohol and/or tobacco), or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the school district.
- 3 The child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district.

Note: A "serious bodily injury" means a serious risk of death; protracted or obvious disfigurement; protracted loss of impairment of the function of a bodily organ, member or mental faculty; or extreme physical pain.

If the offense involved special circumstances, how does the school provide FAPE (45-day removal)?

School personnel may remove a child with a disability to an interim alternative educational setting (IAES) for not more than 45 school days, regardless of the MDR finding in cases where IDEA 2004 defined "special circumstances" were incurred. A noted change with IDEA 2004 is that the IAES is up to 45 school days, not 45 calendar days.

Does this mean that if the student was involved in an assault, he/she automatically qualifies for the 45-day removal pursuant to "special circumstances"?

No, as aforementioned, special circumstances must incur serious bodily injury. Not every assault results in serious bodily injury as defined by IDEA 2004. For example, if a student commits an assault and a weapon is used, then the 45-day rule will apply only if the student has inflicted "serious bodily injury."

What if the parent of a child with a disability or the school disagrees with any decision regarding placement or manifestation?

Either party has a right to request an appeal. IDEA 2004 indicates that the state shall arrange for an expedited hearing for an appeal to occur within 20 school days of the request. Additionally, a decision shall be reached with 10 school days after the hearing.

In the event of an appeal, where does the student receive FAPE?

IDEA 2004 indicates that the student will remain in the interim alternative educational setting (IAES) pending a final decision, or until the expiration of the time period for removal as ordered by school personnel unless the school district and parent agree otherwise.

What about students who are not yet eligible for special education services who request protection of the special education laws?

IDEA 2004 spells out three situations in which a regular education student can claim the protections of IDEA:

- 1 The parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services.
- 2 The parent of the child has requested an evaluation of the child pursuant to IDEA.
- 3 The teacher of the child or other personnel of the LEA has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of such agency, or to the other supervisory personnel of the agency.

What about a child whose parent has not allowed an evaluation of the child or has refused special education services, or when a previous evaluation has determined that the child was not a child with a disability?

If this student commits an expellable offense, the student may be subject to expulsion. However, it might be wiser to offer the parents a second chance to consider testing for special education, as this new provision from IDEA 2004 has not yet been tested in the nation's courts.

XVIII GLOSSARY OF TERMS

When discussing complicated issues such as students' rights, positive behavioral supports, and intrusive intervention procedures, it is important that all parties have a common understanding of the language that is used. In order to prevent misunderstandings, the following definitions are supplied to help the reader understand the terms in this document.

Assessment

The process of collecting data for the purpose of (1) specifying and (2) making decisions.

Behavioral intervention

An intervention designed to alter the student's behavior in a very specific, directly observable fashion. An example could be the reduction of a student's out-of-seat behavior through the use of positive reinforcement of in-seat behavior.

Behavior Intervention Plan (BIP) / Behavior Support Plan

A written plan for changing a student's behavior. The plan is a summary of intervention strategies, including setting event strategies, antecedent strategies, behavior-teaching strategies, and consequence strategies along with implementation details of who uses what strategies when, where, how often, and why; how emergency or crisis situations will be handled; and how implementation and effectiveness will be monitored.

Benchmarking

Gathering curriculum-based measurement data on all students at standard intervals, typically three times a year to address ongoing needs and student growth.

Continuum

A range of behavioral interventions, within a level, that are not hierarchical in nature.

Core instruction

Practices selected by the school or district to teach ALL students Utah's Core Curriculum and social behavior standards (i.e., PBIS). Assessing student success and selecting practices that are research-based determine effective core instruction.

Curriculum-Based Evaluation (CBE)

Curriculum-Based Evaluation (CBE) is a systematic process for using assessment information about instruction, curriculum, the educational environment and student performance to make decisions and reach conclusions for the purpose of instructional planning.

Curriculum-based measurement

A formative assessment procedure that involves assessing students on global outcomes (reading spelling, written expression, and math), which are long-term curricular goals important for school success.

Diagnostic assessment conducted to determine why students are not benefiting from instruction and what skills need to be taught (e.g., phonics, multiple-digit addition with regrouping, social skills). A diagnostic test intends to locate learning needs and/or patterns of error (e.g., functional behavioral assessment). Such tests yield measures of specific knowledge, skills, or abilities underlying achievement within a broad subject. Diagnostic assessment should only be given if it is unclear what skills need to be taught and there is some certainty that new information will be gained and from the diagnostic assessment.

Functional Behavior Assessment (FBA)

A systematic process of identifying problem behaviors and the events that (a) reliably predict occurrence and non-occurrence of those behaviors and (b) maintain the behaviors across time.

Assessment should produce three main results: first, hypothesis statements that have (i) operational definitions of the problem behavior, (ii) descriptions of the antecedent events that reliably predict occurrence and non-occurrence, and (iii) descriptions of the consequence events that maintain the behavior; second, direct observation data supporting these hypotheses; and third, a behavior support and intervention plan.

Implementation

Process of carrying out the Response to Intervention (RTI) system with fidelity.

Intensive intervention

Individual student-centered intervention based on student need as identified through accurate and reliable data. Intensive interventions are used when core instruction and supplemental instruction and intervention are not intensive enough to yield adequate student progress.

Intervention

In order for an action or practice in a school to meet the criteria of intervention, a few conditions must be met: An intervention provides additional teaching, re-teaching, practice, and acknowledgement than is provided through core instruction (including differentiation) and is selected based upon data and desired outcomes.

Instructional criteria for interventions:

- Skills taught are selected based upon student needs.
- Instruction is explicit.
- Opportunities to respond and practice are high.
- Feedback and reinforcement regarding performance is immediate.

System-level supports for interventions:

- Shared effort by school staff to implement and sustain.
- Flexible - based on ongoing data collection and assessment to assess responsiveness.
- Adequate resource allocation to sustain over time.
- Student understands need for participation.
- Increases student skill and avoids punishment.

Manifestation determination

A review of the relationship between a student's disability and a behavior subject to the disciplinary action. This determination is required when the LEA removes or considers removing a student for weapons or drug violations, behavior that is substantially likely to result in injury to the student or to others, or behavior that violates any rule or code of conduct that applies to all students which results in a change of placement.

Monitoring

Progress monitoring is a scientifically based practice that is used to assess students' performance and evaluate the effectiveness of instruction. Progress monitoring can be implemented with individual students, an entire class, and a school. The key components of progress monitoring tools are:

- Reliability.
- Validity.
- Alternative forms.
- Sensitivity to student improvement.
- Specified rates of progress.

Operational definition of target behavior

Specification of a behavior such that it is observable and measurable, and so that two people can readily agree on when it occurs, begins, and ends.

Outcome measure

Type of testing that provides a bottom-line evaluation of the effectiveness of instruction in relation to established performance levels. These tests are typically administered at the end of a grading period or school year. Outcome measures can be administered pre/post to assess overall growth. This type of test provides an index of overall efficacy of student learning but does not provide timely instructional information for teachers to use during the instructional sequence with tested students.

Positive Behavior Intervention and Support (PBIS)

Positive behavior interventions and supports (PBIS) is an application of a behaviorally based systems approach to enhance the capacity of schools, families, and communities to design effective environments that improve the link between scientific, research-based practices and the environments in which teaching and learning occurs.

Attention is focused on creating and sustaining, at a school-wide level, preventative behavioral core curriculum, supplemental instruction and supports for at-risk students, and intensive individual interventions and supports for students with the greatest needs. This continuum of support and intervention is intended to improve lifestyle results (personal, health, social, family, work, recreation) for all children and youth by making problem behavior less effective, efficient, and relevant, and desired behavior more functional.

Positive behavioral support

The application of positive behavioral interventions and systems to achieve socially important behavior change.

Problem solving

Developing and supporting systematic, data-based, team decision making at the school level, that supports school-wide, grade level, classroom level, and individual student instruction and intervention plans.

Progress monitoring

A scientifically based practice that is used to assess students' performance and evaluate the effectiveness of instruction. Progress monitoring can be implemented with individual students, an entire class, and a school. The key components of progress monitoring tools are:

- Reliability.
- Validity.
- Alternative forms.
- Sensitivity to student improvement.
- Specified rates of progress.

Recognized behavior expert

A professional having knowledge of, training, and experience in (1) designing, using and evaluating behavior management and contingency programs; (2) current behavior management practices; (3) the development and use of a wide variety of effective and efficient behavior intervention plans or programs; (4) functional behavior assessment; and (5) valid methods for evaluating program effectiveness.

Reductive behavioral

A research-valid decelerative behavioral intervention (positive or intervention negative) that temporarily stops or suppresses a behavior. These include some Level II and all Level III and IV procedures that require written parental consent prior to implementation (see Section VI).

Reinforcer

A consequent stimulus which increases or maintains the future rate and/or probability of occurrence of a behavior.

Response to Intervention (RTI)

Systematically addressing academic and behavior skills through the practice of providing high-quality instruction and intervention matched to student need to create learning environments that are effective, efficient, relevant and durable.

Scientific, research-based and evidence-based

According to the State Educational Resource Center (SERC), scientific research-based instruction (SRBI) includes instructional practices and programs for which original data have been collected to determine their effectiveness. Scientifically based, rigorous research designs include: randomized, controlled trials; regression discontinuity designs; quasi-experiments; single subject studies; and qualitative research. Scientific evidence is derived from studies that (a) carefully identify and control for variables and (b) demonstrate the level of confidence with which outcomes and results can be associated with those variables.

Screening

Gathering data on all students. Usually conducted to identify students who may be at risk.

Supplemental intervention

Supplemental intervention is instruction and student support that goes beyond that provided by the comprehensive core instruction because the core program does not provide enough instruction of practice in a key area to meet the needs of the students in a particular classroom or school. Supplemental intervention should be continuously available and accessed by student(s) within a week of referral or identification.

Utah's Core Standards

Utah's Core Standards represent those standards of learning that are essential for all students. They are the ideas, concepts, and skills that provide a foundation on which subsequent learning may be built. The State Core Curriculum is intended for all students to access and is the basis for content for the state outcome assessment tool, the Student Assessment of Growth and Excellence (SAGE).



Design & Layout:
Larry Clarkson, Clarkson Creative, Inc
Photography:
Carol Anderson
©2015 Utah State Office of Education



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: New Utah Professional Practices Advisory Commission (UPPAC) Rules – R277-200 through R277-206

Background: H.B. 345 S2 *Education Abuse Policy* (2015 Legislative Session) changed rulemaking authority from the Utah Professional Practices Advisory Commission (UPPAC) to the Utah State Board of Education. New rules R277-200 through R277-206 are created in response to the legislation.

Key Points:

- R277-200 *Utah Professional Practices Advisory Commission (UPPAC) Definitions* - all definitions for all Board rules regarding UPPAC duties and responsibilities are provided in the rule.
- R277-201 *Utah Professional Practices Advisory Commission (UPPAC) Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions* – provides the procedures regarding notifications of alleged educator misconduct, review of notifications by UPPAC, and complaints, stipulated agreements and defaults.
- R277-202 *UPPAC Hearing Procedures and Reports* – establishes procedures regarding UPPAC hearings and hearing reports.
- R277-203 *Request for Licensure Reinstatement and Reinstatement Procedures* – establishes procedures regarding educator license reinstatement.
- R277-204 *Utah Professional Practices Advisory Commission Review of License Due to Background Check Offenses* – establishes procedures for an applicant to proceed toward licensing or be denied to continue when an application or recommendation for licensing or renewal identifies offenses in the applicant's criminal background check.
- R277-205 *Alcohol Related Offenses* – establishes procedures for disciplining educators regarding alcohol related offenses.
- R277-206 *Drug Related Offenses* – establishes procedures for disciplining educators regarding drug related offenses.

Anticipated Action: It is proposed that the Law and Licensing Committee consider approving R277-200 through R277-2006 on first reading and, if approved by the Committee, the Board consider approving the rules on second reading.

Contact: Angie Stallings, 801-538-7550
Ben Rasmussen, 801-538-7835

1 **R277. Education, Administration.**

2 **R277-200. Utah Professional Practices Advisory Commission**
3 **(UPPAC), Definitions.**

4 **R277-200-1. Authority and Purpose.**

5 A. This rule is authorized by Section 53A-6-306(6) which
6 directs the Board to adopt rules regarding UPPAC duties and
7 procedures.

8 B. The purpose of this rule is to establish definitions
9 for terms in UPPAC activities.

10 C. The definitions contained in this rule apply to rules
11 R277-200 through R277-206. Any calculation of time called for
12 by these rules shall be governed by Utah R. Civ. P. 6.

13

14 **R277-200-2. Definitions.**

15 A(1) "Action" means a disciplinary action taken by the
16 Board adversely affecting an educator's license.

17 (2) "Action" does not include a disciplinary letter.

18 (3) "Action" includes:

19 (a) a letter of reprimand;

20 (b) probation;

21 (c) suspension; and

22 (d) revocation.

23 B. "Administrative hearing" or "hearing" has the same
24 meaning as that term is defined in Section 53A-6-601.

25 C. "Alcohol related offense" means:

26 (1) driving under the influence;

27 (2) alcohol-related reckless driving or impaired driving;

28 (3) intoxication;

29 (4) driving with an open container;

30 (5) unlawful sale or supply of alcohol;

31 (6) unlawful permitting of consumption of alcohol by
32 minors;

33 (7) driving in violation of an alcohol or interlock
34 restriction; and

35 (8) any offense under the laws of another state that is
36 substantially equivalent to the offenses described in R277-
37 200-2C(1) through (7).

38 D. "Allegation of misconduct" means a written report
39 alleging that an educator:

40 (1) has engaged in unprofessional or criminal conduct;

41 (2) is unfit for duty;

42 (3) has lost the educator's license in another state due
43 to revocation or suspension, or through voluntary surrender or
44 lapse of a license in the face of a claim of misconduct; or

45 (4) has committed some other violation of standards of
46 ethical conduct, performance, or professional competence as
47 provided in R277-515.

48 E. "Answer" means a written response to a complaint filed
49 by USOE alleging educator misconduct.

50 F. "Applicant" means a person seeking:

51 (1) a new license;

52 (2) reinstatement of an expired, surrendered, suspended,
53 or revoked license; or

54 (3) clearance of a criminal background review from USOE
55 at any stage of the licensing process.

56 G. "Board" means the Utah State Board of Education.

57 H. "Chair" means the Chair of UPPAC.

58 I. "Complaint" means a written allegation or charge
59 against an educator filed by USOE against the educator.

60 J. "Complainant" means the Utah State Office of
61 Education.

62 K. "Comprehensive Administration of Credentials for
63 Teachers in Utah Schools (CACTUS)" means the electronic file
64 developed by the USOE and maintained on all licensed Utah
65 educators.

66 L(1) "Conviction" means the final disposition of a
67 judicial action for a criminal offense, except in cases of a
68 dismissal on the merits.

69 (2) "Conviction" includes:
70 (a) a finding of guilty by a judge or jury;
71 (b) a guilty or no contest plea;
72 (c) a plea in abeyance; and
73 (d) for purposes of this rule, a conviction that has been
74 expunged.

75 M. "Criminal Background Review" means the process by
76 which the Executive Secretary, UPPAC, and the Board review
77 information pertinent to a charge revealed by a criminal
78 background check or applicant self-disclosure.

79 N(1) "Disciplinary letter" means a letter issued to a
80 respondent by the Board as a result of an investigation into
81 an allegation of educator misconduct.

82 (2) "Disciplinary letter" includes:
83 (1) a letter of admonishment;
84 (2) a letter of warning; and
85 (3) any other action that the Board takes to discipline
86 an educator for educator misconduct that does not rise to the
87 level of an action as defined in this R277-200-2.

88 O. "Drug" means controlled substance as defined in
89 Section 58-37-2.

90 P. "Drug related offense" means any criminal offense
91 under:

92 (1) Title 58, Chapter 37;
93 (2) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
94 (3) Title 58, Chapter 37b, Imitation Controlled
95 Substances Act;

96 (4) Title 58, Chapter 37c, Utah Controlled Substance
97 Precursor Act;

98 (5) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
99 (6) Title 58, Chapter 37e, Drug Dealer's Liability Act.

100 Sections 58-37 through 37e.

101 Q. "Educator" means a person:

102 (1) who currently holds a license;

103 (2) who held a license at the time of an alleged offense;
104 (3) is a person who is student teaching in anticipation
105 of seeking a license;
106 (4) is an applicant for a license;
107 (5) is a licensure candidate through the Alternate Route
108 to Licensure, "ARL," program; or
109 (6) who has applied to the Alternate Route to Licensure,
110 "ARL" program.

111 R. "Educator Misconduct" means:

112 (1) unprofessional or criminal conduct;
113 (2) conduct that renders an educator unfit for duty; or
114 (3) conduct that is a violation of standards of ethical
115 conduct, performance, or professional competence as provided
116 in R277-515.

117 S. "Executive Committee" means a subcommittee of UPPAC
118 consisting of the following members:

119 (1) Executive Secretary;
120 (2) Chair;
121 (3) Vice-Chair; and
122 (4) one member of UPPAC at large.

123 T. "Executive Secretary" means an employee of USOE who:

124 (1) is appointed by the State Superintendent of Public
125 Instruction to serve as the UPPAC Director; and
126 (2) serves as a non-voting member of UPPAC, consistent
127 with Section 53A-6-302.

128 U. "Expedited Hearing" means an informal hearing aimed at
129 determining an Educator's fitness to remain in the classroom
130 held as soon as possible following an arrest, citation, or
131 charge for a criminal offense requiring mandatory
132 self-reporting under R277-516-3.

133 V. "Expedited Hearing Panel" means a panel of the
134 following three members:

135 (1) the Executive Secretary;
136 (2) a voting member of UPPAC; and

137 (3) a UPPAC prosecutor.

138 W. "Final action" means an action by the Board that
139 concludes an investigation of an allegation of misconduct
140 against a licensed educator.

141 X. "GRAMA" refers to the Government Records Access and
142 Management Act, Title 63G, Chapter 2, Government Records
143 Access and Management Act.

144 Y. "Hearing officer" means a licensed attorney who:

145 (1) is experienced in matters relating to administrative
146 procedures, education and education law and is appointed by
147 the Executive Secretary to manage the proceedings of a
148 hearing;

149 (2) is not an acting member of UPPAC;

150 (3) has authority, subject to the limitations of these
151 rules, to regulate the course of the hearing and dispose of
152 procedural requests; and

153 (4) does not have a vote as to the recommended
154 disposition of a case.

155 Z. "Hearing panel" means a panel of three or more
156 individuals designated to:

157 (1) hear evidence presented at a hearing;

158 (2) make a recommendation to UPPAC as to disposition; and

159 (3) collaborate with the hearing officer in preparing a
160 hearing report.

161 AA. "Hearing report" means a report that:

162 (1) is prepared by the hearing officer consistent with
163 the recommendations of the hearing panel at the conclusion of
164 a hearing; and

165 (2) includes:

166 (a) a recommended disposition;

167 (b) detailed findings of fact and conclusions of law,
168 based upon the evidence presented in the hearing, relevant
169 precedent; and

170 (c) applicable law and rule.

171 BB. "Informant" means a person who submits information to
172 UPPAC concerning the alleged misconduct of an educator.

173 CC. "Investigator" means an employee of the USOE, or
174 independent investigator selected by the Board, who:

175 (1) is assigned to investigate allegations of educator
176 misconduct under UPPAC supervision;

177 (2) offers recommendations of educator discipline to
178 UPPAC and the Board at the conclusion of the investigation;

179 (3) provides an independent investigative report for
180 UPPAC and the Board; and

181 (4) may also be the prosecutor but does not have to be.

182 DD. "Investigative report" means a written report of an
183 investigation into allegations of educator misconduct,
184 prepared by an Investigator that:

185 (1) includes a brief summary of the allegations, the
186 investigator's narrative, and a recommendation for UPPAC and
187 the Board;

188 (2) may include a rationale for the recommendation, and
189 mitigating and aggravating circumstances;

190 (3) is maintained in the UPPAC Case File; and

191 (4) is classified as protected under Section 63G-2-
192 305(34).

193 EE. "LEA" or "local education agency" means a school
194 district, charter school, or, for purposes of this rule, the
195 Utah Schools for the Deaf and the Blind.

196 FF. "Letter of admonishment" is a letter sent by the
197 Board to an educator cautioning the educator to avoid or take
198 specific actions in the future.

199 GG. "Letter of reprimand" is a letter sent by the Board
200 to an educator:

201 (1) for misconduct that was longer term or more seriously
202 unethical or inappropriate than conduct warranting a letter of
203 warning, but not warranting more serious discipline;

204 (2) that provides specific directives to the educator as

205 a condition for removal of the letter;

206 (3) appears as a notation on the educator's CACTUS file;

207 and

208 (4) that an educator can request to be removed from the

209 educator's CACTUS file after two years, or after such other

210 time period as the Board may prescribe in the letter of

211 reprimand.

212 HH. "Letter of warning" is a letter sent by the Board to

213 an educator:

214 (1) for misconduct that was inappropriate or unethical;

215 and

216 (2) that does not warrant longer term or more serious

217 discipline.

218 II. "License" means a teaching or administrative

219 credential, including an endorsement, which is issued by the

220 Board to signify authorization for the person holding the

221 license to provide professional services in Utah's public

222 schools.

223 JJ. "Licensed educator" means an individual issued a

224 teaching or administrative credential, including an

225 endorsement, issued by the Board to signify authorization for

226 the individual holding the license to provide professional

227 services in Utah's public schools.

228 KK. "National Association of State Directors of Teacher

229 Education and Certification (NASDTEC) Educator Information

230 Clearinghouse" means a database maintained by NASDTEC for the

231 members of NASDTEC regarding persons whose licenses have been

232 suspended or revoked.

233 LL. "Notification of Alleged Educator Misconduct" means

234 the official UPPAC form that may be accessed on UPPAC's

235 internet website, and may be submitted by any person, school,

236 or LEA that alleges educator misconduct.

237 MM. "Party" means a complainant or a respondent.

238 NN. "Petitioner" means an individual seeking:

239 (1) an educator license following a denial of a license;
240 (2) reinstatement following a license suspension; or in
241 the event of compelling circumstances, reinstatement following
242 a license revocation.

243 00. "Probation" is an action directed by the Board that:

244 (1) involves monitoring or supervision for a designated
245 time period, usually accompanied by a disciplinary letter;

246 (2) may require the educator to be subject to additional
247 monitoring by an identified person or entity;

248 (3) may require the educator to be asked to satisfy
249 certain conditions in order to have the probation lifted;

250 (4) may be accompanied by a letter of reprimand, which
251 shall appear as a notation on the educator's CACTUS file; and

252 (5) unless otherwise specified, lasts at least two years
253 and may be terminated through a formal petition to the Board
254 by the respondent.

255 PP. "Prosecutor" means an attorney who:

256 (1) is designated by the Superintendent to represent the
257 complainant and present evidence in support of the complaint;
258 and

259 (2) may also be the investigator, but does not have to
260 be.

261 QQ. "Revocation" means a permanent invalidation of a Utah
262 educator license consistent with R277-517.

263 RR. "Respondent" means an educator against whom:

264 (1) a complaint is filed; or

265 (2) an investigation is undertaken.

266 SS. "Serve" or "service," as used to refer to the
267 provision of notice to a person, means:

268 (1) delivery of a written document or its contents to the
269 person or persons in question; and

270 (2) delivery that may be made in person, by mail, by
271 electronic correspondence, or by any other means reasonably
272 calculated, under all of the circumstances, to notify an

273 interested person or persons to the extent reasonably
274 practical or practicable of the information contained in the
275 document.

276 TT. "Stipulated agreement" means an agreement between a
277 respondent and the Board:

278 (1) under which disciplinary action is taken against the
279 educator in lieu of a hearing;

280 (2) that may be negotiated between the parties and
281 becomes binding:

282 (a) when approved by the Board; and

283 (b) at any time after an investigative letter has been
284 sent;

285 (3) is a public document under GRAMA unless it contains
286 specific information that requires redaction or separate
287 classification of the agreement.

288 UU. "Superintendent" means the State Superintendent of
289 Public Instruction or the Superintendent's designee.

290 VV(1) "Suspension" means an invalidation of a Utah
291 educator license.

292 (2) "Suspension" may:

293 (a) include specific conditions that an educator must
294 satisfy; and

295 (b) may identify a minimum time period that must elapse
296 before the educator may request a reinstatement hearing before
297 UPPAC.

298 WW. "Utah Professional Practices Advisory Commission
299 (UPPAC)" means an advisory commission established to assist
300 and advise the Board in matters relating to the professional
301 practices of educators, established in Section 53A-6-301.

302 XX. "UPPAC Background Check File" means a file maintained
303 securely by UPPAC on a criminal background review that:

304 (1) contains information obtained from:

305 (a) BCI; and

306 (b) letters, police reports, court documents, and other

307 materials as provided by an educator; and
308 (2) is classified as private under Section 63G-2-302(2).
309 YY. "UPPAC Case File" means a file:
310 (1) maintained securely by UPPAC on an investigation into
311 educator misconduct;
312 (2) opened following UPPAC's direction to investigate
313 alleged misconduct;
314 (3) that contains the original notification of misconduct
315 with supporting documentation, correspondence with the
316 Executive Secretary, the investigative report, the stipulated
317 agreement, the hearing report, and the final disposition of
318 the case;
319 (4) that is classified as protected under Section
320 63G-2-305(10) until the investigation and any subsequent
321 proceedings before UPPAC and the Board are completed; and
322 (5) that after a case proceeding is closed, is considered
323 public under GRAMA, unless specific documents contained
324 therein contain non-public information or have been otherwise
325 classified as non-public under GRAMA, in which case the file
326 may be redacted or partially or fully restricted.
327 ZZ. "UPPAC Evidence File" means a file:
328 (1) maintained by the attorney assigned by UPPAC to
329 investigate a case containing materials, written or otherwise,
330 obtained by the UPPAC investigator during the course of the
331 attorney's investigation;
332 (2) that contains correspondence between the Investigator
333 and the educator or the educator's counsel;
334 (3) that is classified as protected under Section
335 63G-2-305(10) until the investigation and any subsequent
336 proceedings before UPPAC and the Board are completed; and
337 (4) that is considered public under GRAMA after case
338 proceedings are closed, unless specific documents contained
339 therein contain non-public information or have been otherwise
340 classified as non-public under GRAMA.

341 AAA. "UPPAC investigative letter" means a letter sent by
342 UPPAC to an educator notifying the educator that an allegation
343 of misconduct has been received against him and that UPPAC or
344 the Board has directed that an investigation of the educator's
345 alleged actions take place.

346 BBB. "UPPAC Prosecutor File" means a file:

347 (1) that is kept by the attorney assigned by UPPAC to
348 investigate and/or prosecute a case that contains:

349 (a) the attorney's notes prepared in the course of
350 investigation; and

351 (b) other documents prepared by the attorney in
352 anticipation of an eventual hearing; and

353 (2) that is classified as protected pursuant to Section
354 63G-2-305(18).

355 CCC. "USOE" means the Utah State Office of Education.

356 **KEY: professional practices, definitions**

357 **Date of Enactment or Last Substantive Amendment: 2015**

358 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**

359 **53A-1-402.5; 53A-1-401(3)**

360 which, pursuant to 53A-6-306, may not be taken without giving
361 the educator an opportunity for a hearing to contest the
362 allegations upon which the action would be based. Actions do
363 not include disciplinary letters.

364 The Utah State Board of Education and Utah State Office of
365 Education licensing process is not governed by the Utah
366 Administrative Procedures Act, Title 63G, Chapter 4.

367 During a criminal background review a flag is placed on an
368 applicant's CACTUS account until the Board takes action. Once
369 a criminal background review results in clearance, the flag is
370 lifted from the educator's CACTUS account.

371 An Educator is not entitled to a hearing to challenge a
372 Disciplinary letter. Disciplinary letters do not constitute an
373 action as defined in R277-200-2(A).

1 **R277. Education, Administration.**

2 **R277-201. Utah Professional Practices Advisory Commission**
3 **(UPPAC), Rules of Procedure: Notification to Educators,**
4 **Complaints and Final Disciplinary Actions.**

5 **R277-201-1. Authority and Purpose.**

6 A. This rule is authorized by Section 53A-6-306(6) which
7 directs the Board to adopt rules regarding UPPAC duties and
8 procedures.

9 B. The purpose of this rule is to provide procedures
10 regarding:

11 (1) notifications of alleged educator misconduct;

12 (2) review of notifications by UPPAC; and

13 (3) complaints, stipulated agreement and defaults.

14 C. The provisions of the Utah Administrative Procedures
15 Act do not apply to this rule under the exemption of Section
16 63G-4-102(2)(d).

17 D. UPPAC may invoke and use sections or provisions of
18 the Utah Administrative Procedures Act as found in Title 63G,
19 Chapter 4, Utah Administrative Procedures Act, as necessary to
20 adjudicate an issue.

21 **R277-201-2. Initiating Proceedings Against Educators.**

22 A. The Executive Secretary may refer a case to UPPAC to
23 make a determination if an investigation should be opened
24 regarding an educator:

25 (1) upon receiving a notification of alleged educator
26 misconduct; or

27 (2) upon the Executive Secretary's own initiative.

28 B. An informant shall submit an allegation to the
29 Executive Secretary in writing, including the following:

30 (1) the informant's:

31 (a) name;

32 (b) position (such as administrator, teacher, parent,
33 student);

34 (c) telephone number;
35 (d) address; and
36 (e) contact information;
37 (2) the following information of the educator against
38 whom the allegation is made:

39 (a) name;
40 (b) position (such as administrator, teacher, candidate);
41 and

42 (c) if known, the address and telephone number of the
43 educator against whom the allegation is made;

44 (d) the facts on which the allegation is based and
45 supporting information; and

46 (e) signature of the informant and date.

47 C. If an informant submits a written allegation of
48 misconduct as provided in this rule, the informant may be
49 notified of a final action taken by the Board regarding the
50 allegation.

51 D(1) Proceedings initiated upon the Executive Secretary's
52 own initiative may be based on information received through a
53 telephone call, letter, newspaper article, media information,
54 notice from another state or by other means.

55 (2) The Executive Secretary may also recommend an
56 investigation based on an anonymous allegation,
57 notwithstanding the provisions of this rule, if the allegation
58 bears sufficient indicia of reliability.

59 E. All written allegations, subsequent dismissals,
60 actions, or disciplinary letters related to a case against an
61 educator shall be maintained permanently in UPPAC's paper
62 licensing files.

63 **R277-201-3. Review of Notification of Alleged Educator**
64 **Misconduct.**

65 A. Initial Review: On reviewing the notification of
66 alleged educator misconduct, the Executive Secretary, the

67 Executive Committee, or both, shall recommend one of the
68 following to UPPAC:

69 (1) Dismiss: If UPPAC determines that alleged misconduct
70 does not involve an issue that UPPAC should address, UPPAC
71 shall dismiss the matter; or

72 (2) Initiate an investigation: If UPPAC determines that
73 the alleged misconduct involves an issue which may be
74 appropriately addressed by UPPAC and the Board:

75 (a) UPPAC shall initiate an investigation; and

76 (b) the Executive Secretary shall direct a UPPAC
77 investigator to gather evidence relating to the allegations.

78 B(1) Prior to a UPPAC investigator's initiation of an
79 investigation, the Executive Secretary shall send a letter to
80 the following with information that an investigation has been
81 initiated:

82 (a) the educator to be investigated;

83 (b) the LEA that currently employs the educator; and

84 (c) the LEA where the alleged activity occurred.

85 (2) A letter described in R277-201-3B(1) shall inform the
86 educator and the LEA(s) that an investigation shall take place
87 and is not evidence of unprofessional conduct.

88 (3) UPPAC shall place a flag on the educator's CACTUS
89 file after sending the notices as provided in this rule.

90 C(1) The investigator shall review relevant documentation
91 and interview individuals who may have knowledge of the
92 allegations.

93 (2) The investigator shall prepare an investigative
94 report of the findings of the investigation and a
95 recommendation for appropriate action or disciplinary letter.

96 (3) If the investigator discovers additional evidence of
97 unprofessional conduct which could have been included in the
98 original notification of alleged educator misconduct, the
99 investigator may include the additional evidence of misconduct
100 in the investigative report.

101 (4) The investigative report shall be submitted to the
102 Executive Secretary.

103 (5) The Executive Secretary shall review the
104 investigative report described in R277-201-3C(4) with UPPAC.

105 (6) The investigative report described in R277-201-3C(4)
106 shall become part of the UPPAC Case File.

107 D. Secondary Review: UPPAC shall review the investigative
108 report and take one of the following actions:

109 (1) Dismiss: If UPPAC determines no further action
110 should be taken, it may recommend that the Board dismiss the
111 case; or

112 (2) Make an initial recommendation of appropriate Action
113 or disciplinary letter.

114 E. After receiving an initial recommendation from UPPAC
115 for action, the Executive Secretary shall direct a UPPAC
116 prosecutor to:

117 (1) prepare and serve a complaint; or

118 (2) negotiate and prepare a stipulated agreement.

119 F(1) A stipulated agreement shall conform to the
120 requirements set forth in R277-201-6.

121 (2) An educator may stipulate to any recommended
122 disposition for an action.

123 G. The Executive Secretary shall forward any stipulated
124 agreement to the Board for approval.

125 H. Upon receipt of a hearing report as defined in
126 R277-202, UPPAC shall make a final recommendation with
127 appropriate findings and shall direct the Executive Secretary
128 to transmit the recommendation to the Board for consideration.

129 **R277-201-4. Expedited Hearings.**

130 A. In a case involving the report of an arrest, citation,
131 or charge of a licensed educator, which requires
132 self-reporting by the educator under R277-516-3, the Executive
133 Secretary, with the consent of the educator, may schedule the

134 matter for an expedited hearing in lieu of initially referring
135 the matter to UPPAC.

136 B(1) an expedited hearing shall be held within thirty
137 (30) days of a report of an arrest, citation, or charge,
138 unless otherwise agreed upon by both parties.

139 (2) An expedited hearing will be conducted by the
140 Executive Secretary or the Executive Secretary's designee with
141 the following additional invited participants:

142 (a) the educator;

143 (2) the educator's attorney or representative;

144 (3) a UPPAC prosecutor;

145 (4) a voting member of UPPAC; and

146 (5) representative(s) of the educator's LEA.

147 C. The following matters may be considered at an
148 expedited hearing:

149 (1) an educator's oral or written explanation of the
150 events;

151 (2) a police report;

152 (3) a court docket or transcript;

153 (4) an LEA's investigative report or employment file; and

154 (5) additional information offered by the educator if the
155 panel deems it probative of the issues at the Expedited
156 Hearing.

157 D. After reviewing the evidence, the expedited hearing
158 panel shall make written findings and a recommendation to
159 UPPAC to do one of the following:

160 (1) close the case;

161 (2) close the case upon completion of court requirements;

162 (3) recommend issuance of a disciplinary letter to the
163 Board;

164 (4) open a full investigation; or

165 (5) recommend action by the Board, subject to an
166 educator's due process rights under these rules.

167 E. An expedited hearing may be recorded, but the

168 testimony from the expedited hearing is inadmissible during a
169 future UPPAC action related to the allegation.

170 F. If the Board fails to adopt the recommendation of an
171 expedited hearing panel, UPPAC shall open a full
172 investigation.

173 **R277-201-5. Complaints.**

174 A. Filing a complaint: If UPPAC determines that an
175 allegation is sufficiently supported by evidence discovered in
176 the investigation, UPPAC, through the Executive Secretary, may
177 direct the prosecutor to serve a complaint upon the educator
178 being investigated.

179 B. Elements of a complaint: At a minimum, a complaint
180 shall include:

181 (1) a statement of legal authority and jurisdiction under
182 which the action is being taken;

183 (2) a statement of the facts and allegations upon which
184 the complaint is based;

185 (3) other information which the investigator believes to
186 be necessary to enable the respondent to understand and
187 address the allegations;

188 (4) a statement of the potential consequences should an
189 allegation be found to be true or substantially true;

190 (5) a statement that the respondent shall answer the
191 complaint and request a hearing, if desired, within 30 days of
192 the date the complaint was mailed to the respondent;

193 (6) a statement that the respondent is required to file
194 a written answer described in R277-201-5B(5) with the
195 Executive Secretary;

196 (7) a statement advising the respondent that if the
197 respondent fails to respond within 30 days, a default judgment
198 for revocation or a suspension of the educator's license may
199 occur for a term of five years or more;

200 (8) a statement that, if a hearing is requested, the

201 hearing shall be scheduled no less than 25 days, nor more than
202 180 days, after receipt of the respondent's answer, unless a
203 different date is agreed to by both parties in writing; and

204 (9) a statement that the hearing will be governed by
205 these rules, with an internet address where the rules may be
206 accessed.

207 C. On the Executive Secretary's own motion, the Executive
208 Secretary, or the Executive Secretary's designee, with notice
209 to the parties, may reschedule a hearing date.

210 D(1) Answer to the complaint: A respondent may file an
211 answer to a complaint by filing a written response signed by
212 the respondent, or the respondent's representative with the
213 Executive Secretary within 30 days after the complaint was
214 mailed.

215 (2) The answer may include a request for a hearing, and
216 shall include:

217 (a) the file number of the complaint;

218 (b) the names of the parties;

219 (c) a statement of the relief that the respondent seeks;

220 and

221 (d) if not requesting a hearing, a statement of the
222 reasons that the relief requested should be granted.

223 E(1) As soon as reasonably practicable after receiving an
224 answer, or no more than 30 days after receipt of an answer at
225 the USOE, the Executive Secretary shall schedule a hearing, if
226 requested, as provided in R277-202.

227 (2) If the parties can reach an agreement prior to the
228 hearing consistent with the terms of UPPAC's initial
229 recommendation, the prosecutor may negotiate a stipulated
230 agreement with the respondent.

231 (3) A stipulated agreement described in R277-201-5E(2)
232 shall be submitted to the Board for the Board's final
233 approval.

234 F(1) Default: If a respondent does not respond to the

235 complaint within 30 days, the Executive Secretary may initiate
236 default proceedings in accordance with the procedures set
237 forth in R277-201-7.

238 (2) Except as provided in R277-201-7C, if the Executive
239 Secretary enters an order of default, the Executive Secretary
240 shall make a recommendation to the Board for a revocation or
241 a suspension of the educator's license for five years before
242 the educator may request a reinstatement hearing.

243 (3) If a default results in a suspension, a default may
244 include conditions that an educator shall satisfy before the
245 educator may qualify for a reinstatement hearing.

246 (4) An order of default shall result in a recommendation
247 to the Board for a revocation if the alleged misconduct is
248 conduct identified in Section 53A-6-501(5)(b).

249 **R277-201-6. Stipulated Agreements.**

250 A. At any time after UPPAC has made an initial
251 recommendation, a respondent may accept UPPAC's initial
252 recommendation, rather than request a hearing, by entering
253 into a stipulated agreement.

254 B. By entering into a stipulated agreement, a respondent
255 waives the respondent's right to a hearing to contest the
256 recommended disposition, contingent on final approval by the
257 Board,

258 C. Elements of a stipulated agreement: At a minimum, a
259 stipulated agreement shall include:

260 (1) a summary of the facts, the allegations, and the
261 evidence relied upon by UPPAC in its recommendation;

262 (2) a statement that the respondent admits the facts
263 recited in the stipulated agreement as true for purposes of
264 the Board administrative action;

265 (3) a statement that the respondent:

266 (a) waives the respondent's right to a hearing to contest
267 the allegations that gave rise to the investigation; and

268 (b) agrees to limitations on the respondent's license or
269 surrenders the respondent's license rather than contest the
270 allegations;

271 (4) a statement that the respondent agrees to the terms
272 of the stipulated agreement and other provisions applicable to
273 the case, such as remediation, counseling, restitution,
274 rehabilitation, and other conditions, if any, under which the
275 respondent may request a reinstatement hearing or a removal of
276 the letter of reprimand or termination of probation;

277 (5) if for suspension or revocation of a license, a
278 statement that the respondent:

279 (a) may not seek or provide professional services in a
280 public school in Utah;

281 (b) may not seek to obtain or use an educator license in
282 Utah; or

283 (c) may not work or volunteer in a public K-12 setting in
284 any capacity without express authorization from the UPPAC
285 Executive Secretary, unless or until the respondent:

286 (i) first obtains a valid educator license or
287 authorization from the Board to obtain such a license; or

288 (ii) satisfies other provisions provided in the
289 stipulated agreement;

290 (6) a statement that the action and the stipulated
291 agreement shall be reported to other states through the
292 NASDTEC Educator Information Clearinghouse and any attempt to
293 present to any other state a valid Utah license shall result
294 in further licensing action in Utah;

295 (7) a statement that respondent waives the respondent's
296 right to contest the facts stated in the stipulated agreement
297 at a subsequent reinstatement hearing, if any;

298 (8) a statement that all records related to the
299 stipulated agreement shall remain permanently in the UPPAC
300 case file; and

301 (9) a statement reflecting the stipulated agreement's

302 classification under GRAMA.

303 D. A violation of the terms of a stipulated agreement may
304 result in additional disciplinary action and may affect the
305 reinstatement process.

306 E(1) A stipulated agreement shall be forwarded to the
307 Board for approval prior to execution by the respondent.

308 (2) If the Board fails to approve the stipulated
309 agreement, the Executive Secretary shall notify the parties of
310 the decision and the proceedings shall continue from the point
311 under these procedures at which the stipulated agreement was
312 negotiated, as if the stipulated agreement had not been
313 submitted.

314 (3) Alternatively, if the Board rejects the stipulated
315 agreement, it may provide alternative terms to the Executive
316 Secretary, which would be satisfactory to the Board.

317 (4) If accepted by the respondent, the stipulated
318 agreement, as modified, would become a final Board
319 administrative action without further Board consideration.

320 (5) If the terms approved by the Board are rejected, the
321 proceedings shall continue from the point under these
322 procedures at which the agreement was negotiated, as if the
323 stipulated agreement had not been submitted.

324 (6) If the Board approves a stipulated agreement, the
325 approval is a final Board administrative action, effective
326 upon signature by all parties, and the Executive Secretary
327 shall:

- 328 (a) notify the parties of the decision; and
329 (b) direct the appropriate penalties to begin.

330 F. If, after negotiating a stipulated agreement, a
331 respondent fails to sign or respond to a proffered stipulated
332 agreement within 30 days after the stipulated agreement is
333 mailed, the Executive Secretary shall direct the prosecutor to
334 prepare findings in default consistent with R277-201-7.

335 **R277-201-7. Default Procedures.**

336 A. If a respondent does not respond to a complaint or a
337 stipulated agreement within 30 days from the date the
338 complaint or stipulated agreement is served, the Executive
339 Secretary may issue an order of default against respondent
340 consistent with the following:

341 (1) the prosecutor shall prepare and serve on the
342 respondent an order of default including:

343 (a) a statement of the grounds for default; and

344 (b) a recommended disposition if respondent fails to file
345 a response to a complaint or respond to a proffered stipulated
346 agreement;

347 (2) ten (10) days following service of the order of
348 default, the prosecutor shall attempt to contact respondent by
349 telephone or electronically;

350 (3) UPPAC shall maintain documentation of attempts toward
351 written, telephonic or electronic contact;

352 (4) respondent has 20 days following service of the order
353 of default to respond to UPPAC; and

354 (5) if UPPAC receives a response from respondent to a
355 default order before the end of the 20 day default period,
356 UPPAC shall allow respondent a final 10 day period to respond
357 to a complaint or stipulated agreement.

358 B. Except as provided in R277-201-7C, if an order of
359 default is issued, the Executive Secretary may make a
360 recommendation to the Board for revocation or for a suspension
361 of the educator's license for no less than five years.

362 C. If an order of default is issued, the Executive
363 Secretary shall make a recommendation to the Board for a
364 revocation of the educator's license if the alleged misconduct
365 is conduct identified in 53A-6-501(5)(b).

366 **KEY: teacher licensing, conduct, hearings**

367 **Date of Enactment or Last Substantive Amendment: 2015**

368 Authorizing, and Implemented or Interpreted Law: 53A-6-306(6)

1 **R277. Education, Administration.**

2 **R277-202. UPPAC Hearing Procedures and Reports.**

3 **R277-202-1. Authority and Purpose.**

4 A. This rule is authorized by Section 53A-6-306(6) which
5 directs the Board to adopt rules regarding UPPAC duties and
6 procedures.

7 B. The purpose of this rule is to establish procedures
8 regarding UPPAC hearings and hearing reports.

9 C. The standards and procedures of the Utah
10 Administrative Procedures Act do not apply to this rule under
11 the exemption of Section 63G-4-102(2)(d).

12 **R277-202-2. Scheduling a Hearing.**

13 A(1) Scheduling the hearing: Following receipt of an
14 answer by respondent requesting a hearing:

15 (a) UPPAC shall select panel members;

16 (b) the Executive Secretary shall appoint a hearing
17 officer from among a list of hearing officers identified by
18 the state procurement process and approved by UPPAC; and

19 (c) UPPAC shall schedule the date, time, and place for
20 the hearing.

21 (2) The Executive Secretary shall schedule a hearing for
22 a date that is not less than 25 days nor more than 180 days
23 from the date the answer is received by the Executive
24 Secretary.

25 (3) The required scheduling periods may be waived by
26 mutual written consent of the parties or by the Executive
27 Secretary for good cause shown.

28 B. Change of hearing date:

29 (1) Any party may request a change of hearing date by
30 submitting a request in writing which shall:

31 (a) include a statement of the reasons for the request;
32 and

33 (b) be submitted to the Executive Secretary at least five

34 days prior to the scheduled date of the hearing.

35 (2) The Executive Secretary shall determine whether the
36 reason stated in the request is sufficient to warrant a
37 change.

38 (3) If the Executive Secretary finds that the reason for
39 the request for a change of hearing date is sufficient, the
40 Executive Secretary shall promptly notify all parties of the
41 new time, date, and place for the hearing.

42 (4) If the Executive Secretary does not find the reason
43 for the request for a change of hearing date to be sufficient,
44 the Executive Secretary shall immediately notify the parties
45 that the request has been denied.

46 (5) The Executive Secretary and the parties may waive
47 the time period required for requesting a change of hearing
48 date for good cause shown.

49 **R277-202-3. Appointment and Duties of the Hearing Officer and**
50 **Hearing Panel.**

51 A(1) Hearing officer: The Executive Secretary shall
52 appoint a hearing officer to chair the hearing panel and
53 conduct the hearing.

54 (2) The Executive Secretary shall select a hearing
55 officer on a random basis from a list of available contracted
56 hearing officers, subject to availability and conflict of
57 interest.

58 (3) The Executive Secretary shall provide such
59 information about the case as necessary to determine whether
60 the hearing officer has a conflict of interest and shall
61 disqualify any hearing officer that cannot serve under the
62 Utah Rules of Professional Conduct.

63 (4) Duties of a hearing officer. A hearing officer:

64 (a) may require the parties to submit briefs and lists of
65 witnesses prior to the hearing;

66 (b)presides at the hearing and regulates the course of

67 the proceedings;

68 (c) administers an oath to witnesses as follows: "Do you
69 swear or affirm that the testimony you will give is the
70 truth?";

71 (d) may take testimony, rule on questions of evidence,
72 and ask questions of witnesses to clarify specific issues; and

73 (e) prepares and submits a hearing report to the
74 Executive Secretary at the conclusion of the proceedings in
75 consultation with panel members and the timelines of this
76 rule.

77 B(1) UPPAC panel members: UPPAC shall select three or
78 more individuals to serve as members of the hearing panel.

79 (2) As directed by UPPAC, any licensed educator may be
80 used as a panel member, if needed.

81 (3) The majority of panel members shall be current UPPAC
82 members.

83 (4) UPPAC shall select panel members on a rotating basis
84 to the extent practicable.

85 (5) UPPAC shall accommodate each prospective panel member
86 based on the availability of the panel member.

87 (6) If the respondent is a teacher, at least one panel
88 member shall be a teacher.

89 (7) If the respondent is a non-teacher licensed educator,
90 at least one panel member shall be a non-teacher licensed
91 educator.

92 (8) The requirements of this R277-202-3B may be waived
93 only upon the stipulation of both UPPAC and the respondent.

94 C(1) A UPPAC panel member shall:

95 (a) assist a hearing officer by providing information
96 concerning professional standards and practices of educators
97 in the respondent's particular field of practice and in the
98 situations alleged;

99 (b) ask questions of all witnesses to clarify specific
100 issues;

101 (c) review all evidence and briefs, if any, presented at
102 the hearing;

103 (d) make a recommendation to UPPAC as to the suggested
104 disposition of a complaint; and

105 (e) assist the hearing officer in preparing the hearing
106 report.

107 (2) A panel member should consider only such evidence as
108 has been approved for admission by the hearing officer.

109 (3) The Executive Secretary may make an emergency
110 substitution of a panel member for cause with the consent of
111 the parties.

112 (4) The agreement to substitute a panel member shall be
113 in writing.

114 (5) Parties may agree to a two-member UPPAC panel in an
115 emergency situation.

116 (6) If the parties do not agree to a substitution or to
117 having a two-member panel, the hearing shall be rescheduled.

118 D. Disqualification of a hearing officer shall be
119 governed by the following requirements:

120 (1) A party may request that a hearing officer be
121 disqualified by submitting a written request for
122 disqualification to the Executive Secretary

123 (2) A request to disqualify a hearing officer shall be
124 submitted to the Executive Secretary at least 15 days before
125 a scheduled hearing.

126 (3) The Executive Secretary shall review a request
127 described in this R277-202-3D and supporting evidence to
128 determine whether the reasons for the request are substantial
129 and sufficient.

130 (4) If the Executive Secretary determines that the
131 hearing officer should be disqualified, the Executive
132 Secretary shall appoint a new hearing officer and, if
133 necessary, reschedule the hearing.

134 (5) A hearing officer may recuse himself from a hearing

135 if, in the hearing officer's opinion, the hearing officer's
136 participation would violate any of the Utah Rules of
137 Professional Conduct consistent with the Supreme Court Rules
138 of Professional Practice.

139 (6) If the Executive Secretary denies a request to
140 disqualify a hearing officer, the Executive Secretary shall
141 notify the party within ten days prior to the date of the
142 hearing.

143 (7) The requesting party may submit a written appeal of
144 the Executive Secretary's denial to the Superintendent no
145 later than five days prior to the hearing date.

146 (8) If the Superintendent finds that the appeal is
147 justified, the Superintendent shall direct the Executive
148 Secretary to appoint a new hearing officer and, if necessary,
149 reschedule the hearing.

150 (9) The decision of the Superintendent described in R277-
151 202-3D(8) is final.

152 (10) If a party fails to file an appeal within the time
153 requirements of R277-202-3D(7), the appeal shall be deemed
154 denied.

155 (11) If the Executive Secretary fails to meet the time
156 requirements described in R277-202-3D, the request or appeal
157 shall be approved.

158 E. UPPAC panel members shall be governed by the following
159 requirements:

160 (1) A UPPAC member shall disqualify himself as a panel
161 member due to any known financial or personal interest, prior
162 relationship, personal and independent knowledge of the
163 persons or issues in the case, or other association that the
164 panel member believes would compromise the panel member's
165 ability to make an impartial decision.

166 (2) A party may request that a UPPAC panel member be
167 disqualified by submitting a written request to the following:

168 (a) the hearing officer; or

169 (b) to the Executive Secretary if there is no hearing
170 officer.

171 (3) A party shall submit a request described in R277-202-
172 3E(2) no less than 15 days before a scheduled hearing.

173 (4) The hearing officer, or the Executive Secretary, if
174 there is no hearing officer, shall:

175 (a) review a request described in R277-202-3E(2) and
176 supporting evidence to determine whether the reasons for the
177 request are substantial and compelling enough to disqualify
178 the panel member; and

179 (b) if the reasons for the request described in R277-202-
180 3E(2) are substantial and compelling, disqualify the panel
181 member.

182 (5) If the panel member's disqualification leaves the
183 hearing panel with fewer than three UPPAC panel members:

184 (a) UPPAC shall appoint a replacement; and

185 (b) the Executive Secretary shall, if necessary,
186 reschedule the hearing.

187 (6) If a request described in R277-202-3E(2) is denied,
188 the hearing officer or the Executive Secretary if there is no
189 hearing officer, shall notify the party requesting the panel
190 member's disqualification no less than ten days prior to the
191 date of the hearing.

192 (7) The requesting party may file a written appeal of a
193 denial described in R277-202-3E(6) with the Superintendent no
194 later than five days prior to the hearing date.

195 (8) If the Superintendent finds that the appeal is
196 justified, the Superintendent shall direct the hearing officer
197 or the Executive Secretary if there is no hearing officer, to
198 replace the panel member.

199 (9) If a panel member's disqualification leaves the
200 hearing panel with fewer than three UPPAC panel members, UPPAC
201 shall agree upon a replacement and the Executive Secretary
202 shall, if necessary, reschedule the hearing.

203 (10) The decision of the Superintendent described in
204 R277-202-3E(8) is final.

205 (11) If a party fails to file an appeal within the time
206 requirements of R277-202-3E(7), the appeal shall be deemed
207 denied.

208 (12) If the hearing officer, or the Executive Secretary
209 if there is no hearing officer, fails to meet the time
210 requirements described in this R277-202-3E, the request or
211 appeal shall be approved.

212 F. The Executive Secretary may, at the time the Executive
213 Secretary selects a hearing officer or panel member, select an
214 alternative hearing officer or panel member following the
215 process for selecting those individuals.

216 G. The Executive Secretary may substitute a panel member
217 with an alternative panel member if the Executive Secretary
218 notifies the parties of the substitution.

219 **R277-202-4. Preliminary Instructions to Parties to a Hearing.**

220 A. No later than 25 days before the date of a hearing,
221 the Executive Secretary shall provide the parties with the
222 following information:

223 (1) date, time, and location of the hearing;

224 (2) names and LEA affiliations of each panel member, and
225 the name of the hearing officer; and

226 (3) instructions for accessing these rules.

227 B. No later than 20 days before the date of the hearing,
228 the respondent and the complainant shall provide the following
229 to the other party and to the hearing officer:

230 (1) a brief, if requested by the hearing officer
231 containing:

232 (a) any procedural and evidentiary motions along with the
233 party's position regarding the allegations; and

234 (b) relevant laws, rules, and precedent;

235 (2) the name of the person who will represent the party

236 at the hearing;

237 (3) a list of witnesses expected to be called, including
238 a summary of the testimony which each witness is expected to
239 present;

240 (4) a summary of documentary evidence that the party
241 intends to submit; and

242 (5) following receipt of the other party's witness list,
243 a list of anticipated rebuttal witnesses and evidence no later
244 than 10 days prior to the hearing.

245 C(1) Except as provided in R277-202-4C(1), a party may
246 not present a witness or evidence at the hearing if the
247 witness or evidence has not been disclosed to the other party
248 as required in R277-202-4B.

249 (2) A party may present a witness or evidence at the
250 hearing even if the witness or hearing has not been disclosed
251 to the other party if:

252 (a) the parties stipulate to the presentation of the
253 witness or evidence at the hearing; or

254 (b) the hearing officer makes a determination of good
255 cause to allow it in.

256 D. If a party fails to comply in good faith with a
257 directive of the hearing officer, including time requirements,
258 the hearing officer may prohibit introduction of the testimony
259 or evidence or take other steps reasonably appropriate under
260 the circumstances.

261 E. A party shall provide materials to the hearing
262 officer, panel members, and UPPAC as directed by the hearing
263 officer.

264 **R277-202-5. Hearing Parties' Representation.**

265 A. Complainant: The complainant shall be represented by
266 a USOE prosecutor.

267 B. Respondent: A respondent may represent himself or be
268 represented, at his own cost, by another person.

269 C. The informant has no right to:
270 (1) individual representation at the hearing; or
271 (2) to be present or heard at the hearing unless called
272 as a witness.

273 D. A respondent shall notify the Executive Secretary in
274 a timely manner and in writing if the respondent chooses to be
275 represented by anyone other than the respondent.

276 **R277-202-6. Discovery Prior to a Hearing.**

277 A. Discovery is permitted to the extent necessary to
278 obtain relevant information necessary to support claims or
279 defenses, as determined by the hearing officer.

280 B. Unduly burdensome legalistic discovery may not be
281 used to delay a hearing.

282 C. A hearing officer may limit discovery:
283 (1) at the discretion of the hearing officer; or
284 (2) upon a motion by either party.

285 D. A hearing officer rules on all discovery requests and
286 motions.

287 E. The Executive Secretary shall issue a subpoena or
288 other order to secure the attendance of a witness pursuant to
289 Section 53A-6-306(3)(c)(i) if:

290 (1) requested by either party; and
291 (2) notice of intent to call the witness has been timely
292 provided as required by R277-202-4.

293 F. The Executive Secretary shall issue a subpoena to
294 produce evidence if timely requested by either party.

295 G(1) A party may not present an expert witness report or
296 expert witness testimony at a hearing unless the requirements
297 of R277-202-10 have been met.

298 (2) A respondent may not subpoena the UPPAC prosecutor or
299 investigator as an expert witness.

300 **R277-202-7. Burden and Standard of Proof for UPPAC**

301 **Proceedings.**

302 A. In matters other than those involving applicants for
303 licensing, and excepting the presumptions under R277-202-11J,
304 the Board shall have the burden of proving that an action
305 against the license is appropriate.

306 B. An applicant for licensing has the burden of proving
307 that licensing is appropriate.

308 C. Standard of proof: The standard of proof in all UPPAC
309 hearings is a preponderance of the evidence.

310 D. Evidence: The Utah Rules of Evidence are not
311 applicable to UPPAC proceedings.

312 E. The criteria to decide evidentiary questions shall
313 be:

314 (1) reasonable reliability of the offered evidence;

315 (2) fairness to both parties; and

316 (3) usefulness to UPPAC in reaching a decision.

317 F. The hearing officer has the sole responsibility to
318 determine the application of the hearing rules and the
319 admissibility of evidence.

320 **R277-202-8. Deportment.**

321 A. Parties, their representatives, witnesses, and other
322 persons present during a hearing shall conduct themselves in
323 an appropriate manner during a hearing, giving due respect to
324 members of the hearing panel and complying with the
325 instructions of the hearing officer.

326 B. A hearing officer may exclude a person from the
327 hearing room who fails to conduct themself in an appropriate
328 manner and may, in response to extreme instances of
329 noncompliance, disallow the person's testimony.

330 C. Parties, attorneys for parties, or other participants
331 in the professional practices investigation and hearing
332 process may not harass, intimidate, or pressure witnesses or
333 other hearing participants, nor may they direct others to

334 harass, intimidate, or pressure witnesses or participants.

335 **R277-202-9. Hearing Record.**

336 A. A hearing shall be recorded at UPPAC's expense, and
337 the recording shall become part of the UPPAC case file, unless
338 otherwise agreed upon by all parties.

339 B. An individual party may, at the party's own expense,
340 make a recording or transcript of the proceedings if the party
341 provides notice to the Executive Secretary.

342 C. If an exhibit is admitted as evidence, the record
343 shall reflect the contents of the exhibit.

344 D. All evidence and statements presented at a hearing
345 shall become part of the UPPAC Case File and may not be
346 removed except by direction of the hearing officer or by order
347 of the Board.

348 E. A party may review a UPPAC case file upon request of
349 the party if the review of the UPPAC case file is performed:
350 (1) under supervision of the Executive Secretary; and
351 (2) at the USOE.

352 **R277-202-10. Expert Witnesses in UPPAC Proceedings.**

353 A. A hearing officer may allow testimony by an expert
354 witnesses.

355 B. A party may call an expert witness at the party's own
356 expense.

357 C. A party shall provide a hearing officer and the
358 opposing party with the following information at least 15 days
359 prior to the hearing date:

360 (1) notice of intent of a party to call an expert
361 witness;

362 (2) the identity and qualifications of each expert
363 witness;

364 (3) the purpose for which the expert witness is to be
365 called; and

366 (4) any prepared expert witness report.

367 D. Defects in the qualifications of expert witnesses,
368 once a minimum threshold of expertise is established, go to
369 the weight to be given the testimony and not to its
370 admissibility.

371 E. An expert witness who is a member of the complainant's
372 staff or staff of an LEA may testify and have their testimony
373 considered as part of the record in the same manner as the
374 testimony of any other expert.

375 **R277-202-11. Evidence and Participation in UPPAC Proceedings.**

376 A. A hearing officer may not exclude evidence solely
377 because the evidence is hearsay.

378 B. Each party has a right to call witnesses, present
379 evidence, argue, respond, cross-examine witnesses who testify
380 in person at the hearing, and submit rebuttal evidence.

381 C. Testimony presented at the hearing shall be given
382 under oath if the testimony is offered as evidence to be
383 considered in reaching a decision on the merits.

384 D. If a case involves allegations of child abuse or of
385 a sexual offense against a minor, either party, a member of
386 the hearing panel, or the hearing officer, may request that a
387 minor be allowed to testify outside of the respondent's
388 presence.

389 E. If the hearing officer determines that a minor would
390 suffer undue emotional or mental harm, or that the minor's
391 testimony in the presence of the respondent would be
392 unreliable, the minor's testimony may be admitted in one of
393 the following ways:

394 F. An oral statement of a victim or witness younger than
395 18 years of age which is recorded prior to the filing of a
396 complaint shall be admissible as evidence in a hearing
397 regarding the offense if:

398 (1) no attorney for either party is in the minor's

399 presence when the statement is recorded;

400 (2) the recording is visual and aural and is recorded;

401 (3) the recording equipment is capable of making an
402 accurate recording;

403 (4) the operator of the equipment is competent;

404 (5) the recording is accurate and has not been altered;

405 and

406 (6) each voice in the recording is identified.

407 G. The testimony of a witness or victim younger than 18
408 years of age may be taken in a room other than the hearing
409 room, and may be transmitted by closed circuit equipment to
410 another room where it can be viewed by the respondent if the
411 following conditions shall be observed:

412 (1) only the hearing panel members, attorneys for each
413 party, persons necessary to operate equipment, and a person
414 approved by the hearing officer whose presence contributes to
415 the welfare and emotional well-being of the minor may be with
416 the minor during the testimony;

417 (2) the respondent may not be present during the minor's
418 testimony;

419 (3) the hearing officer shall ensure that the minor
420 cannot hear or see the respondent;

421 (4) the respondent shall be permitted to observe and
422 hear, but may not communicate with the minor; and

423 (5) only hearing panel members, the hearing officer, and
424 the attorneys may question the minor.

425 H. If the hearing officer determines that the testimony
426 of a minor may be taken consistent with R277-202-11D through
427 G, the minor may not be required to testify in any proceeding
428 where the recorded testimony is used.

429 I. On the hearing officer's own motion or upon objection
430 by a party, the hearing officer:

431 (1) may exclude evidence that the hearing officer
432 determines to be irrelevant, immaterial, or unduly

433 repetitious;

434 (2) shall exclude evidence that is privileged under law
435 applicable to administrative proceedings in Utah unless
436 waived;

437 (3) may receive documentary evidence in the form of a
438 copy or excerpt if the copy or excerpt contains all pertinent
439 portions of the original document;

440 (4) may take official notice of any facts that could be
441 judicially noticed under judicial or administrative laws of
442 Utah, or from the record of other proceedings before the
443 agency.

444 J. Presumptions:

445 (1) A rebuttable evidentiary presumption exists that a
446 person has committed a sexual offense against a minor if the
447 person has:

448 (a) been found, pursuant to a criminal, civil, or
449 administrative action to have committed a sexual offense
450 against a minor;

451 (b) failed to defend himself against such a charge when
452 given a reasonable opportunity to do so; or

453 (c) voluntarily surrendered a license or allowed a
454 license to lapse in the face of a charge of having committed
455 a sexual offense against a minor.

456 (2) A rebuttable evidentiary presumption exists that a
457 person is unfit to serve as an educator if the person has been
458 found pursuant to a criminal, civil, or administrative action
459 to have exhibited behavior evidencing unfitness for duty,
460 including immoral, unprofessional, or incompetent conduct, or
461 other violation of standards of ethical conduct, performance,
462 or professional competence.

463 (3) Evidence of behavior described in R277-202-11J(2) may
464 include:

465 (a) conviction of a felony;

466 (b) a felony charge and subsequent conviction for a

467 lesser related charge pursuant to a plea bargain or plea in
468 abeyance;

469 (c) an investigation of an educator's license,
470 certificate, or authorization in another state; or

471 (d) the expiration, surrender, suspension, revocation, or
472 invalidation of an educator's license for any reason.

473 **R277-202-12. Hearing Report.**

474 A. Within 20 days after the hearing, or within 20 days
475 after the deadline imposed for the filing of any post-hearing
476 materials as permitted by the hearing officer, the hearing
477 officer shall sign and issue a hearing report consistent with
478 the recommendations of the panel that includes:

479 (1) detailed findings of fact and conclusions of law
480 based upon the evidence of record or on facts officially
481 noted.

482 (2) a statement of relevant precedent, if available;

483 (3) a statement of applicable law and rule;

484 (4) a recommended disposition of UPPAC panel members
485 which shall be one or an appropriate combination of the
486 following:

487 (a) dismissal of the complaint;

488 (b) letter of admonishment;

489 (c) letter of warning;

490 (d) letter of reprimand;

491 (e) probation, to include the following terms and
492 conditions:

493 (i) it is the respondent's responsibility to petition
494 UPPAC for removal of probation and letter of reprimand from
495 the respondent's CACTUS file;

496 (ii) a probationary time period or specifically
497 designated indefinite time period;

498 (iii) conditions that can be monitored;

499 (iv) if recommended by the panel, a person or entity to

500 monitor a respondent's probation;
501 (v) a statement providing for costs of probation, if
502 appropriate; and
503 (vi) whether or not the respondent may work in any
504 capacity in public education during the probationary period;
505 (f) disciplinary action held in abeyance;
506 (g) suspension; or
507 (h) revocation; and
508 (5) notice that UPPAC's recommendation is subject to
509 approval by the Board and judicial review as may be allowed by
510 law.

511 B. Findings of fact may not be based solely upon hearsay,
512 and conclusions shall be based upon competent evidence.

513 C. Any of the consequences described in R277-202-12B may
514 be imposed in the form of a disciplinary action held in
515 abeyance.

516 D. If the respondent's penalty is held in abeyance, the
517 respondent's penalty is stayed subject to the satisfactory
518 completion of probationary conditions.

519 E. The decision to impose a consequence in the form of a
520 disciplinary action held in abeyance shall provide for
521 appropriate or presumed discipline should the probationary
522 conditions not be fully satisfied;

523 F. Processing the hearing report:

524 (1) A hearing officer shall circulate a draft report to
525 hearing panel members prior to the 20 day completion deadline
526 of the hearing report.

527 (2) Hearing panel members shall notify the hearing
528 officer of any changes to the report:

529 (a) as soon as possible after receiving the report; and
530 (b) prior to the 20 day completion deadline of the
531 hearing report.

532 (3) The hearing officer shall file the completed hearing
533 report with the Executive Secretary, who shall review the

534 report with UPPAC.

535 (4) The Executive Secretary may participate in UPPAC's
536 deliberation as a resource to UPPAC in explaining the hearing
537 report and answering any procedural questions raised by UPPAC
538 members.

539 (5) The hearing officer may confer with the Executive
540 Secretary or the panel members or both while preparing the
541 hearing report.

542 (6) The hearing officer may request the Executive
543 Secretary to confer with the hearing officer and panel
544 following the hearing.

545 (7) The Executive Secretary may return a hearing report
546 to a hearing officer if the report is incomplete, unclear, or
547 unreadable, or missing essential components or information.

548 (8) UPPAC shall vote to uphold the hearing officer's and
549 panel's report if UPPAC finds that:

550 (a) there are no significant procedural errors;

551 (b) the hearing officer's recommendations are based upon
552 a reasonable interpretation of the evidence presented at the
553 hearing; and

554 (c) that all issues explained in the hearing report are
555 adequately addressed in the conclusions of the report.

556 (9) The Executive Secretary shall forward a copy of the
557 hearing report to the Board for further action after the UPPAC
558 review described in R277-202-12F(8).

559 (10) The Executive Secretary shall place a copy of the
560 hearing report in the UPPAC case file.

561 (11) If UPPAC or the Board determines that:

562 (a) the hearing process had procedural errors;

563 (b) the hearing officer's report is not based upon a
564 reasonable interpretation of the evidence presented at the
565 hearing;

566 (c) that the conclusions and findings of the hearing
567 report do not provide adequate guidance to the educator; or

568 (d) that the findings or conclusions of the hearing
569 report do not adequately address the evidence as outlined in
570 the hearing report, the Board or UPPAC may:

571 (i) direct the Executive Secretary to schedule the matter
572 for rehearing before a new hearing officer and a new UPPAC
573 panel; or

574 (ii) direct the Executive Secretary to amend the hearing
575 report to reflect the decision of UPPAC or the Board.

576 G. The hearing report is a public document under GRAMA
577 after final action is taken in the case, but may be redacted
578 if it is determined that the hearing report contains
579 particular information, the dissemination of which is
580 otherwise restricted under the law.

581 H. A respondent's failure to comply with the terms of a
582 final disposition may result in additional discipline against
583 the educator license.

584 I. If a hearing officer fails to satisfy the hearing
585 officer's responsibilities under this rule, the Executive
586 Secretary may:

587 (1) notify the Utah State Bar of the failure;

588 (2) reduce the hearing officer's compensation consistent
589 with the failure;

590 (3) take timely action to avoid disadvantaging either
591 party; or

592 (4) preclude the hearing officer from further employment
593 by the Board for UPPAC purposes.

594 J. The Executive Secretary may waive the deadlines
595 within this R277-202-12 if the Executive Secretary finds good
596 cause.

597 K. All criteria of letters of warning and reprimand,
598 probation, suspension and revocation shall also apply to the
599 comparable sections of the final hearing reports.

600 **R277-202-13. Default.**

601 A(1) The Executive Secretary may prepare an order of
602 default if:

603 (a) the respondent fails to attend or participate in a
604 properly scheduled hearing after receiving proper notice; or

605 (b) the hearing officer recommends default as a sanction
606 as a result of misconduct by the respondent or his
607 representative during the course of the hearing process.

608 (2) The hearing officer may determine that the respondent
609 has failed to attend a properly scheduled hearing if the
610 respondent has not appeared within 30 minutes of the appointed
611 time for the hearing to begin, unless the respondent shows
612 good cause for failing to appear in a timely manner.

613 B. The recommendation of default may be executed by the
614 Executive Secretary following all applicable time periods,
615 without further action by UPPAC.

616 C. An order of default may result in a recommendation to
617 the Board for revocation or for a suspension of no less than
618 five years.

619 D. An order of default shall result in a recommendation
620 to the Board for a revocation if the alleged misconduct is
621 conduct identified in 53A-6-501(5)(b).

622 **R277-202-14. Rights of Victims at Hearings.**

623 A. If the allegations that gave rise to the underlying
624 allegations involve abuse of a sexual or physical nature,
625 UPPAC shall make reasonable efforts to:

626 (1) advise the alleged victim that a hearing has been
627 scheduled; and

628 (2) notify the alleged victim of the date, time, and
629 location of the hearing.

630 B. An alleged victim entitled to notification of a
631 hearing shall be permitted, but is not required, to attend the
632 hearing.

- 633 KEY: hearings, reports
- 634 Date of Enactment or Last Substantive Amendment: 2015
- 635 Authorizing, and Implemented or Interpreted Law: 53A-6-306(6)

1 **R277. Education, Administration.**

2 **R277-203. Request for Licensure Reinstatement and**
3 **Reinstatement Procedures.**

4 **R277-203-1. Authority and Purpose.**

5 A. This rule is authorized by Section 53A-6-306(6) which
6 directs the Board to adopt rules regarding UPPAC duties and
7 procedures.

8 B. The purpose of this rule is to establish procedures
9 regarding educator license reinstatement.

10 C. The standards and procedures of the Utah
11 Administrative Procedures Act do not apply to this rule under
12 the exemption of Section 63G-4-102(2)(d).

13 **R277-203-2. Application for Licensing Following Denial or**
14 **Loss of License.**

15 A(1) An individual who has been denied a license or lost
16 the individual's license through suspension, or through
17 surrender of a license or allowing a license to lapse in the
18 face of an allegation of misconduct, may request a review to
19 consider reinstatement of a license.

20 (2) A request for review described in R277-203-
21 2A(1) shall:

22 (a) be in writing;

23 (b) be transmitted to the UPPAC Executive Secretary; and

24 (c) have the following information:

25 (i) name and address of the individual requesting review;

26 (ii) the action being requested;

27 (iii) specific evidence and documentation of compliance
28 with terms and conditions of any remedial or disciplinary
29 requirements or recommendations from UPPAC or the Board;

30 (iv) reason(s) that the individual seeks reinstatement;

31 and

32 (v) signature of the individual requesting review.

33 B(1) The Executive Secretary shall review the request

34 with UPPAC.

35 (2) If UPPAC determines that the request is incomplete
36 or invalid:

37 (a) the Executive Secretary shall deny the request; and

38 (b) notify the individual requesting reinstatement of the
39 denial.

40 (3) If UPPAC determines that the request of an
41 individual described in R277-203-2A is complete, timely, and
42 appropriate, UPPAC shall schedule and hold a hearing as
43 provided under R277-203-3.

44 C(1) Burden of Persuasion: The burden of persuasion at
45 a reinstatement hearing shall fall on the individual seeking
46 the reinstatement.

47 (2) An individual requesting reinstatement of a suspended
48 license shall:

49 (a) show sufficient evidence of compliance with any
50 conditions imposed in the past disciplinary action;

51 (b) provide sufficient evidence to the reinstatement
52 hearing panel that the educator will not engage in recurrences
53 of the actions that gave rise to the suspension and that
54 reinstatement is appropriate;

55 (c) undergo a criminal background check consistent with
56 Utah law and R277-517; and

57 (d) provide materials for review by the hearing panel
58 that demonstrate the individual's compliance with directives
59 from UPPAC or the Board found in petitioner's original
60 stipulated agreement or hearing report.

61 (3) An individual requesting licensing following a denial
62 shall show sufficient evidence of completion of a
63 rehabilitation or remediation program, if applicable, when
64 requesting reinstatement.

65 D. An individual whose license has been suspended or
66 revoked in another state shall seek reinstatement of the
67 individual's license in the other state before a request for

68 a reinstatement hearing may be approved.

69 **R277-203-3. Reinstatement Hearing Procedures.**

70 A. A hearing officer shall:

71 (1) preside over a reinstatement hearing; and

72 (2) rule on all procedural issues during the
73 reinstatement hearing as they arise.

74 B. A hearing panel, comprising individuals as set forth
75 in R277-202-3(B), shall:

76 (1) hear the evidence; and

77 (2) along with the prosecutor and hearing officer,
78 question the individual seeking reinstatement regarding the
79 appropriateness of reinstatement.

80 C. An individual seeking reinstatement may:

81 (a) be represented by counsel; and

82 (b) may present evidence and witnesses.

83 D. A party may present evidence and witnesses consistent
84 with R277-202.

85 E. A hearing officer of a reinstatement hearing shall
86 direct one or both parties to explain the background of a case
87 to panel members at the beginning of the hearing to provide
88 necessary information about the initial misconduct and
89 subsequent UPPAC and Board action.

90 F. An individual seeking reinstatement shall present
91 documentation or evidence that supports reinstatement.

92 G. The USOE, represented by the UPPAC prosecutor, shall
93 present any evidence or documentation that explains and
94 supports USOE's recommendation in the matter.

95 H. Other evidence or witnesses may be presented by
96 either party and shall be presented consistent with R277-202.

97 I. The individual seeking reinstatement shall:

98 (1) focus on the individual's actions, rehabilitative
99 efforts, and performance following license denial or
100 suspension;

101 (2) explain item by item how each condition of the
102 hearing report or stipulated agreement was satisfied;

103 (3) provide documentation in the form of evaluations,
104 reports, or plans, as directed by the hearing report or
105 stipulated agreement, of satisfaction of all required and
106 outlined conditions;

107 (4) be prepared to completely and candidly respond to the
108 questions of the UPPAC prosecutor and hearing panel regarding:

109 (a) the misconduct that caused the license suspension;

110 (b) subsequent rehabilitation activities;

111 (c) counseling or therapy received by the individual
112 related to the original misconduct; and

113 (d) work, professional actions, and behavior between the
114 suspension and reinstatement request;

115 (5) present witnesses and be prepared to question
116 witnesses (including counselors, current employers, support
117 group members) at the hearing who can provide substantive
118 corroboration of rehabilitation or current professional
119 fitness to be an educator;

120 (6) provide copies of all reports and documents to the
121 UPPAC prosecutor and hearing officer at least five days before
122 a reinstatement hearing; and

123 (7) bring eight copies of all documents or materials that
124 an individual seeking reinstatement plans to introduce at the
125 hearing.

126 J. The UPPAC prosecutor, the hearing panel, and hearing
127 officer shall thoroughly question the individual seeking
128 reinstatement as to the individual's:

129 (1) underlying misconduct which is the basis of the
130 sanction on the educator's license;

131 (2) specific and exact compliance with reinstatement
132 requirements;

133 (3) counseling, if required for reinstatement;

134 (4) specific plans for avoiding previous misconduct; and

135 (5) demeanor and changed understanding of petitioner's
136 professional integrity and actions consistent with R277-515.

137 K. If the individual seeking reinstatement sought
138 counseling as described n R277-203-3J(3), the individual shall
139 state, under oath, that he provided all relevant information
140 and background to his counselor or therapist.

141 L. A hearing officer shall rule on procedural issues in
142 a reinstatement hearing in a timely manner as they arise.

143 M. No more than 20 days following a reinstatement
144 hearing, a hearing officer, with the assistance of the hearing
145 panel, shall:

146 (1) prepare a hearing report in accordance with the
147 requirements set forth in R277-203-5; and

148 (2) provide the hearing report to the UPPAC Executive
149 Secretary.

150 N. The Executive Secretary shall submit the hearing
151 report to UPPAC at the next meeting following receipt of the
152 hearing report by the Executive Secretary.

153 O. UPPAC may do the following upon receipt of the
154 hearing report:

155 (1) accept the hearing panel's recommendation as prepared
156 in the hearing report;

157 (2) amend the hearing panel's recommendation with
158 conditions or modifications to the hearing panel's
159 recommendation which shall be:

160 (a) directed by UPPAC;

161 (b) prepared by the UPPAC Executive Secretary; and

162 (c) attached to the hearing report; or

163 (3) reject the hearing panel's recommendation.

164 P. After UPPAC makes a recommendation on the hearing
165 panel report, the UPPAC recommendation will be forwarded to
166 the Board for final action on the individual's reinstatement
167 request.

168 Q. If the Board denies an individual's request for

169 reinstatement, the individual shall wait at least twenty four
170 (24) months prior to filing a request for reinstatement again,
171 unless a different time is provided in the hearing panel
172 recommendation or in the Board's motion to deny.

173 **R277-203-4. Rights of a Victim at a Reinstatement Hearing.**

174 A. If the allegations that gave rise to the underlying
175 suspension involve abuse of a sexual or physical nature, UPPAC
176 shall make reasonable efforts to notify the victim or the
177 victim's family of the reinstatement request.

178 B. UPPAC's notification shall:

179 (1) advise the victim that a reinstatement hearing has
180 been scheduled;

181 (2) notify the victim of the date, time, and location of
182 the hearing;

183 (3) advise the victim of the victim's right to be heard
184 at the reinstatement hearing; and

185 (4) provide the victim with a form upon which the victim
186 can submit a statement for consideration by the hearing panel.

187 C. A victim entitled to notification of the reinstatement
188 proceedings shall be permitted:

189 (1) to attend the hearing; and

190 (2) to offer the victim's position on the educator's
191 reinstatement request, either by testifying in person or by
192 submitting a written statement.

193 D. A victim choosing to testify at a reinstatement
194 hearing shall be subject to reasonable cross examination in
195 the hearing officer's discretion.

196 E. A victim choosing not to respond in writing or appear
197 at the reinstatement hearing waives the victim's right to
198 participate in the reinstatement process.

199 **R277-203-5. Reinstatement Hearing Report.**

200 A. A hearing officer shall provide the following in a

201 reinstatement hearing report:

202 (1) provide a summary of the background of the original
203 disciplinary action;

204 (2) provide adequate information, including summary
205 statements of evidence presented, documents provided, and
206 petitioner's testimony and demeanor for both UPPAC and the
207 Board to evaluate petitioner's progress and rehabilitation
208 since petitioner's original disciplinary action;

209 (3) specifically address petitioner's appropriateness and
210 fitness to be a public school educator again; and

211 (4) provide a statement that the hearing panel's
212 recommendation to UPPAC was unanimous or provide the panel's
213 vote concerning reinstatement.

214 B(1) The hearing panel report is a public document under
215 GRAMA following the conclusion of the reinstatement process
216 unless specific information or evidence contained therein is
217 protected by a specific provision of GRAMA, or another
218 provision of state or federal law.

219 (2) The Executive Secretary shall add the hearing panel
220 report to the UPPAC case file.

221 C. If a license is reinstated, an educator's CACTUS file
222 shall be updated to:

223 (1) remove the flag;

224 (2) show that the educator's license was reinstated; and

225 (3) show the date of formal Board action reinstating the
226 license.

227 D. The Board decision as to whether to accept the
228 recommendation of the reinstatement hearing report is within
229 the Board's sole discretion.

230 **KEY: licensure, reinstatement, hearings**

231 **Date of Enactment or Last Substantive Amendment: 2015**

232 **Authorizing, and Implemented or Interpreted Law: 53A-6-306(6)**

1 **R277. Education, Administration.**

2 **R277-204. Utah Professional Practices Advisory Commission**
3 **Criminal Background Review.**

4 **R277-204-1. Authority and Purpose.**

5 A. This rule is authorized by Section 53A-6-306(6) which
6 directs the Board to adopt rules regarding UPPAC duties and
7 procedures.

8 B. The purpose of this rule is to establish procedures
9 for an applicant to proceed toward licensing or be denied to
10 continue when an application or recommendation for licensing
11 or renewal identifies offenses in the applicant's criminal
12 background check.

13 C. The standards and procedures of the Utah
14 Administrative Procedures Act do not apply to this rule under
15 the exemption of Section 63G-4-102(2)(d).

16 **R277-204-2. Initial Submission and Evaluation of Information.**

17 A. The Executive Secretary shall review all information
18 received as part of a criminal background review.

19 B. The Executive Secretary may request any of the
20 following information from an educator in determining how to
21 process a criminal background review:

22 (1) a letter of explanation for each reported offense
23 that details the circumstances, the final disposition, and any
24 explanation for the offense the applicant may want to provide
25 UPPAC, including any advocacy for approving licensing;

26 (2) official documentation regarding each offense,
27 including court records and police reports for each offense,
28 or if both court records and police reports are not available,
29 a letter on official police or court stationery from the
30 appropriate court or police department involved, explaining
31 why the records are not available; and

32 (3) any other information that the Executive Secretary
33 considers relevant under the circumstances in a criminal

34 background review.

35 C(1) The Executive Secretary may only process a criminal
36 background review after receipt of all letters of explanation
37 and documentation requested in good faith by the Executive
38 Secretary.

39 (2) The Executive Secretary shall provide timely notice
40 if the information provided by an applicant is incomplete.

41 D. If an applicant is under court supervision of any
42 kind, including parole, informal or formal probation, or plea
43 in abeyance, the Executive Secretary may not process the
44 background check review until the Executive Secretary receives
45 proof that court supervision has terminated.

46 E. It is the applicant's sole responsibility to provide
47 any requested material to the Executive Secretary.

48 F. The Executive Secretary shall process criminal
49 background reviews subject to the following criteria:

50 (1) the Executive Secretary may clear a criminal
51 background review without further action if the arrest,
52 citation, or charge resulted in a dismissal, unless the
53 dismissal resulted from a plea in abeyance agreement;

54 (2) the Executive Secretary shall forward a
55 recommendation to clear the following criminal background
56 reviews directly to the Board:

57 (a) singular offenses committed by an applicant,
58 excluding offenses identified in R277-204-2F(3), if the arrest
59 occurred more than two years prior to the date of submission
60 to UPPAC for review;

61 (b) more than two offenses committed by the applicant,
62 excluding offenses identified in R277-204-2F(3), if at least
63 one arrest occurred more than five years prior to the date of
64 submission to UPPAC for review; or

65 (c) more than two offenses committed by the applicant,
66 excluding offenses identified in R277-204-2F(3), if all
67 arrests for the offenses occurred more than 10 years prior to

68 the date of submission to UPPAC for review;

69 (3) the Executive Secretary shall forward the following
70 criminal background reviews to UPPAC, which shall make a
71 recommendation to the Board for final action:

72 (a) convictions or pleas in abeyance for any offense
73 where the offense date occurred less than two years prior to
74 the date of submission to UPPAC;

75 (b) convictions or pleas in abeyance for multiple
76 offenses where all offenses occurred less than five years
77 prior to the date of submission to UPPAC;

78 (c) convictions or pleas in abeyance for felonies;

79 (d) arrests, convictions, or pleas in abeyance for
80 sex-related or lewdness offenses;

81 (e) convictions or pleas in abeyance for alcohol-related
82 offenses or drug-related offenses where the offense date was
83 less than five years prior to the date of submission to UPPAC;

84 (f) convictions or pleas in abeyance involving children
85 in any way; and

86 (g) convictions or pleas in abeyance involving any other
87 matter which the Executive Secretary determines, in his
88 discretion, warrants review by UPPAC and the Board; and

89 (4) If the criminal background review involves a
90 conviction for an offense requiring mandatory revocation under
91 53A-6-501(5)(b) or meeting the definition of sex offender
92 under 77-41-102(16), the Executive Secretary shall forward a
93 recommendation directly to the Board that clearance be denied.

94 G. The Executive Secretary shall use reasonable
95 discretion to interpret the information received from the
96 Bureau of Criminal Identification to comply with the
97 provisions of this rule.

98 H. In Board review of recommendations of the Executive
99 Secretary and UPPAC for criminal background checks, the
100 following shall apply:

101 (1) the Board may uphold any recommendation of the

102 Executive Secretary or UPPAC, which action shall be the final
103 agency action of USOE;

104 (2) the Board may substitute its own judgment in lieu of
105 the recommendation of the Executive Secretary or UPPAC, which
106 action shall be the final agency action of USOE; and

107 (3) if the Board chooses to substitute its own judgment
108 in a criminal background review, the Board shall adopt
109 findings articulating its reasoning.

110 I. If a criminal background review arises as a result of
111 conduct that was cleared in a prior criminal background review
112 by the Executive Secretary, UPPAC, or the Board, the prior
113 action shall be deemed final, and the Executive Secretary
114 shall clear the criminal background review.

115 J. If a criminal background review results in an
116 applicant's denial, the applicant may request to be heard, and
117 to have the matter reconsidered by the Board, consistent with
118 the requirements of Section 53A-15-1506(1)(c).

119 **KEY: educator license, appeal**

120 **Date of Enactment or Last Substantive Amendment: 2015**

121 **Authorizing, and Implemented or Interpreted Law: 53A-6-306(6)**

1 **R277. Education, Administration.**

2 **R277-205. Alcohol Related Offenses.**

3 **R277-205-1. Authority and Purpose.**

4 A. This rule is authorized by Section 53A-6-306(6) which
5 directs the Board to adopt rules regarding UPPAC duties and
6 procedures.

7 B. The purpose of this rule is to establish procedures
8 for disciplining educators regarding alcohol related offenses.

9 C. The standards and procedures of the Utah
10 Administrative Procedures Act do not apply to this rule under
11 the exemption of Section 63G-4-102(2)(d).

12 **R277-205-2. Action by the Board if a Licensed Educator Has**
13 **Been Convicted of an Alcohol Related Offense.**

14 A. If as a result of a background check, it is
15 discovered that a licensed educator has been convicted of an
16 alcohol related offense in the previous five years, UPPAC
17 shall adhere to the following minimum conditions:

18 (1) One conviction--a letter shall be sent to the
19 educator informing the educator of the provisions of this
20 rule;

21 (2) Two convictions--a letter shall be sent to the
22 educator informing the educator of the provisions of this rule
23 and requiring documentation of clinical assessment and
24 recommended treatment following the second conviction;

25 (3) If the most recent conviction was more than three
26 years prior to the discovery of the conviction(s) and the
27 educator provides documentation of clinical assessment and
28 recommended treatment, UPPAC shall recommend that the Board
29 send a letter of warning to the educator;

30 (4) If the most recent conviction was less than three
31 years prior to the discovery of the conviction(s) and the
32 educator provides documentation of clinical assessment and
33 recommended treatment, UPPAC shall recommend that the Board

34 send a letter of reprimand to the educator and a letter to the
35 district, if employed;

36 (5) If the most recent conviction was less than three
37 years prior to the discovery of the conviction(s) and the
38 educator provides no documentation of clinical assessment and
39 recommended treatment, UPPAC or the Board may initiate an
40 investigation of the educator based upon the alcohol offenses;

41 (6) Three convictions--a letter shall be sent to the
42 educator informing the educator of the provisions of this rule
43 and requiring documentation of clinical assessment and
44 recommended treatment following the third conviction;

45 (7) If the most recent conviction was more than three
46 years prior to the discovery of the conviction(s) and the
47 educator provides documentation of clinical assessment and
48 recommended treatment, UPPAC shall recommend that the Board
49 send a letter of warning to the educator;

50 (8) If the most recent conviction was less than three
51 years prior to the discovery of the conviction(s) and the
52 educator provides documentation of clinical assessment and
53 recommended treatment, UPPAC shall recommend that the Board
54 send a letter of reprimand to the educator and send a copy of
55 the letter of reprimand to the educator's employer; and

56 (9) If the most recent conviction was less than three
57 years prior to the discovery of the conviction(s) and the
58 educator provides no documentation of clinical assessment and
59 recommended treatment, UPPAC shall recommend suspension of the
60 educator's license to the Board, subject to the educator's
61 right to a hearing under R277-202.

62 B. This rule does not preclude more serious or additional
63 action by the Board against an educator for other related or
64 unrelated offenses.

65 **R277-205-3. Board Action Toward Individuals Who Do Not Hold**
66 **Licensing.**

67 If as a result of a background check, it is discovered
68 that an individual inquiring about educator licensing, seeking
69 information about educator licensing, or placed in a public
70 school for any purpose requiring a background check, has been
71 convicted of an alcohol related offense within five years of
72 the date of the background check, the following minimum
73 conditions shall apply:

74 A. one conviction--the individual shall be denied Board
75 clearance for a period of one year from the date of the
76 arrest;

77 B. two convictions--the individual shall be denied Board
78 clearance for a period of two years from the date of the most
79 recent arrest and the applicant shall present documentation of
80 clinical assessment and recommended treatment before Board
81 clearance shall be considered; and

82 C. three convictions-the Board may require the applicant
83 to present documentation of clinical assessment and
84 recommended treatment and may deny clearance.

85 **KEY: educators, disciplinary actions**

86 **Date of Enactment or Last Substantive Amendment: 2015**

87 **Authorizing, and Implemented or Interpreted Law: 53A-6-306(6)**

1 **R277. Education, Administration.**

2 **R277-206. Drug Related Offenses.**

3 **R277-206-1. Authority and Purpose.**

4 A. This rule is authorized by Section 53A-6-306(6) which
5 directs the Board to adopt rules regarding UPPAC duties and
6 procedures.

7 B. The purpose of this rule is to establish procedures
8 for disciplining educators regarding drug related offenses.

9 C. The standards and procedures of the Utah
10 Administrative Procedures Act do not apply to this rule under
11 the exemption of Section 63G-4-102(2)(d).

12 **R277-206-2. Action by the Board if a Licensed Educator Has**
13 **Been Convicted of a Drug Related Offense.**

14 A. If as a result of a background check, it is
15 discovered that a licensed educator has been convicted of a
16 drug related offense in the previous ten years, the following
17 minimum conditions shall apply:

18 (1) one conviction--a letter shall be sent to the
19 educator informing the educator of the provisions of this
20 rule;

21 (2) two convictions--a letter shall be sent to the
22 educator informing the educator of the provisions of this rule
23 and requiring documentation of clinical assessment and
24 recommended treatment following the second conviction;

25 (3) If the most recent conviction was more than three
26 years prior to the discovery of the conviction(s) and the
27 educator provides documentation of clinical treatment, the
28 Board shall send a letter of warning to the educator;

29 (4) If the most recent conviction was less than three
30 years prior to the discovery of the conviction(s) and the
31 educator provides documentation of clinical treatment, the
32 Board shall send a letter of reprimand to the educator and a
33 letter to the district with notice of treatment;

34 (5) If the most recent conviction was less than three
35 years prior to the discovery of the conviction(s) and the
36 educator provides no documentation of clinical treatment,
37 UPPAC or the Board may initiate an investigation of the
38 educator based upon the drug offenses;

39 (6) Three convictions--a letter shall be sent to the
40 educator informing the educator of the provisions of this rule
41 and requiring documentation of clinical treatment following
42 the third conviction;

43 (7) If the most recent conviction was more than five
44 years prior to the discovery of the conviction(s) and the
45 educator provides documentation of clinical assessment and
46 recommended treatment, the Board shall send a letter of
47 warning to the educator;

48 (8) If the most recent conviction was less than three
49 years prior to the discovery of the conviction(s) and the
50 educator provides documentation of clinical assessment and
51 recommended treatment, the Board shall send a letter of
52 reprimand to the educator and send a copy of the letter of
53 reprimand to the educator's employer; and

54 (9) If the most recent conviction was less than three
55 years prior to the discovery of the conviction(s) and the
56 educator provides no documentation of clinical assessment and
57 recommended treatment, UPPAC shall recommend suspension of the
58 educator's license to the Board, subject to the educator's
59 right to a hearing under R277-202.

60 B. This rule does not preclude more serious or additional
61 action by the Board against an educator if circumstances
62 warrant it.

63 **R277-206-3. Board Action Towards an Individual Who Does Not**
64 **Hold Licensing.**

65 A. If as a result of a background check, it is discovered
66 that an applicant has been convicted of a drug related offense

67 within ten years of the date of the background check, the
68 following minimum conditions shall apply:

69 (1) one conviction--the individual shall be denied
70 clearance for a period of one year from the date of the
71 conduct giving rise to the charge;

72 (2) two convictions--the individual shall be denied
73 clearance for a period of three years from the date of the
74 conduct giving rise to the most recent charge and the
75 applicant shall present documentation of clinical assessment
76 and recommended treatment before clearance shall be
77 considered; and

78 (3) three convictions--the individual shall be denied
79 clearance for a period of five years from the date of the
80 conduct giving rise to the most recent charge.

81 B. UPPAC or the Board may require the applicant to
82 present documentation of clinical assessment and recommended
83 treatment and may recommend denial of clearance.

84 **KEY: educators, disciplinary actions**

85 **Date of Enactment or Last Substantive Amendment: 2015**

86 **Authorizing, and Implemented or Interpreted Law: 53A-6-306(6)**



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Utah Professional Practices Advisory Commission (UPPAC) Rules
R686-100 through R686-105

Background:

H.B. 345S2 *Educator Abuse Policy* (2015 Legislative Session) changed rulemaking authority from UPPAC to the Board. New Board rules (R277) regarding UPPAC duties and responsibilities are proposed for consideration by the Board. It is therefore proposed that the Board consider repealing the following UPPAC rules:

- R686-100 *Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions*
- R686-101 *UPPAC Hearing Procedures and Reports*
- R686-102 *Request for Licensure Reinstatement and Reinstatement Procedures*
- R686-103 *Utah Professional Practices Advisory Commission Review of License Due to Background Check Offenses*
- R686-104 *Alcohol Related Offenses*
- R686-105 *Drug Related Offenses*

Key Points:

Repeal all UPPAC rules (R686).

Anticipated Action:

It is proposed that the Law and Licensing Committee consider repealing R686-100, R686-101, R686-102, R686-103, R686-104, and R686-105 on first reading and, if approved by the Committee, the Board consider approving the rules on second reading.

Contact: Angie Stallings, 801-538-7550
Ben Rasmussen, 801-538-7835

~~[R686. Professional Practices Advisory Commission, Administration.
R686-101. UPPAC Hearing Procedures and Reports.
R686-101-1. Definitions.~~

~~A. "Administrative hearing" means a formal adjudicative proceeding consistent with 53A-6-601. The Utah State Board of Education and Utah State Office of Education licensing process is not governed by the Utah Administrative Procedures Act, Title 63G, Chapter 4.~~

~~B. "Answer" means a written response to a complaint filed by USOE alleging educator misconduct. An answer must be filed within 30 days of receipt of a complaint. Failure to file an answer to a complaint shall result in a default, consistent with R686-100-5E.~~

~~C. "Board" means the Utah State Board of Education.~~

~~D. "Complaint" means a written allegation or charge against an educator filed by USOE against the educator.~~

~~E. "Complainant" means the Utah State Office of Education.~~

~~F. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file owned and maintained on all licensed Utah educators. The file includes information such as:~~

~~(1) personal directory information;~~

~~(2) educational background;~~

~~(3) endorsements;~~

~~(4) employment history; and~~

~~(5) a record of disciplinary action taken against the educator's license.~~

~~G. "Days": in calculating any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included; the last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Saturdays, Sundays and legal holidays shall not be included in calculating the period of time if the period prescribed or allowed is less than seven days, but shall be included in calculating periods of seven or more days.~~

~~H. "Educator" means a person who currently holds a license, held a license at the time of an alleged offense, is an applicant for a license, or is a person in training to obtain a license.~~

~~I. "Educator paper licensing file" means the file maintained securely by UPPAC on an educator. The file is opened following UPPAC's direction to investigate alleged misconduct. The file contains the original notification of misconduct, subsequent correspondence, the investigative report, and the final disposition of the case.~~

~~J. "Executive Secretary" means an employee of the Utah State Office of Education who is appointed by the State Superintendent of Public Instruction to serve as the executive officer, and a non-voting member, of UPPAC.~~

~~K. "Final action" means any action by UPPAC or the Board which~~

~~concludes an investigation of an allegation of misconduct against a licensed educator.~~

~~L. "Hearing" means an administrative proceeding held pursuant to Section 53A-6-601, is a formal adjudication in which allegations made in a complaint are examined before a hearing officer and UPPAC hearing panel, where each party has the opportunity to present witnesses and evidence relevant to the complaint and respond to witnesses or evidence presented by the other party. At the conclusion of a hearing, the hearing officer, after consulting with members of the UPPAC hearing panel, prepares a hearing report and submits it to the Executive Secretary.~~

~~M. "Hearing officer" means a person who is experienced in matters relating to administrative procedures, education and education law and is either a member of the Utah State Bar Association or a person not a member of the bar who has received specialized training in conducting administrative hearings, and is appointed by the Executive Secretary at the request of UPPAC to manage the proceedings of a hearing. The hearing officer may not be an acting member of UPPAC. The hearing officer has broad authority to regulate the course of the hearing and dispose of procedural requests but shall not have a vote as to the recommended disposition of a case.~~

~~N. "Hearing panel" means a hearing officer and three or more members of UPPAC agreed upon by UPPAC to assist the hearing officer in conjunction with the hearing panel in conducting a hearing and preparing a hearing report.~~

~~O. "Hearing report" means a report prepared by the hearing officer consistent with the recommendations of the hearing panel at the conclusion of a hearing. The report includes a recommended disposition, detailed findings of fact and conclusions of law, based upon the evidence presented in the hearing, relevant precedent, and applicable law and rule.~~

~~P. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.~~

~~Q. "License" means a teaching or administrative credential, including endorsements, which is issued by a state to signify authorization for the person holding the license to provide professional services in the state's public schools.~~

~~R. "Party" means the complainant or the respondent.~~

~~S. "Prosecutor" means the attorney designated by the USOE to represent the complainant and present evidence in support of the complaint. The prosecutor may also be the investigator, but does not have to be.~~

~~T. "Recommended disposition" means a recommendation provided by a UPPAC investigator for resolution of an allegation.~~

~~U. "Revocation" means a permanent invalidation of a Utah educator license consistent with R277-517.~~

~~V. "Respondent" means the party against whom a complaint is filed or an investigation is undertaken.~~

~~W. "Stipulated agreement" means an agreement between a respondent/educator and the USOE/Board or between a respondent/educator and UPPAC under which disciplinary action against an educator's license status shall be taken, in lieu of a hearing. At any time after an investigative letter has been sent, a stipulated agreement may be negotiated between the parties and becomes binding when approved by the Board, if necessary, or UPPAC if Board approval is not necessary.~~

~~X. "Suspension" means an invalidation of a Utah educator license. A suspension may include specific conditions that an educator shall satisfy and may identify a minimum time period that shall elapse before the educator can request a reinstatement hearing before UPPAC.~~

~~Y. "Utah Professional Practices Advisory Commission (UPPAC)" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, as established under Section 53A-6-301.~~

~~Z. "UPPAC disciplinary letters or action" means letters sent or action taken by UPPAC informing the educator of licensing disciplinary action not rising to the level of license suspension. Disciplinary letters and action include the following:~~

~~(1) Letter of admonishment is a letter sent by UPPAC to the educator cautioning the educator to avoid or take specific actions in the future;~~

~~(2) Letter of warning is a letter sent by UPPAC to an educator for misconduct that was inappropriate or unethical that does not warrant longer term or more serious discipline;~~

~~(3) Letter of reprimand is a letter sent by UPPAC to an educator for misconduct that was longer term or more seriously unethical or inappropriate than conduct warranting a letter of warning, but not warranting more serious discipline; a letter of reprimand may provide specific directives to the educator as a condition for removal of the letter, and shall appear as a notation on the educator's CACTUS file;~~

~~(4) Probation is an action directed by UPPAC that involves some monitoring or supervision for an indefinite or designated time period usually accompanied by a disciplinary letter. In this time period, the educator may be subject to additional monitoring by an identified person or entity and the educator may be asked to satisfy certain conditions in order to have the probation lifted. This discipline usually, but not always, is accompanied by a letter of warning or a letter of reprimand and shall appear as a notation on the educator's CACTUS file. Unless otherwise specified, the probationary period is at least two years and must be terminated through a formal petition by respondent.~~

~~AA. "USOE" means the Utah State Office of Education.~~

~~R686-101-2. Authority and Purpose.~~

~~A. This rule is authorized by Section 53A-6-306(1)(a) which directs UPPAC to adopt rules to carry out its responsibilities~~

~~under the law.~~

~~B. The purpose of this rule is to establish procedures regarding UPPAC hearings and hearing reports.~~

~~**R686-101-3. Scheduling a Hearing.**~~

~~A. Scheduling the hearing: Following receipt of an answer by respondent requesting a hearing:~~

~~(1) UPPAC shall select panel members.~~

~~(2) The Executive Secretary shall appoint a hearing officer from among a list of hearing officers identified by the state procurement process and approved by UPPAC.~~

~~(3) UPPAC shall schedule the date, time, and place for the hearing.~~

~~(4) The date for the hearing shall be scheduled not less than 25 days nor more than 180 days from the date the answer is received by the Executive Secretary. The required scheduling periods may be waived by mutual written consent of the parties or by UPPAC for good cause shown.~~

~~B. Change of hearing date:~~

~~(1) A request for change of hearing date by any party shall be submitted in writing, include a statement of the reasons for the request, and be received by the Executive Secretary at least five days prior to the scheduled date of the hearing.~~

~~(2) The Executive Secretary shall determine whether the cause stated in the request is sufficient to warrant a change.~~

~~(a) If the cause is found to be sufficient, the Executive Secretary shall promptly notify all parties of the new time, date, and place for the hearing.~~

~~(b) If the cause is found to be insufficient, the Executive Secretary shall immediately notify the parties that the request has been denied.~~

~~(c) The Executive Secretary and the parties may waive the time period required for requesting a change of hearing date for compelling circumstances.~~

~~**R686-101-4. Appointment and Duties of the Hearing Officer and Hearing Panel.**~~

~~A. Hearing officer: The Executive Secretary shall appoint a hearing officer at the request of UPPAC to chair the hearing panel and conduct the hearing.~~

~~(1) The selection of hearing officers shall be on a rotating basis, to the extent practicable, from the list of available hearing officers.~~

~~(2) The selection of a hearing officer shall be made based on availability of individual hearing officers and whether any financial or personal interest or prior relationship with parties might affect the hearing officer's impartiality or otherwise constitute a conflict of interest.~~

~~(3) The Executive Secretary shall provide such information about the case as necessary to determine whether the hearing~~

~~officer has a conflict of interest and shall disqualify any hearing officer that cannot serve under the Utah Rules of Professional Conduct.~~

~~(4) Duties of a hearing officer. A hearing officer:~~

~~(a) may require the parties to submit briefs and lists of witnesses prior to the hearing;~~

~~(b) presides at the hearing and regulates the course of the proceedings;~~

~~(c) administers oaths to witnesses as follows: "Do you swear or affirm that the testimony you will give is the truth?";~~

~~(d) may take testimony, rule on questions of evidence, and ask questions of witnesses to clarify specific issues;~~

~~(e) prepares and submits a hearing report at the conclusion of the proceedings in consultation with panel members and the timelines of this rule.~~

~~B. UPPAC panel members: UPPAC shall agree upon three or more UPPAC members to serve as members of the hearing panel. As directed by UPPAC, former UPPAC members who have served on UPPAC within the three years prior to the date set for the hearing may be used as panel members. The majority of panel members shall be current UPPAC members.~~

~~(1) The selection of panel members shall be on a rotating basis to the extent practicable. However, the selection shall also accommodate the availability of panel members.~~

~~(2) If the respondent is a teacher, at least one panel member shall be a teacher. If the respondent is a non-teacher educator, at least one panel member shall be a non-teacher educator unless the respondent accepts a different configuration.~~

~~(3) Duties of UPPAC panel members include:~~

~~(a) assisting the hearing officer by providing information concerning professional standards and practices of educators in the respondent's particular field of practice and in the situations alleged;~~

~~(b) asking questions of all witnesses to clarify specific issues;~~

~~(c) reviewing all evidence and briefs, if any, presented at the hearing;~~

~~(d) assisting the hearing officer in preparing the hearing report.~~

~~(4) The panel members may receive documents or information no more than 30 minutes prior to the hearing, including the complaint and response, and a list of witnesses who shall participate in the hearing, other materials as directed by the hearing officer, or additional materials agreed to by the parties.~~

~~(5) The Executive Secretary may make an emergency substitution of a panel member for cause with the consent of the parties. The agreement should be in writing. Parties may agree to a two-member UPPAC panel in an emergency situation. If parties do not agree, the hearing shall be rescheduled.~~

~~C. Disqualification of the hearing officer or a panel member:~~

~~—— (1) Hearing officer:~~

~~—— (a) A party may seek disqualification of a hearing officer by submitting a written request for disqualification to the Executive Secretary, which request must be received not less than 15 days before a scheduled hearing. The Executive Secretary shall review the request and supporting evidence and, upon a finding that the reasons for the request are substantial and sufficient, shall appoint a new hearing officer and, if necessary, reschedule the hearing. A hearing officer may recuse himself from a hearing if, in the hearing officer's opinion, his participation would violate any of the Utah Rules of Professional Conduct consistent with the Supreme Court Rules of Professional Practice.~~

~~—— (b) If the Executive Secretary denies the request, the party requesting the disqualification shall be notified not less than ten days prior to the date of the hearing. The requesting party may submit a written appeal of the denial to the State Superintendent, which request must be received not less than five days prior to the hearing date. If the State Superintendent finds that the appeal is justified, the State Superintendent shall direct the Executive Secretary to appoint a new hearing officer and, if necessary, reschedule the hearing.~~

~~—— (c) The decision of the State Superintendent is final.~~

~~—— (d) Failure of a party to meet the time requirements of R686-101-4C(1)(b) shall result in denial of the request or appeal; if the Executive Secretary fails to meet the time requirements, the request or appeal shall be approved.~~

~~—— (2) UPPAC panel member:~~

~~—— (a) A UPPAC member shall disqualify himself as a panel member due to any known financial or personal interest, prior relationship, personal and independent knowledge of the persons or issues in the case, or other association that the panel member believes would compromise the panel member's ability to make an impartial decision.~~

~~—— (b) A party may seek disqualification of a UPPAC panel member by submitting a written request for disqualification to the hearing officer, or the Executive Secretary if there is no hearing officer; the request shall be received not less than 15 days before a scheduled hearing. The hearing officer, or the Executive Secretary, if there is no hearing officer, shall review the request and supporting evidence and, upon a finding that the reasons for the request are substantial and compelling, shall disqualify the panel member. If the disqualification leaves the hearing panel with fewer than three UPPAC panel members, UPPAC shall appoint a replacement and the Executive Secretary shall, if necessary, reschedule the hearing.~~

~~—— (c) If the request is denied, the party requesting the disqualification shall be notified not less than ten days prior to the date of the hearing. The requesting party may file a written appeal of the denial to the State Superintendent, which request shall be received not less than five days prior to the hearing~~

~~date. If the State Superintendent finds that the appeal is justified, he shall direct the hearing officer, or the Executive Secretary if there is no hearing officer, to replace the panel member.~~

~~(d) If a disqualification leaves the hearing panel with fewer than three UPPAC panel members, UPPAC shall agree upon a replacement and the Executive Secretary shall, if necessary, reschedule the hearing.~~

~~(e) The decision of the State Superintendent is final.~~

~~(f) Failure of a party to meet the time requirements of R686-101-4C(2)(c) shall result in denial of the request or appeal; if the hearing officer fails to meet the time requirements, the request or appeal shall be approved.~~

~~D. The Executive Secretary may, at the time he selects the hearing officer or panel members, select alternative hearing officers or panel members following the process for selecting those individuals. Substitution of alternative panel members requires only notice to both parties.~~

~~R686-101-5. Preliminary Instructions to Parties to a Hearing.~~

~~A. Not less than 25 days before the date of a hearing the Executive Secretary shall provide the parties with the following information:~~

~~(1) Date, time, and location of the hearing;~~

~~(2) Names and LEA affiliations of the panel members, and the name of the hearing officer;~~

~~(3) Procedures for objecting to any member of the hearing panel; and~~

~~(4) Procedures for requesting a change in the hearing date.~~

~~B. Not less than 20 days before the date of the hearing, the respondent and the complainant shall provide the following to the other party and to the hearing officer:~~

~~(1) A brief, if requested by the hearing officer, containing any procedural and evidentiary motions along with that party's position regarding the allegations. Submitted briefs shall include relevant laws, rules, and precedent;~~

~~(2) The name of the person who shall represent the party at the hearing, a list of witnesses expected to be called, a summary of the testimony which each witness is expected to present, and a summary of documentary evidence which shall be submitted.~~

~~(3) Following receipt of each party's witness list, each party may provide a list of anticipated rebuttal witnesses and evidence no later than 10 days prior to the hearing.~~

~~(4) No witness or evidence may be presented at the hearing if the opposing party has requested to be notified of such information and has not been fairly apprised at least 20 days prior to the hearing, or 10 days prior to the hearing if the witness or evidence is to be used for rebuttal purposes. The timeliness requirement may be waived by agreement of the parties or by the hearing officer upon a showing of good cause or by the hearing officer's~~

determination that no prejudice has occurred to the opposing party. This restriction shall not apply to rebuttal witnesses whose testimony cannot reasonably be anticipated before the time of the hearing.

C. Not less than 10 days before the date of the hearing, the respondent and the complainant shall provide to the other party and the hearing officer the documents referenced on the summary of documentary evidence previously provided, to be entered as evidence in the hearing.

D. If a party fails to comply in good faith with a directive of the hearing officer, including time requirements, the hearing officer may prohibit introduction of the testimony or evidence or take other steps reasonably appropriate under the circumstances including, in extreme cases of noncompliance, entry of a default against the offending party. Nothing in this Section prevents the use of rebuttal witnesses.

E. Parties shall provide materials to the hearing officer, panel members and UPPAC as directed by the hearing officer.

~~R686-101-6. Hearing Parties' Representation.~~

A. Complainant: The complainant shall be represented by a person appointed by the USOE prosecutor.

B. Respondent: A respondent may represent himself or be represented, at his own cost, by another person.

C. The informant has no right to individual representation at the hearing or to be present or heard at the hearing unless called as a witness.

D. The Executive Secretary shall receive timely notice in writing of representation by anyone other than the respondent.

~~R686-101-7. Discovery Prior to a Hearing.~~

A. Discovery is permitted to the extent necessary to obtain relevant information necessary to support claims or defenses, as determined by the appointed hearing officer.

B. Discovery, especially burdensome or unduly legalistic discovery, may not be used to delay a hearing.

C. Discovery may be limited by the hearing officer at his discretion or upon a motion by either party. The hearing officer rules on all discovery requests and motions.

D. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence shall be issued pursuant to Section 53A-6-306(2)(c) if requested by either party at least five working days prior to the hearing.

E. No expert witness report or testimony may be presented at the hearing unless the requirements of R686-101-11 have been met.

~~R686-101-8. Burden and Standard of Proof for UPPAC Proceedings.~~

A. In matters other than those involving applicants for licensing, and excepting the presumptions under R686-101-12F, the complainant shall have the burden of proving that action against

~~the license is appropriate.~~

~~— B. An applicant for licensing has the burden of proving that licensing is appropriate.~~

~~— C. Standard of proof: The standard of proof in all UPPAC hearings is a preponderance of the evidence.~~

~~— D. Evidence: The Utah Rules of Evidence are not applicable to UPPAC proceedings. The criteria to decide evidentiary questions shall be:~~

~~— (1) reasonable reliability of the offered evidence;~~

~~— (2) fairness to both parties; and~~

~~— (3) usefulness to UPPAC in reaching a decision.~~

~~— E. The hearing officer has the sole responsibility to determine the application of the hearing rules and the admissibility of evidence.~~

~~R686-101-9. Department.~~

~~— A. Parties, their representatives, witnesses, and other persons present during a hearing shall conduct themselves in an appropriate manner during hearings, giving due respect to members of the hearing panel and complying with the instructions of the hearing officer. The hearing officer may exclude persons from the hearing room who fail to conduct themselves in an appropriate manner and may, in response to extreme instances of noncompliance, disallow testimony or declare an offending party to be in default.~~

~~— B. Parties, attorneys for parties, or other participants in the professional practices investigation and hearing process shall not harass, intimidate or pressure witnesses or other hearing participants, nor shall they direct others to harass, intimidate or pressure witnesses or participants.~~

~~R686-101-10. Hearing Record.~~

~~— A. The hearing shall be recorded at UPPAC's expense, and the recording shall become part of the permanent case record, unless otherwise agreed upon by all parties.~~

~~— B. Individual parties may, at their own expense, make recordings or transcripts of the proceedings with notice to the Executive Secretary.~~

~~— C. If an exhibit is admitted as evidence, the record shall reflect the contents of the exhibit.~~

~~— D. All evidence and statements presented at a hearing shall become part of the permanent case file and shall not be removed except by direction of the hearing officer or order of the Board.~~

~~— E. The USOE record of the proceedings may be reviewed upon request of a party under supervision of the Executive Secretary and only at the USOE.~~

~~R686-101-11. Expert Witnesses in UPPAC Proceedings.~~

~~— A. A party may call an expert witness at its own expense. Notice of intent of a party to call an expert witness, the identity and qualifications of such expert witness and the purpose for which~~

~~the expert witness is to be called shall be provided to the hearing officer and the opposing party at least 15 days prior to the hearing date.~~

~~— B. The hearing officer may appoint any expert witness agreed upon by the parties or of the hearing officer's own selection. An expert so appointed shall be informed of his duties by the hearing officer in writing, a copy of which shall become part of the permanent case file. The expert shall advise the hearing panel and the parties of his findings and may thereafter be called to testify by the hearing panel or by any party. He may be examined by each party or by any of the hearing panel members.~~

~~— C. Defects in the qualifications of expert witnesses, once a minimum threshold of expertise is established, go to the weight to be given the testimony and not to its admissibility.~~

~~— D. Experts who are members of the complainant's staff or an LEA staff may testify and have their testimony considered as part of the record along with that of any other expert.~~

~~— E. Any report of an expert witness which a party intends to introduce into evidence shall be provided to the opposing party at least 15 days prior to the hearing date.~~

~~— F. The hearing officer may allow testimony by expert witnesses by mutual agreement of the parties or if the hearing officer allows the testimony.~~

~~R686-101-12. Evidence and Participation in UPPAC Proceedings.~~

~~— A. The hearing officer may not exclude evidence solely because it is hearsay.~~

~~— B. Each party has the right to call witnesses, present evidence, argue, respond, cross-examine witnesses who testify in person at the hearing, and submit rebuttal evidence.~~

~~— C. All testimony presented at the hearing, if offered as evidence to be considered in reaching a decision on the merits, shall be given under oath.~~

~~— D. If a case involves allegations of child abuse or of a sexual offense against a child, either party or a member of the hearing panel, the hearing officer may request that a minor be allowed to testify outside of the respondent's presence. If the hearing officer determines that the minor would suffer serious emotional or mental harm or that the minor's testimony in the presence of the respondent would be unreliable, the minor's testimony may be admitted in one of the following ways:~~

~~— (1) An oral statement of a victim or witness younger than 18 years of age which is recorded prior to the filing of a complaint shall be admissible as evidence in a hearing regarding the offense if:~~

~~— (a) No attorney for either party is in the minor's presence when the statement is recorded;~~

~~— (b) The recording is visual and aural and is recorded;~~

~~— (c) The recording equipment is capable of making an accurate recording, the operator of the equipment is competent, and the~~

~~recording is accurate and has not been altered; and~~

~~— (d) Each voice in the recording is identified.~~

~~— (2) The testimony of any witness or victim younger than 18 years of age may be taken in a room other than the hearing room, and be transmitted by closed circuit equipment to another room where it can be viewed by the respondent. All of the following conditions shall be observed:~~

~~— (a) Only the hearing panel members, attorneys for each party, persons necessary to operate equipment, and a person approved by the hearing officer whose presence contributes to the welfare and emotional well-being of the minor may be with the minor during the testimony.~~

~~— (b) The respondent may not be present during the minor's testimony;~~

~~— (c) The hearing officer shall ensure that the minor cannot hear or see the respondent;~~

~~— (d) The respondent shall be permitted to observe and hear, but not communicate with the minor; and~~

~~— (e) Only hearing panel members, the hearing officer and the attorneys may question the minor.~~

~~— (3) If the hearing officer determines that the testimony of a minor shall be taken consistent with R686-101-12D, the child may not be required to testify in any proceeding where the recorded testimony is used.~~

~~— E. On his own motion or upon objection by a party, the hearing officer:~~

~~— (1) May exclude evidence that the hearing officer determines to be irrelevant, immaterial, or unduly repetitious;~~

~~— (2) Shall exclude evidence that is privileged under law applicable to administrative proceedings in Utah unless waived;~~

~~— (3) May receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document;~~

~~— (4) May take official notice of any facts that could be judicially noticed under judicial or administrative laws of Utah, or from the record of other proceedings before the agency.~~

~~— F. Presumptions:~~

~~— (1) A rebuttable evidentiary presumption exists that a person has committed a sexual offense against a minor if the person has:~~

~~— (a) Been found, pursuant to a criminal, civil, or administrative action to have committed a sexual offense against a minor;~~

~~— (b) Failed to defend himself against such a charge when given a reasonable opportunity to do so; or~~

~~— (c) Voluntarily surrendered a license or allowed a license to lapse in the face of a charge of having committed a sexual offense against a minor.~~

~~— (2) A rebuttable evidentiary presumption exists that a person is unfit to serve as an educator if the person has been found pursuant to a criminal, civil, or administrative action to have~~

~~exhibited behavior evidencing unfitness for duty, including immoral, unprofessional, or incompetent conduct, or other violation of standards of ethical conduct, performance, or professional competence. Evidence of such behavior may include:~~

- ~~— (a) conviction of a felony;~~
- ~~— (b) a felony charge and subsequent conviction for a lesser related charge pursuant to a plea bargain or plea in abeyance;~~
- ~~— (c) an investigation of an educator's license, certificate or authorization in another state; or~~
- ~~— (d) the expiration, surrender, suspension, revocation, or invalidation for any reasons of an educator license.~~

~~R686-101-13. Hearing Report.~~

~~A. Within 20 days after the hearing, or within 20 days after the deadline imposed for the filing of any post-hearing materials permitted by the hearing officer, the hearing officer shall sign and issue a hearing report consistent with the recommendations of the panel that includes:~~

~~— (1) A detailed findings of fact and conclusions of law based upon the evidence of record or on facts officially noted. Findings of fact may not be based solely upon hearsay, and conclusions shall be based upon competent evidence;~~

~~— (2) A statement of relevant precedent, if available;~~

~~— (3) A statement of applicable law and rule;~~

~~— (4) A recommended disposition of UPPAC panel members which shall be one or an appropriate combination of the following:~~

~~— (a) Dismissal of the complaint: The hearing report shall indicate that the complaint should be dismissed and that no further action should be taken.~~

~~— (b) Letter of admonishment: the hearing report shall indicate that respondent's conduct is of concern and shall direct the Executive Secretary to write a letter of admonishment, consistent with R277-517, to the respondent.~~

~~— (c) Letter of warning: the hearing report shall indicate that respondent's conduct is deemed unprofessional and shall direct the Executive Secretary to write a letter of warning, consistent with R277-517, to the respondent.~~

~~— (d) Letter of reprimand: the hearing report shall indicate that respondent's conduct is deemed unprofessional and shall direct the Executive Secretary to write a letter of reprimand, consistent with R277-517, to the respondent.~~

~~— (e) Probation: The hearing report shall determine whether the respondent's conduct was unprofessional, that the respondent shall not lose his license, but that a probationary period is appropriate. If the report recommends probation, the report shall designate:~~

~~— (i) it is the respondent's responsibility to petition UPPAC for removal of probation and letter of reprimand from the respondent's active licensing and CACTUS files;~~

~~— (ii) a probationary time period or specifically designate an~~

~~indefinite period;~~

~~— (iii) conditions that can be monitored;~~

~~— (iv) if recommended by the panel, a person or entity to monitor a respondent's probation;~~

~~— (v) a statement providing for costs of probation;~~

~~— (vi) whether or not the respondent may work in any capacity in public education during the probationary period.~~

~~— (vii) a probation may be imposed substantially in the form of a plea in abeyance. The respondent's penalty is stayed subject to the satisfactory completion of probationary conditions. The decision shall provide for appropriate or presumed discipline should the probationary conditions not be fully satisfied.~~

~~— (f) Suspension: The hearing report shall recommend to the Board that the license of the respondent be suspended for a specific or indefinite period of time and until specified reinstatement conditions have been met before respondent may petition for reinstatement of his license.~~

~~— (g) Revocation: The hearing report may recommend to the State Board of Education that the license of the respondent be revoked.~~

~~— (5) Notice of the right to appeal; and~~

~~— (6) Time limits applicable to appeal.~~

~~— B. Processing the hearing report:~~

~~— (1) The hearing officer shall circulate the draft report to hearing panel members prior to the 20 day completion deadline of the hearing report.~~

~~— (2) Hearing panel members shall notify the hearing officer of any changes to the report as soon as possible after receiving the report and prior to the 20 day completion deadline of the hearing report.~~

~~— (3) The hearing officer shall file the completed hearing report with the Executive Secretary, who shall review the report with UPPAC.~~

~~— (4) The Executive Secretary may participate in UPPAC's deliberation as a resource to UPPAC in explaining the hearing report and answering any procedural questions raised by UPPAC members.~~

~~— (5) The hearing officer may confer with the Executive Secretary or the panel members or both while preparing the hearing report. The hearing officer may request the Executive Secretary to confer with the hearing officer and panel following the hearing.~~

~~— (6) The Executive Secretary may return a hearing report to a hearing officer if the Report is incomplete, unclear, or unreadable, or missing essential components or information.~~

~~— (7) If UPPAC finds that there have not been significant procedural errors, that recommendations are based upon a reasonable interpretation of the evidence presented at the hearing, and that all issues explained in the hearing report are adequately addressed in the conclusions of the report, UPPAC shall vote to uphold the hearing officer's and panel's report and do one of the following:~~

~~_____ (a) If the recommendation is for final action to be taken by UPPAC, UPPAC shall direct the Executive Secretary to prepare a corresponding final order and provide all parties with a copy of the order and hearing report. A copy of the order and the hearing report shall be placed in and become part of the permanent case file. The order shall be effective upon approval by UPPAC.~~

~~_____ (b) If the recommendation is for final action to be taken by the Board, the Executive Secretary shall forward a copy of the hearing report to the Board for its further action. A copy of the hearing report shall also be placed in and become part of the permanent case file.~~

~~_____ (8) If UPPAC determines that:~~

~~_____ (a) the hearing process had procedural errors;~~

~~_____ (b) the hearing officer's report is not based upon a reasonable interpretation of the evidence presented at the hearing;~~

~~_____ (c) that the conclusions and findings of the hearing report do not provide adequate guidance to the educator; or~~

~~_____ (d) that the findings or conclusions of the hearing report do not adequately address the evidence as outlined in the hearing report, the Board or UPPAC may:~~

~~_____ (i) direct the Executive Secretary to schedule the matter for rehearing before a hearing officer and panel; or~~

~~_____ (ii) direct the Executive Secretary to amend the hearing report to reflect the UPPAC decision.~~

~~_____ C. Consistent with Section 63G-2-301(2)(c), the final administrative disposition of all administrative proceedings of UPPAC contained in the recommended disposition section of the hearing report shall be public.~~

~~_____ D. A respondent's failure to comply with the terms of a final disposition that includes a probation or suspension of the respondent's license may result in additional discipline against the educator license.~~

~~_____ E. If a hearing officer fails to satisfy the responsibilities under this rule, UPPAC may:~~

~~_____ (1) notify the Utah State Bar of the failure;~~

~~_____ (2) reduce the hearing officer's compensation consistent with the failure;~~

~~_____ (3) take timely action to avoid disadvantaging either party; and~~

~~_____ (4) preclude the hearing officer from further employment by the Board for UPPAC purposes.~~

~~_____ F. Deadlines within this Section may be waived by the Executive Secretary or UPPAC for good cause shown.~~

~~_____ G. All criteria of letters of warning and reprimand, probation, suspension and revocation shall also apply to the comparable sections of the final hearing reports.~~

~~R686-101-14. Default.~~

~~_____ A. The hearing officer may prepare an order of default in a hearing report including a statement of the grounds for default and~~

~~the recommended disposition if:~~

~~—— (1) the respondent fails to attend or participate in a properly scheduled hearing after receiving proper notice. The hearing officer may determine that the respondent has failed to attend a properly scheduled hearing if the respondent has not appeared within 30 minutes of the appointed time for the hearing to begin, unless the respondent shows good cause for failing to appear in a timely manner;~~

~~—— (2) the respondent or the respondent's representative commits misconduct during the course of the hearing process.~~

~~—— B. The recommendation of default may be executed by the Executive Secretary following all applicable time periods, without further action by UPPAC.~~

~~—— C. Except as provided in R686-101, a default judgment shall result in a recommendation to the Board for a suspension of no less than five years.~~

~~—— D. A default judgment shall result in a recommendation to the Board for a revocation if the alleged misconduct is conduct identified in 53A-6-501(2).~~

~~**R686-101-15. Appeal.**~~

~~—— A. UPPAC shall notify a respondent of a UPPAC recommendation for a suspension of two years or more or a revocation immediately following the UPPAC meeting finalizing the UPPAC recommendation.~~

~~—— B. Either party may appeal a final recommendation of UPPAC for a suspension of the respondent's license for two or more years or a revocation to the State Superintendent. A request for review by the State Superintendent shall follow the procedures in R277-514-3 and be submitted in writing within 15 days from the date that UPPAC sends written notice to the parties of its recommendation.~~

~~—— C. Either party may appeal the Superintendent's decision to the Board following the procedures in R277-514-4.~~

~~—— D. A request for appeal to the State Superintendent or the Board shall include:~~

~~—— (1) name, position, and address of appellant;~~

~~—— (2) issue(s) being appealed; and~~

~~—— (3) signature of appellant.~~

~~**R686-102-16. Temporary Suspension of License Pending a Hearing.**~~

~~—— A. If the Executive Secretary determines, after affording respondent an opportunity to discuss allegations of misconduct, that reasonable cause exists to believe that the charges will be proven to be correct and that permitting the respondent to retain his license prior to hearing would create unnecessary and unreasonable risks for children, then the Executive Secretary may order immediate suspension of the Respondent's license pending final Board action.~~

~~—— B. The formal UPPAC recommendation and evidence of the temporary suspension may not be introduced at the hearing.~~

~~C. Notice of the temporary suspension shall be provided to other states under R277-514.~~

~~**R686-101-17. Remedies for Individuals Beyond UPPAC Actions.**~~

~~Despite UPPAC or Board actions, informants or other injured parties who feel that their rights have been compromised, impaired or not addressed by the provisions of this rule, may appeal directly to district court.~~

~~**KEY: hearings, reports**~~

~~**Date of Enactment or Last Substantive Amendment: November 7, 2013**~~

~~**Authorizing, and Implemented or Interpreted Law: 53A-6-306(1)(a)]**~~

~~[R686. Professional Practices Advisory Commission, Administration.
R686-102. Request for Licensure Reinstatement and Reinstatement
Procedures.~~

~~R686-102-1. Definitions.~~

~~A. "Administrative hearing" means a formal adjudicative proceeding consistent with 53A-6-601. The Utah State Board of Education and Utah State Office of Education licensing process is not governed by the Utah Administrative Procedures Act, Title 63G, Chapter 4.~~

~~B. "Allegation of misconduct" means a written or oral report alleging that an educator has engaged in unprofessional or criminal conduct; is unfit for duty; has lost his license in another state due to revocation or suspension, or through voluntary surrender or lapse of a license in the face of a claim of misconduct; or has committed some other violation of standards of ethical conduct, performance, or professional competence as provided in R277-515.~~

~~C. "Board" means the Utah State Board of Education.~~

~~D. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file owned and maintained on all licensed Utah educators. The file includes information such as:~~

~~(1) personal directory information;~~

~~(2) educational background;~~

~~(3) endorsements;~~

~~(4) employment history; and~~

~~(5) a record of disciplinary action taken against the educator's license.~~

~~E. "Executive Secretary" means an employee of the Utah State Office of Education who is appointed by the State Superintendent of Public Instruction to serve as the executive officer, and a non-voting member, of UPPAC.~~

~~F. "Hearing" means an administrative proceeding held pursuant to Section 53A-6-601, is a formal adjudication in which allegations made in a complaint are examined before a hearing officer and UPPAC hearing panel, where each party has the opportunity to present witnesses and evidence relevant to the complaint and respond to witnesses or evidence presented by the other party. At the conclusion of a hearing, the hearing officer, after consulting with members of the UPPAC hearing panel, prepares a hearing report and submits it to the Executive Secretary.~~

~~G. "Hearing officer" means a person who is experienced in matters relating to administrative procedures, education and education law and is either a member of the Utah State Bar Association or a person not a member of the bar who has received specialized training in conducting administrative hearings, and is appointed by the Executive Secretary at the request of UPPAC to manage the proceedings of a hearing. The hearing officer may not be an acting member of UPPAC. The hearing officer has broad authority to regulate the course of the hearing and dispose of procedural requests but shall not have a vote as to the recommended~~

~~disposition of a case.~~

~~H. "Hearing panel" means a hearing officer and three or more members of UPPAC agreed upon by UPPAC to assist the hearing officer in conjunction with the hearing panel in conducting a hearing and preparing a hearing report.~~

~~I. "Hearing report" means a report prepared by the hearing officer consistent with the recommendations of the hearing panel at the conclusion of a hearing. The report includes a recommended disposition, detailed findings of fact and conclusions of law, based upon the evidence presented in the hearing, relevant precedent, and applicable law and rule.~~

~~J. "License" means a teaching or administrative credential, including endorsements, which is issued by a state to signify authorization for the person holding the license to provide professional services in the state's public schools.~~

~~K. "Petitioner" means the individual seeking an educator license following denial of a license or seeking reinstatement following license suspension or in the event of compelling circumstances, following revocation.~~

~~L. "Prosecutor" means the attorney designated by the USOE to represent the complainant and present evidence in support of the complaint. The prosecutor may also be the investigator, but does not have to be.~~

~~M. "Suspension" means an invalidation of a Utah educator license. A suspension may include specific conditions that an educator shall satisfy and may identify a minimum time period that shall elapse before the educator can request a reinstatement hearing before UPPAC.~~

~~N. "Utah Professional Practices Advisory Commission (UPPAC)" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, as established under Section 53A-6-301.~~

~~O. "USOE" means the Utah State Office of Education.~~

~~**R686-102-2. Authority and Purpose.**~~

~~A. This rule is authorized by Section 53A-6-306(1)(a) directing UPPAC to adopt rules to carry out its responsibilities under the law.~~

~~B. The purpose of this rule is to establish procedures regarding educator license reinstatement.~~

~~**R686-102-3. Application for Licensing Following Denial or Loss of License.**~~

~~A. An individual who has been denied licensing or lost his license through suspension, or through surrender of a license or allowing a license to lapse in the face of an allegation of misconduct, may request review to consider reinstatement of a license. The request for review shall be in writing and addressed to the UPPAC Executive Secretary at the USOE mailing address, and shall have the following information:~~

~~_____ (1) name and address of the individual requesting review;~~

~~_____ (2) action being requested;~~

~~_____ (3) specific evidence and documentation of compliance with terms and conditions of any remedial or disciplinary requirements or recommendations from UPPAC or the Board;~~

~~_____ (4) reason(s) that individual seeks reinstatement;~~

~~_____ (5) signature of person requesting review.~~

~~_____ B. The Executive Secretary shall review the request with UPPAC.~~

~~_____ (1) If UPPAC determines that the request is incomplete or invalid, the person requesting reinstatement shall be notified of the denial.~~

~~_____ (2) If UPPAC determines that the request is complete, timely and appropriate, a hearing shall be scheduled and held as provided under Section R686-102-4.~~

~~_____ C. Burden of Proof: The burden of proof for recommending or granting reinstatement of a license shall fall on the individual seeking the reinstatement.~~

~~_____ (1) Individuals requesting reinstatement of a suspended license shall:~~

~~_____ (a) show sufficient evidence of compliance with any conditions imposed in the past disciplinary action;~~

~~_____ (b) provide sufficient evidence to the reinstatement hearing panel that the educator shall not engage in recurrences of the actions that gave rise to the suspension and that reinstatement is appropriate;~~

~~_____ (c) undergo a criminal background check consistent with Utah law and R277-517; and~~

~~_____ (d) provide materials for review by the hearing panel that demonstrate petitioner's compliance with directives from UPPAC or the Board found in petitioner's original stipulated agreement or hearing report.~~

~~_____ (2) Individuals requesting licensing following denial shall show sufficient evidence of completion of a rehabilitation or remediation program, if applicable, when requesting reinstatement.~~

~~_____ D. An individual whose license has been suspended or revoked in another state shall seek reinstatement in the other state prior to approval of a request for a reinstatement hearing.~~

~~**R686-102-4. Reinstatement Hearing Procedures.**~~

~~_____ A. The individual seeking reinstatement of his license shall be the petitioner.~~

~~_____ B. A hearing officer shall preside over the hearing and shall rule on all procedural issues as they arise.~~

~~_____ C. A hearing panel, made up of three members of UPPAC, shall hear the evidence and along with the prosecutor and hearing officer, question the petitioner regarding the appropriateness of reinstatement.~~

~~_____ D. A petitioner may be represented by counsel and may present evidence and witnesses.~~

~~E. Presentation of evidence and witnesses by either party shall be consistent with R686-101.~~

~~F. The hearing officer shall direct one or both parties to explain the background of a case to provide necessary information about the initial misconduct and subsequent UPPAC and Board action to panel members at the beginning of the hearing.~~

~~G. The petitioner shall present documentation or evidence that supports reinstatement.~~

~~H. The State, represented by the UPPAC prosecutor, shall present any evidence or documentation that explains and supports the State's recommendation in the matter.~~

~~I. Other evidence or witnesses may be presented by either party and shall be presented consistent with R686-101.~~

~~J. The petitioner shall:~~

~~(1) focus on the petitioner's actions and rehabilitative efforts and performance following license denial or suspension;~~

~~(2) explain item by item how each condition of the hearing report or stipulated agreement was satisfied;~~

~~(3) provide documentation in the form of evaluations, reports, or plans, as directed by the hearing report or stipulated agreement, of satisfaction of all required and outlined conditions;~~

~~(4) be prepared to completely and candidly respond to the UPPAC prosecutor and hearing panel questions about the misconduct that caused the license suspension, subsequent rehabilitation activities, any counseling or therapy related to the original misconduct, and work and professional actions and behavior between the suspension and reinstatement request;~~

~~(5) present and be prepared to question witnesses (including counselors, current employers, support group members) at the hearing who can provide substantive corroboration of rehabilitation or current professional fitness to be an educator;~~

~~(6) provide copies of all reports and documents to the UPPAC prosecutor and hearing officer at least five days before a reinstatement hearing; and~~

~~(7) bring eight copies of all documents or materials that shall be introduced at the hearing to the hearing.~~

~~K. The UPPAC prosecutor, the hearing panel and hearing officer shall thoroughly question the petitioner as to the petitioner's:~~

~~(1) specific and exact compliance with reinstatement requirements;~~

~~(2) counseling, if required for reinstatement. Petitioner shall state, under oath, that he provided all relevant information and background to his counselor or therapist;~~

~~(3) specific plans for avoiding previous misconduct; and~~

~~(4) demeanor and changed understanding of petitioner's professional integrity and actions consistent with R277-515.~~

~~L. The appointed hearing officer shall rule on procedural issues in a reinstatement hearing in a timely manner as they arise.~~

~~M. No more than 20 days following a reinstatement hearing, the hearing officer, with the assistance of the hearing panel, shall~~

~~prepare a hearing report, which shall comply with the requirements set forth in R686-102-5, and which shall be provided to the UPPAC Executive Secretary.~~

~~(1) The hearing report shall be submitted to UPPAC at the next meeting following receipt by the Executive Secretary.~~

~~(2) If the recommendation in the hearing report is for reinstatement of an educator license that was suspended, UPPAC may do the following upon receipt of the hearing report:~~

~~(a) accept the recommendation as prepared in the hearing report;~~

~~(b) amend the recommendation with conditions or modifications to the panel's recommendation which shall be directed by UPPAC and prepared by the UPPAC Executive Secretary and attached to the hearing report;~~

~~(c) reject the recommendation.~~

~~(3) If UPPAC rejects a recommendation for reinstatement of an educator license, the Executive Secretary shall notify the educator within 20 working days of the UPPAC meeting in which the recommendation was rejected.~~

~~**R686-102-5. Reinstatement Hearing Report.**~~

~~A. A reinstatement hearing report shall:~~

~~(1) provide a summary of the background of the original disciplinary action;~~

~~(2) provide adequate information, including summary statements of evidence presented, documents provided, and petitioner's testimony and demeanor for both UPPAC and the Board to evaluate petitioner's progress and rehabilitation since petitioner's original disciplinary action;~~

~~(3) specifically address petitioner's appropriateness and fitness to be a public school educator again; and~~

~~(4) provide a statement that the hearing panel's recommendation to UPPAC was unanimous or provide the panel's vote concerning reinstatement.~~

~~B. The conclusions section of a reinstatement hearing report is public information. Other parts of the hearing report are protected.~~

~~C. If a license is reinstated, an educator's CACTUS file shall show that the educator's license was reinstated and the date of formal Board action reinstating the license.~~

~~**KEY: licensure, reinstatement, hearings**~~

~~**Date of Enactment or Last Substantive Amendment: November 7, 2013**~~

~~**Authorizing, and Implemented or Interpreted Law: 53A-6-306(1)(a)]**~~

~~[R686. Professional Practices Advisory Commission.~~

~~R686-103. Utah Professional Practices Advisory Commission Review of License Due to Background Check Offenses.~~

~~R686-103-1. Definitions.~~

~~— A. "Applicant" means an individual seeking a clearance of a criminal background check pursuant to approval for an educational license at any stage of the licensing process from the USOE, including license renewal.~~

~~— B. "Arrest" means a seizure or forcible restraint; the taking or keeping of a person in custody by legal authority, especially in response to a criminal charge; specifically the apprehension of someone for the purpose of securing the administration of the law. For purposes of this rule, "arrest" also means fingerprinting at the time of restraint or at a later time related to the cause for restraint.~~

~~— C. "Board" means the Utah State Board of Education.~~

~~— D. "Conviction" means the act or process of judicially finding someone guilty of a crime.~~

~~— E. "Executive Committee" means a subcommittee of UPPAC consisting of the Executive Secretary, Chair, Vice-Chair, and one member of UPPAC at large. All Executive Committee members, excluding the Executive Secretary, shall be selected by UPPAC. Substitutes may be appointed from within UPPAC by the Executive Secretary as needed.~~

~~— F. "Executive Secretary" means an employee of the Utah State Office of Education who is appointed by the State Superintendent of Public instruction to serve as the executive officer, and a non-voting member, of UPPAC.~~

~~— G. "License" means a teaching or administrative credential, including endorsements, which is issued by the Board to signify authorization for the person holding the license to provide professional services in Utah's public schools.~~

~~— H. "Utah Professional Practices Advisory Commission (UPPAC)" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, as establishing under Section 53A-6-301.~~

~~— I. "USOE" means the Utah State Office of Education.~~

~~R686-103-2. Authority and Purpose.~~

~~— A. This rule is authorized by Section 53A-6-306(1)(a) which directs UPPAC to adopt rules to carry out its responsibilities under the law.~~

~~— B. The purpose of this rule is to establish procedures for an applicant to proceed toward licensing or be denied to continue when an application or recommendation for licensing or renewal identifies offenses in the applicant's criminal background check. The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Section 63G-4-102(2)(d).~~

~~R686-103-3. Initial Submission and Evaluation of Information.~~

~~A. Upon receipt of information as the result of a fingerprint check of all applicable state, regional, and national criminal records files pursuant to Section 53A-6-401, the Executive Secretary shall make a determination to approve the applicant's request for criminal background check clearance based on time passed since offense, violent nature of the offense (student safety), involvement or non-involvement of students or minors in the offense, and other relevant factors, or refer the application to UPPAC for a decision and request further information and explanation from the applicant. The Executive Secretary may require the applicant to provide additional information, including:~~

~~(1) a letter of explanation for each reported offense that details the circumstances, the final disposition, and any explanation for the offense the applicant may want to provide UPPAC, including any advocacy for approving licensing.~~

~~(2) official documentation regarding each offense, including court records and police reports for each offense, or if both court records and police reports are not available, a letter on official police or court stationery from the appropriate court or police department involved, explaining why the records are not available.~~

~~B. UPPAC shall only consider an applicant's licensing request after receipt of all letters of explanation and documentation requested in good faith by the Executive Secretary.~~

~~C. If an applicant is under court supervision of any kind, including parole, informal or formal probation or plea in abeyance, there is a presumption that the individual shall not be approved for licensing until the supervision is successfully terminated.~~

~~D. It is the applicant's sole responsibility to provide the requested material to UPPAC.~~

~~E. Upon receipt of any requested documentation, including the applicant's written letters of explanation and advocacy, UPPAC shall either approve the applicant's request for criminal background check clearance; deny the applicant's licensing request; or seek further information, personally from the applicant or other sources, at the first possible meeting of UPPAC.~~

~~F. UPPAC has directed the Executive Secretary to approve the following without additional UPPAC review:~~

~~(1) singular offenses committed by an applicant, excluding offenses identified in R686-103-4G, if the arrest occurred more than two years prior to the date of submission to UPPAC for review;~~

~~(2) more than two offenses committed by the applicant, excluding offenses identified in R686-103-4G, if at least one arrest occurred more than five years prior to the date of submission to UPPAC for review; or~~

~~(3) more than two offenses committed by the applicant, excluding offenses identified in R686-103-4G, if all arrests for the offenses occurred more than 10 years prior to the date of submission to UPPAC for review.~~

~~G. UPPAC shall review all arrests and convictions for the~~

following:

~~— (1) convictions or pleas in abeyance for any offense where the arrest occurred less than two years prior to the date of submission to UPPAC;~~

~~— (2) conviction(s) for felonies;~~

~~— (3) arrests or convictions for sex-related or lewdness offenses;~~

~~— (4) arrests or convictions for drug-related offenses where the charge or conviction is for a class A misdemeanor or higher; and~~

~~— (5) convictions involving children in any way.~~

~~H. UPPAC directs the Executive Secretary to use reasonable discretion to interpret the information received from the Bureau of Criminal Identification (BCI) provided to BCI from multiple jurisdictions to comply with the provisions of R686-103-4F and G and to interpret strictly the provisions of R686-103-4F and G.~~

~~R686-103-4. Appeal.~~

~~A. Should UPPAC deny an applicant's licensing request, UPPAC shall inform the applicant in writing that the application for licensing has been denied and notify the applicant of the right to appeal that decision under this Rule.~~

~~B. The applicant shall have 30 days from notice provided under R686-103-3A to make formal written request for an appeal.~~

~~C. An applicant's request to appeal the denial of clearance shall follow the application criteria and format contained in R686-101 and shall include:~~

~~— (1) name and address of the individual requesting review;~~

~~— (2) action being requested;~~

~~— (3) the grounds for the appeal, which are limited to:~~

~~— (a) a mistake of identity;~~

~~— (b) a mistake of fact regarding the information relied upon by UPPAC in making its decision;~~

~~— (c) information that could not, with reasonable diligence, have been discovered and produced by the applicant previously and provided previously to UPPAC; or~~

~~— (d) compelling circumstances that in the judgment of the Executive Committee warrant an appeal.~~

~~— (4) signature of person requesting review.~~

~~D. The Executive Secretary shall make a determination regarding the grounds for appeal in a timely manner, inform the applicant in writing of the decision, and, if necessary, schedule an appeal hearing at the earliest possible date, consistent with the standard UPPAC meetings.~~

~~R686-103-5. Appeal Procedure.~~

~~A. An applicant shall have the right to be represented by an attorney at an appeal hearing under this Rule. UPPAC shall be represented by a person appointed by the Investigations Unit of the USOE.~~

~~B. The burden of proof at an appeal hearing shall be on the~~

~~applicant to show that the actions of UPPAC in denying the applicant's licensing request were based on the grounds enumerated in R686-103-3C.~~

~~C. The hearing shall be heard before a panel (three members) of UPPAC or UPPAC, chosen under the same procedures and having the same duties as delineated in R686-101.~~

~~D. The Executive Secretary or UPPAC Chair shall conduct the hearing and act as hearing officer. The hearing officer's duties shall be the same duties as delineated in R686-101.~~

~~E. At the sole discretion of the hearing officer, the hearing shall be conducted consistent with R686-101, as applicable. All procedural matters shall be at the discretion of the hearing officer and the Executive Secretary who has the right to limit witnesses and evidence presented by the applicant in support of the appeal.~~

~~F. Within 20 days after the hearing, the Executive Secretary or UPPAC Chair shall issue a written report containing:~~

~~(1) detailed findings of fact related to the factual basis for the appeal;~~

~~(2) the decision and rationale of the hearing panel concerning the applicant's clearance of criminal background check request; and~~

~~(3) any time-line or conditions recommended by the panel for a reapplication for clearance by the applicant.~~

~~G. The panel's recommendation shall be reviewed by UPPAC at the first reasonable opportunity.~~

~~H. UPPAC's decision, upon review of the panel's recommendation, is the final administrative decision.~~

~~KEY: educator license, appeal~~

~~Date of Enactment or Last Substantive Amendment: November 7, 2013~~

~~Notice of Continuation: October 5, 2012~~

~~Authorizing, and Implemented or Interpreted Law: 53A-6-306(1)]~~

~~[R686. Professional Practices Advisory Commission, Administration.~~

~~R686-104. Alcohol Related Offenses.~~

~~R686-104-1. Definitions.~~

- ~~A. "Alcohol related offense" means:~~
- ~~(1) driving while intoxicated;~~
 - ~~(2) alcohol-related reckless driving;~~
 - ~~(3) public intoxication;~~
 - ~~(4) driving with an open container;~~
 - ~~(5) unlawful sale or supply of alcohol;~~
 - ~~(6) unlawful purchase, possession, or consumption of alcohol;~~
 - ~~(7) unlawful permitting of consumption of alcohol by minors;~~
 - ~~(8) unlawful consumption of alcohol in public places.~~
- ~~B. "Applicant" means an individual seeking a clearance of a criminal background check pursuant to approval for an education license at any stage of the licensing process from the USOE.~~
- ~~C. "Board" means the Utah State Board of Education.~~
- ~~D. "Licensed educator means an individual issued a teaching or administrative credential, including endorsements, issued by the Board to signify authorization for the person holding the license to provide professional services in the Utah's public schools.~~
- ~~E. "Utah Professional Practices Advisory Commission (UPPAC)" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, as established under Section 53A-6-301.~~

~~R686-104-2. Authority and Purpose.~~

- ~~A. This rule is authorized by Section 53A-6-306(1)(a) which directs UPPAC to adopt rules to carry out its responsibilities under the law.~~
- ~~B. The purpose of this rule is to establish procedures for disciplining educators regarding alcohol related offenses.~~

~~R686-104-3. Action by UPPAC if a Licensed Educator Has Been Convicted of an Alcohol Related Offense.~~

- ~~A. If as a result of a background check, it is discovered that a licensed educator has been convicted of an alcohol related offense in the previous five years, the following minimum conditions shall apply:~~
- ~~(1) One conviction--a letter shall be sent to the educator informing the educator of the provisions of this rule;~~
 - ~~(2) Two convictions--a letter shall be sent to the educator informing the educator of the provisions of this rule and requiring documentation of clinical treatment following the second conviction. If the educator is currently employed, UPPAC shall also send a letter of reprimand to the educator regarding the convictions with a copy to the educator's employer.~~
 - ~~(3) Three convictions--UPPAC shall recommend to the Board suspension of the educator's license.~~
- ~~B. This rule does not preclude more serious or additional action by UPPAC against an educator for other related or unrelated offenses.~~

~~R686-104-4. UPPAC Action Towards an Individual Who Does Not Hold~~

~~Licensing.~~

~~If as a result of a background check, it is discovered that an individual inquiring about educator licensing, seeking information about educator licensing, or placed in a public school for a variety of purposes has been convicted of an alcohol related offense within five years of the date of the background check, the following minimum conditions shall apply:~~

~~A. One conviction--the individual shall be denied UPPAC clearance for a period of one year from the date of the arrest;~~

~~B. Two convictions--the individual shall be denied UPPAC clearance for a period of two years from the date of the most recent arrest and the applicant shall present documentation of clinical treatment before UPPAC clearance shall be considered; and~~

~~C. Three convictions--UPPAC shall recommend denial of clearance.~~

~~R686-104-5. Previous Clearance.~~

~~If the applicant or licensed educator presents documentation to UPPAC that recently discovered conviction(s) have previously been addressed by the UPPAC, UPPAC need not reconsider the conviction(s) absent additional convictions of the applicant or licensed educator.~~

~~KEY: educators, disciplinary actions~~

~~Date of Enactment or Last Substantive Amendment: September 10, 2013~~

~~Notice of Continuation: May 16, 2013~~

~~Authorizing, and Implemented or Interpreted Law: 53A-6-306(1)(a)]~~

~~[R686. Professional Practices Advisory Commission, Administration.~~

~~R686-105. Drug Related Offenses.~~

~~R686-105-1. Definitions.~~

~~A. "Applicant" means an individual seeking a clearance of a criminal background check pursuant to approval for an education license at any stage of the licensing process from the USOE.~~

~~B. "Board" means the Utah State Board of Education.~~

~~C. "Conviction" means the final disposition of a judicial action for a drug related offense defined under 58-37 through 37e. It includes no contest pleas, pleas in abeyance, expunged convictions and drug related offenses that are plead down to lesser convictions.~~

~~D. "Drug" means any controlled substance designated as such in Section 58-37-4.~~

~~E. "Drug related offense" means any offense designated in Section 58-37 through 37e.~~

~~F. "Licensed educator" means an individual issued a teaching or administrative credential, including endorsements, issued by the Board to signify authorization for the person holding the license to provide professional services in the Utah's public schools.~~

~~G. "Utah Professional Practices Advisory Commission (UPPAC)" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, as established under Section 53A-6-301.~~

~~R686-105-2. Authority and Purpose.~~

~~A. This rule is authorized by Section 53A-6-306(1)(a) which directs UPPAC to adopt rules to carry out its responsibilities under the law.~~

~~B. The purpose of this rule is to establish procedures for disciplining educators regarding drug related offenses.~~

~~R686-105-3. Action by UPPAC if a Licensed Educator Has Been Convicted of an Drug Related Offense.~~

~~A. If as a result of a background check, it is discovered that a licensed educator has been convicted of a drug related offense in the previous ten years, the following minimum conditions shall apply:~~

~~(1) One conviction--a letter shall be sent to the educator informing the educator of the provisions of this rule;~~

~~(2) Two convictions--a letter shall be sent to the educator informing the educator of the provisions of this rule and requiring documentation of clinical treatment following the second conviction.~~

~~(a) If the most recent conviction was more than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical treatment, UPPAC shall send a letter of warning to the educator.~~

~~(b) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical treatment, UPPAC shall send a letter of reprimand to the educator and a letter to the district with notice of treatment.~~

~~(c) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides no documentation of clinical treatment, UPPAC shall send a letter of reprimand to the educator and a copy of the letter of reprimand to the educator's employer and UPPAC may initiate an investigation of the educator based upon the drug offenses.~~

~~(3) Three convictions--a letter shall be sent to the educator informing the educator of the provisions of this rule and requiring documentation of clinical treatment following the third conviction.~~

~~(a) If the most recent conviction was more than five years prior to the discovery of the conviction(s) and the educator provides documentation of clinical treatment, UPPAC shall send a letter of warning to the educator.~~

~~(b) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical treatment, UPPAC shall send a letter of reprimand to the educator and send a copy of the letter of reprimand to the educator's employer.~~

~~(c) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides no documentation of clinical treatment, UPPAC shall recommend suspension of the educator's license to the Board.~~

~~B. This rule does not preclude more serious or additional action by UPPAC against an educator for other related or unrelated offenses.~~

~~**R686-105-4. UPPAC Action Towards an Individual Who Does Not Hold Licensing.**~~

~~If as a result of a background check, it is discovered that an individual inquiring about educator licensing, seeking information about educator licensing, or placed in a public school for a variety of purposes has been convicted of an drug related offense within ten years of the date of the background check, the following minimum conditions shall apply:~~

~~A. One conviction--the individual shall be denied UPPAC clearance for a period of one year from the date of the arrest.~~

~~B. Two convictions--the individual shall be denied UPPAC clearance for a period of three years from the date of the most recent arrest and the applicant shall present documentation of clinical treatment before UPPAC clearance shall be considered.~~

~~C. Three convictions--the individual shall be denied UPPAC clearance for a period of five years from the date of the most recent arrest. UPPAC shall require the applicant to present documentation of clinical treatment and may recommend denial of clearance.~~

~~**R686-105-5. Previous Clearance.**~~

~~If the applicant or licensed educator presents documentation to UPPAC that recently discovered conviction(s) have previously been addressed by UPPAC, UPPAC need not reconsider the conviction(s) absent additional convictions of the applicant or licensed educator.~~

~~**KEY: educators, disciplinary actions**~~

~~Date of Enactment or Last Substantive Amendment: September 10, 2013~~
~~Notice of Continuation: May 16, 2013~~
~~Authorizing, and Implemented or Interpreted Law: 53A-6-306(1)(a)]~~



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: R277-419 *Pupil Accounting* (Amendment)

Background:

During the April meeting of the Law and Licensing Committee, there was a discussion regarding repealing emergency rule R277-419-9 and amending other Subsections of R277-419 to incorporate pupil accounting provisions currently in R277-419-9.

Key Points:

The amendments to R277-419 provide that an LEA may enroll students in both traditional and nontraditional programs and clarify that a home school program does not qualify for public school funding.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-419, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-419, as amended, on second reading.

Contact: Bruce Williams, Associate Superintendent, 801-538-7514
Angie Stallings, Associate Superintendent, 801-538-7550
Natalie Grange, 801-538-7668

1 **R277. Education, Administration.**

2 **R277-419. Pupil Accounting.**

3 **R277-419-1. Definitions.**

4 A. "Aggregate Membership" means the sum of all days in
5 membership during a school year for [~~the~~eligible students~~[-~~
6 ~~program, school, LEA, or state]~~ enrolled in a public school.

7 B. "Approved CTE course" means a course approved by the
8 Board within the Career and Technical Education (CTE) Pathways
9 in the eight areas of study.

10 C. "Blended program" means a program under the direction
11 of an LEA where a student receives educational services
12 through both traditional and nontraditional programs.

13 [~~E~~]D. "Board" means the Utah State Board of Education.

14 E. "Brick and mortar school" means a traditional school
15 or traditional school building.

16 [~~D~~. "Charter school" means a school that is authorized
17 and operated under Sections 53A-1a-501.6, 53A-1a-515 and 53A-
18 1a-501.3.]

19 [~~F~~]F. "Compulsory school age" means:

20 (1) a person who is at least five years old and no more
21 than 17 years old on or before September 1;

22 (2) with respect to special education, a person who is at
23 least three years old and no more than 21 years old on or
24 before September 1;

25 (3) with respect to YIC, a person who is at least five
26 years old and no more than 21 years old on or before September
27 1.

28 G. "Continuing enrollment measurement" means a
29 methodology used to establish a student's continuing
30 membership or enrollment status for purposes of generating
31 membership days.

32 [F]H. "Data Clearinghouse" means the electronic data
33 collection system used by the USOE to collect information
34 required by law from LEAs about individual students at certain
35 points throughout the school year to support the allocation of
36 funds and accountability reporting.

37 I. "Distance learning program" means a program, under the

38 direction of an LEA, in which students receive educational
39 services in a location other than a brick and mortar school,
40 and may include educational services delivered over the
41 internet.

42 [G]J. "Electronic high school" means a rigorous program
43 offering 9-12 grade level courses delivered over the Internet
44 and coordinated by the USOE.

45 K. "Eligible student" means a student who satisfies the
46 criteria for enrollment in an LEA, set forth in R277-419-5.

47 L. "Enrollment verification data" includes:

48 (1) a student's birth certificate or other verification
49 of age;

50 (2) verification of immunization or exemption from
51 immunization form;

52 (3) proof of Utah public school residency;

53 (4) family income verification; and

54 (5) special education program information, including
55 information for:

56 (a) an individualized education program;

57 (b) a Section 504 accommodation plan; or

58 (c) an English learner plan.

59 M. "Home school" means the formal instruction of children
60 in their homes instead of in an LEA. The differences between
61 a home school student and an online student include:

62 (1) an online student may receive instruction at home,
63 but the student is enrolled in a public school that follows
64 state Core Standards;

65 (2) an online student is subject to state and federal
66 mandated tests and is included in accountability measures;

67 (3) an online student receives instruction under the
68 direction of highly qualified, licensed teachers who are
69 subject to the licensure requirements of R277-502 and
70 fingerprint and background checks consistent with R277-516
71 and R277-520;

72 (4) instruction delivered in a home school course is not
73 eligible to be claimed in membership of an LEA and does not
74 qualify for funding under the minimum school program in Title

75 53A, Chapter 17a, Minimum School Program Act.

76 N. "Home school course" means instruction:

77 (1) delivered in a home school environment where the
78 curriculum and instruction methods, evaluation of student
79 progress or mastery, and reporting, are provided or
80 administered by the parent, guardian, custodian, or other
81 group of individuals; and

82 (2) not supervised or directed by an LEA.

83 [H]O. "Influenza pandemic (pandemic)" means a global
84 outbreak of serious illness in people. It may be caused by a
85 strain of influenza that most people have no natural immunity
86 to and that is easily spread from person to person.

87 [F]P. "ISI-1" means a student who receives 1 to 59
88 minutes of YIC related services during a typical school day.

89 [F]Q. "ISI-2" means a student who receives 60 to 179
90 minutes of YIC related services during a typical school day.

91 [K]R. "LEA" ~~[means a]~~ or "local education agency" ~~[,~~
92 ~~including local school boards/public]~~ means a school district ~~[s~~
93 ~~and]~~ or a charter school ~~[s]~~.

94 [E]S. "Membership" means a public school student is on
95 the current roll of a public school class or public school as
96 of a given date:

97 (1) A student is a member of a class or school from the
98 date of entrance at the school and is placed on the current
99 roll until official removal from the class or school due to
100 the student having left the school.

101 (2) Removal from the roll does not mean that ~~[the]~~ an LEA
102 should delete the student's record, only that the student
103 should no longer be counted in membership.

104 [M]T. "Minimum School Program (MSP)" means ~~[public~~
105 ~~school programs for kindergarten, elementary, and secondary~~
106 ~~schools described]~~ the same as that term is defined in Section
107 53A-17a-103 ~~[+5]~~.

108 U. "Nontraditional program" means a program within an LEA
109 that consists of eligible, enrolled public school students
110 where the student receives instruction through a distance
111 learning program or online learning program.

112 V. "Online learning program" means a program:
113 (1) that is under the direction of an LEA; and
114 (2) in which students receive educational services
115 primarily over the internet.

116 [N]W. "Private school" means an educational institution
117 that:

- 118 (1) is not an [charter school but]LEA;
119 (2) is owned or operated by a private person, firm,
120 association, organization, or corporation[, rather than]; and
121 (3) is not subject to governance by the Board consistent
122 with the Utah Constitution.

123 [O]X. "Program" means a[~~n institution~~] program within a
124 [~~larger education entity~~]school that is designed to accomplish
125 a predetermined curricular objective or set of objectives.

126 [P]Y. "Resource" means a student who receives 1 to 179
127 minutes of special education services during a typical school
128 day consistent with the student's IEP provided for under the
129 Individuals with Disabilities Education Act (IDEA), 20 U.S.C.
130 Sec. 1400 et seq., amended in 2004.

131 [Q]Z. "Retained senior" means a student beyond the
132 general compulsory education age who is authorized at the
133 discretion of [~~the~~]an LEA to remain in enrollment as a high
134 school senior in the year(s) after the cohort has graduated
135 due to:

- 136 (1) sickness;
137 (2) hospitalization;
138 (3) pending court investigation or action[~~or both~~]; or
139 (4) other extenuating circumstances beyond the control of
140 the student.

141 [R]AA. "S1" means the record maintained by the USOE
142 containing individual student demographic and school
143 membership data in a Data Clearinghouse file.

144 [S]BB. "S2" means the record maintained by the USOE
145 containing individual student data related to participation in
146 a special education program in a Data Clearinghouse file.

147 [T]CC. "S3" means the record maintained by the USOE
148 containing individual student data related to participation in

149 a YIC program in a Data Clearinghouse file.

150 [⊕]DD. "School" means an educational entity governed by
151 an LEA that:

152 (1) is supported with public funds[,-];

153 (2) includes enrolled or prospectively enrolled full-time
154 students[,-];

155 (3) employs licensed educators as instructors that
156 provide instruction consistent with R277-502-5[,-];

157 (4) has one or more assigned administrators[,-];

158 (5) is accredited consistent with R277-410-3[,-] and

159 (6) administers required statewide assessments to
160 [its]the school's students.

161 [∀]FF. "School day" means:

162 (1) a minimum of two hours per day per session in
163 kindergarten and a minimum of four hours per day in grades one
164 through twelve, subject to the following constraints described
165 in R277-419-1FF(2).[÷]

166 (2)(a) All school day calculations shall exclude lunch
167 periods and pass time between classes but may include recess
168 periods that include organization or instruction from school
169 staff.

170 (b) Each day that satisfies hourly instruction time shall
171 count as a school day, regardless of the number or length of
172 class periods or whether or not particular classes meet.

173 [⊗]GG. "School membership" means membership other than
174 in a special education or YIC program in the context of the
175 Data Clearinghouse.

176 [×]HH. "School of enrollment" means the school:

177 (1) where a student takes a majority of [his]the
178 student's classes;[~~the school~~]and

179 (2) designated to receive the student's weighted pupil
180 unit.

181 [¥]II. "School year" means the 12 month period from July
182 1 through June 30.

183 [Z]JJ. "Self-contained" means a public school student
184 with an IEP or YIC, who receives 180 minutes or more of
185 special education or YIC related services during a typical

186 school day.

187 ~~[AA]~~KK. "Self-Contained Resource Attendance Management
188 (SCRAM)" means a record that tracks the aggregate membership
189 of public school special education students for state funding
190 purposes.

191 LL. "SEOP/Plan for College and Career Readiness" means a
192 student education occupation plan for College and Career
193 Readiness that is a developmentally organized intervention
194 process that includes:

195 (1) a written plan, updated annually, for a secondary
196 student's (grades 7-12) education and occupational
197 preparation;

198 (2) all Board, local school board and local charter
199 school governing board graduation requirements;

200 (3) evidence of parent or guardian, student, and school
201 representative involvement annually;

202 (4) attainment of approved workplace skill competencies,
203 including job placement when appropriate; and

204 (5) identification of post secondary goals and approved
205 sequence of courses.

206 ~~[BB]~~MM. "SSID" means Statewide Student Identifier.

207 NN. "Superintendent" means the State Superintendent of
208 Public Instruction or the Superintendent's designee.

209 OO. "Traditional program" means a program within an LEA
210 that consists of eligible, enrolled public school students who
211 physically attend school in a brick and mortar school.

212 ~~[EE]~~PP. "UCAT" means any public institution of higher
213 education affiliated with the Utah College of Applied
214 Technology.

215 ~~[DD]~~QQ. "Unexcused absence" means an absence charged to
216 a student when the student was not physically present at
217 school at any of the times attendance checks were made in
218 accordance with Section R277-419-4B(3) and the student's
219 absence could not be accounted for by evidence of a legitimate
220 or valid excuse in accordance with local board policy on
221 truancy as defined in Section 53A-11-101.

222 ~~[EE]~~RR. "USOE" means the Utah State Office of Education.

223 ~~[FF. "Virtual education" means the use of information~~
224 ~~and communication technologies to offer educational~~
225 ~~opportunities to students in a manner that transcends~~
226 ~~traditional limitations of time and space with respect to~~
227 ~~their relationships with teachers, peers, and instructional~~
228 ~~materials.]~~

229 [GG]SS. "Year End upload" means the Data Clearinghouse
230 file due annually by July 15 from ~~[school districts and~~
231 ~~charter schools]~~LEAs to the USOE for the prior school year.

232 [HH]TT. "Youth in Custody (YIC)" means a person under
233 the age of 21 who is:

- 234 (1) in the custody of the Department of Human Services;
235 (2) in the custody of an equivalent agency of a Native
236 American tribe recognized by the United States Bureau of
237 Indian Affairs and whose custodial parent or legal guardian
238 resides within the state; or
239 (3) being held in a juvenile detention facility.

240 **R277-419-2. Authority and Purpose.**

241 A. This rule is authorized under Utah Constitution
242 Article X, Section 3 which vests general control and
243 supervision over public education in the State Board of
244 Education, by Section 53A-1-401(3) which allows the Board to
245 make rules in accordance with its responsibilities, Section
246 53A-1-402(1)(e) which directs the Board to establish rules and
247 standards regarding cost-effectiveness, school budget formats
248 and financial, statistical, and student accounting
249 requirements, and Section 53A-1-404(2) which directs that
250 local school board auditing standards shall include financial
251 accounting and student accounting. This rule is further
252 authorized by Section 53A-1-301(3)(d) which directs the
253 Superintendent to present to the Governor and the Legislature
254 data on the funds allocated to ~~[school districts]~~LEAs, and
255 Section 53A-3-404 which requires annual financial reports from
256 all school districts.

257 B. The purpose of this rule is to specify pupil
258 accounting procedures used in apportioning and distributing

259 state funds for education.

260 **R277-419-3. Schools and Programs**

261 A. Schools

262 (1) ~~[Each school shall receive]~~The Superintendent shall
263 provide to each school the appropriate accountability reports
264 ~~[from the USOE]~~and other state-mandated reports for the
265 school type and grade range~~[+ and]~~.

266 (2) All schools shall submit a Clearinghouse report to
267 the Superintendent.~~[+ and]~~

268 (3) All schools shall employ at least one licensed
269 educator and one administrator.

270 B. Programs

271 (1) Students who are enrolled in a program ~~[shall~~
272 ~~remain]~~are considered members of a public school~~[+ and]~~.

273 (2) The Superintendent may not require ~~[P]~~programs ~~[shall~~
274 ~~not]~~to receive separate accountability and other state-
275 mandated reports~~[from the USOE; and]~~.

276 (3) Students reported under an LEA's program shall be
277 included in the LEA's WPU and student enrollment calculations
278 of ~~[a]~~the LEA's school of enrollment~~[+ and]~~.

279 (4) Courses taught at programs shall be credited to the
280 appropriate school of enrollment.

281 C. Private school or program

282 (1) Private schools or programs ~~[shall]~~may not be
283 required to submit data to the USOE~~[+ and]~~.

284 (2) Private schools or programs ~~[shall]~~may not receive
285 annual accountability reports.

286 **R277-419-4. Minimum School Days, LEA Records, and Audits.**

287 A. Minimum standards for school days

288 (1)(a) Except as provided in R277-419-4(1)(b), an LEA~~[S]~~
289 shall conduct school for at least 990 instructional hours and
290 180 school days each school year~~[+]~~.

291 (b) an LEA may seek an exception~~[S]~~ to the number of
292 school days described in R277-419-4A(1)(a) for individual
293 students and schools ~~[are]~~as provided for in R277-419-8.

294 (2) An LEA may offer ~~[T]~~the required school days and
295 hours ~~[may be offered]~~described in R277-419-4A(1)(a) at any
296 time during the school year, consistent with the law.

297 (3) Health Department Emergency or Pandemic

298 (a) The Board may waive the school day and hour
299 requirement, following a vote of Board members, pursuant to a
300 directive from the Utah State Health Department or a local
301 health department, that results in the closure of a school in
302 the event of a pandemic or other public health emergency.

303 (b) In the event that the Board is unable to meet in a
304 timely manner, the ~~[State—]~~Superintendent~~[—of— Public~~
305 ~~Instruction]~~ may issue a waiver following consultation with a
306 majority of Board members.

307 (c) The waiver may be for a designated time period, ~~[and]~~
308 for specific areas, ~~[school districts, or schools]~~or for a
309 specific LEA in the state, as determined by the health
310 department directive.

311 (d) The waiver may allow ~~[for school districts]~~an LEA to
312 continue to receive state funds for pupil services and
313 reimbursements.

314 (e) The waiver by the Board or ~~[State—]~~Superintendent~~[—of~~
315 ~~Public Instruction]~~ shall direct ~~[school districts]~~an LEA to
316 provide as much notice to students and parents of the
317 suspension of school services, as is reasonably possible.

318 (f) The waiver shall direct ~~[school districts]~~an LEA to
319 comply with health department directives, but to continue to
320 provide any services to students that are not inconsistent
321 with the directive.

322 (g) The ~~[b]~~Board may encourage ~~[school districts]~~an LEA
323 to provide electronic or distance learning services to
324 affected students for the period of the pandemic or other
325 public health emergency to the extent of personnel and funds
326 available.

327 (4) Minimum standards~~[—shall]~~ apply to all public schools
328 in all settings unless Utah law or this rule provides for a
329 specific ~~exceptions~~.

330 (5) ~~[Local boards are]~~An LEA's governing board is

331 encouraged to provide adequate school days and hours in the
332 [~~school district~~]LEA's yearly calendar to avoid the necessity
333 of a waiver request except in the most extreme circumstances.

334 B. Official records

335 (1) To determine student membership, an LEA[~~s~~] shall
336 ensure that records of daily student attendance are maintained
337 in each school which clearly and accurately show for each
338 student the:

- 339 (a) entry date;
- 340 (b) exit date;
- 341 (c) exit or high school completion status;
- 342 (d) whether or not an absence was excused;
- 343 (e) disability status (resource or self-contained, if
344 applicable); and
- 345 (f) YIC status (ISI-1, ISI-2 or self-contained, if
346 applicable).

347 (2) An LEA shall ensure that:

348 (a) [~~e~~]computerized or manually produced records for CTE
349 programs [~~shall be~~]are kept by teacher, class, and
350 Classification of Instructional Program (CIP) code[~~-~~]; and

351 (b) [~~These~~]the records [~~shall~~]described in R277-419-
352 4B(2)(a) clearly and accurately show for each student in a CTE
353 class the:

- 354 (i) entry date;
- 355 (ii) exit date; and
- 356 (iii) excused or unexcused status of absence.

357 (3) An LEA shall ensure that each school within the LEA
358 completes a minimum of one attendance check[~~shall be made by~~
359 ~~each public school~~] each school day.

360 C. Due to school activities requiring schedule and
361 program modification during the first days and last days of
362 the school year:

363 (1) [~~F~~]for the first five school days, an LEA may report
364 aggregate days of membership equal to the number recorded for
365 the second five-day period of the school year[~~-~~];

366 (2) [~~F~~]for the last five-day period, an LEA may report
367 aggregate days of membership equal to the number recorded for

368 the immediately preceding five-day period~~[-]~~; and

369 (3) ~~[\$]~~schools shall continue instructional activities
370 throughout required calendared instruction days.

371 D. Audits

372 (1) An LEA shall employ an independent auditor~~[-shall be~~
373 ~~employed]~~, under contract, ~~[by each LEA]~~to:

374 (a) annually audit~~[-its]~~ student accounting records
375 ~~[annually]~~; and

376 (b) report the findings of the audit to:

377 (i) the LEA board~~[-of education]~~; and

378 (ii) ~~[to]~~the Finance and Statistics Section of the
379 USOE~~[+]~~.

380 (2) Reporting dates, forms, and procedures are found in
381 the State of Utah Legal Compliance Audit Guide, provided to
382 LEAs by the ~~[USOE]~~Superintendent in cooperation with the State
383 Auditor's Office and published under the heading of APP C-
384 5~~[+]~~.

385 (3) The ~~[USOE]~~Superintendent:

386 (a) shall review each LEA's student membership and fall
387 enrollment audits as they relate to the allocation of state
388 funds in accordance with the policies and procedures
389 established in R277-484-7 and 8; and

390 (b) may periodically or for cause review LEA records and
391 practices for compliance with the laws and this rule.

392 **R277-419-5. Student Membership.**

393 A. Eligibility

394 (1) In order to generate membership for funding through
395 the Minimum School Program for any clock hour of instruction
396 on any school day, an LEA shall ensure that a student being
397 counted by the LEA in membership~~[-shall]~~:

398 (a) has not~~[-have]~~ previously earned a basic high school
399 diploma or certificate of completion;

400 (b) has not been enrolled in a YIC program with a YIC
401 time code other than ISI-1 or ISI-2;

402 (c) does not have unexcused absences which is determined
403 using one of the continuing enrollment measurements described

404 in R277-419-5A(2);

405 (d) ~~[be]~~is a resident of Utah as defined under Sections
406 53A-2-201 through 213;

407 (e) ~~[be]~~is of compulsory school age or is a retained
408 senior;

409 (f)(i) ~~[be]~~is expected to attend a regular learning
410 facility operated or recognized by ~~[the]~~an LEA on each
411 regularly scheduled school day, if enrolled in a traditional
412 program;[-or]

413 (ii) ~~[have]~~has direct instructional contact with a
414 licensed educator provided by ~~[the]~~an LEA at:

415 (A) an LEA-sponsored center for tutorial assistance; or

416 (B) ~~[at—]~~the student's place of residence or
417 convalescence for at least 120 minutes each week during an
418 expected period of absence, if physically excused from such a
419 facility for an extended period of time, due to:

420 (~~[A]I~~) injury, illness, surgery, suspension, pregnancy,
421 pending court investigation or action; or

422 (~~[B]II~~) an LEA determination that home instruction is
423 necessary~~[-]~~;

424 (iii) ~~[be]~~is enrolled in an approved CTE course(s) on the
425 campus of another state funded institution where such a course
426 is:

427 (A) not offered at the student's school of membership;

428 (B) being used to meet Board-approved CTE graduation
429 requirements under R277-700-6C(7); and

430 (C) a course consistent with the student's SEOP/Plan for
431 College and Career Readiness[-]; or

432 (iv) is enrolled in a nontraditional program under the
433 direction of an LEA, other than the Utah Electronic High
434 School, that:

435 (A) is consistent with the student's SEOP/Plan for
436 College and Career Readiness;

437 (B) has been approved by the student's counselor; and

438 (C) includes regular face-to-face instruction or
439 facilitation by a designated employee of an LEA.

440 ~~[(2) Students may generate MSP funding by participation~~

441 ~~in an LEA-sponsored or LEA-supported virtual education program~~
442 ~~other than the Utah Electronic High School that is consistent~~
443 ~~with the student's SEOP, has been approved by the student's~~
444 ~~counselor, and includes regular face-to-face instruction or~~
445 ~~facilitation by a designated employee of the LEA.]~~

446 (2) An LEA shall use one of the following continuing
447 enrollment measures:

448 (a) For a student primarily enrolled in a traditional
449 program, the LEA may not count a student as an eligible
450 student if the eligible student has unexcused absences during
451 all of the prior ten consecutive school days.

452 (b) For a student enrolled in a nontraditional program,
453 an LEA shall:

454 (i) adopt a written policy that designates a continuing
455 enrollment measurement to document the continuing membership
456 or enrollment status for each student enrolled in the
457 nontraditional program consistent with R277-419-5A(1)(c);

458 (ii) document each student's continued enrollment status
459 in compliance with the continuing enrollment policy at least
460 once every ten consecutive school days; and

461 (iii) appropriately adjust and update student membership
462 records in the student information system for students that
463 did not meet the continuing enrollment measurement, consistent
464 with R277-419-5A(1)(c).

465 (3) The continuing enrollment measurement described in
466 R277-419-5A(2)(b) may include some or all of the following
467 components, in addition to other components, as determined by
468 an LEA:

469 (a) a minimum student login or teacher contact
470 requirement;

471 (b) required periodic contact with a licensed educator;

472 (c) a minimum hourly requirement, per day or week, when
473 students are engaged in course work; or

474 (d) required timelines for a student to provide or
475 demonstrate completed assignments, coursework or progress
476 toward academic goals.

477 (4) For a student enrolled in both traditional and

478 nontraditional programs, an LEA shall measure a student's
479 continuing enrollment status using the methodology for the
480 program in which the student earns the majority of their
481 membership days.

482 [~~(iv)~~]5(a) An LEA[~~s~~] desiring to generate membership for
483 student enrollment in courses outlined in R277-419-
484 5A(1)(f)(iii), or to seek a waiver from a requirement(s) in
485 R277-419-5A(1)(f)(iii), shall submit an application for course
486 approval by April 1 of the year prior to which the membership
487 will be counted.

488 (b) An LEA[~~s~~] shall be notified within 30 days of the
489 application deadline if courses have been approved.

490 B. Reporting

491 (1) An LEA[~~s~~] shall report aggregate membership for each
492 student via the School Membership field in the S1 record and
493 special education membership in the SCRAM Membership field in
494 the S2 record and YIC membership in the S3 record of the Year
495 End upload of the Data Clearinghouse file.

496 (2) In the Data Clearinghouse, aggregate membership
497 [~~shall be expressed~~]is calculated in days of membership.

498 C. Calculations

499 (1) If a student was enrolled for only part of the school
500 day or only part of the school year, an LEA shall prorate the
501 student's membership[~~shall be prorated~~] according to the
502 number of hours, periods or credits for which the student
503 actually was enrolled in relation to the number of hours,
504 periods or credits for which a full-time student normally
505 would have been enrolled. For example:

506 (a) If the student was enrolled for 4 periods each day in
507 a 7 period school day for all 180 school days, the student's
508 aggregate membership would be 4/7 of 180 days or 103 days.

509 (b) If the student was enrolled for 7 periods each day in
510 a 7 period school day for 103 school days, the student's
511 membership would also be 103 days.

512 (2) For students in grades 2 through 12, an LEA shall
513 calculate the days in membership[~~shall be calculated by the~~
514 ~~LEA~~] using a method equivalent to the following: total clock

515 hours of instruction for which the student was enrolled during
516 the school year divided by 990 hours and then multiplied by
517 180 days and finally rounded up to the nearest whole day. For
518 example, if a student was enrolled for only 900 hours during
519 the school year, the student's aggregate membership would be
520 $(900/990)*180$, and the LEA would report 164 days.

521 (3) For students in grade 1, an LEA shall adjust the
522 first term of the formula[~~shall be adjusted~~] to use 810 hours
523 as the denominator.

524 (4) For students in kindergarten, an LEA shall adjust the
525 first term of the formula[~~shall be adjusted~~] to use 450 hours
526 as the denominator.

527 D. Constraints

528 (1) The sum of regular plus self-contained special
529 education and self-contained YIC membership days may not
530 exceed 180 days[+].

531 (2) The sum of regular and resource special education
532 membership days may not exceed 360 days[+].

533 (3) The sum of regular, ISI-1 and ISI-2 YIC membership
534 days may not exceed 360 days.

535 E. Exceptions - An LEA[§] may also count a student in
536 membership for the equivalent in hours of up to:

537 (1) one period each school day, if the student has been:

538 (a) released by the school, upon a parent or guardian's
539 request, during the school day for religious instruction or
540 individual learning activity consistent with the student's
541 SEOP/Plan for College and Career Readiness; or

542 (b) participating in one or more extracurricular
543 activities under R277-438, but has otherwise been exempted
544 from school attendance under 53A-11-102 for home schooling
545 [and participates in one or more extracurricular activities
546 under R277-438];

547 (2) two periods each school day per student for time
548 spent in bus travel during the regular school day to and from
549 another state-funded institution, if the student is enrolled
550 in CTE instruction consistent with the student's SEOP/Plan for
551 College and Career Readiness[-];

552 (3) all periods each school day, if the student is
553 enrolled in:

554 (a) a concurrent enrollment program that satisfies all
555 the criteria of R277-713;

556 (b) a private school without religious affiliation under
557 a contract initiated by an LEA to provide special education
558 services which directs that the instruction be paid by public
559 funds~~[.—e]~~ if the contract~~[s shall be]~~ with the private
560 school is approved by ~~[the]~~an LEA board in an open meeting~~[.];~~;

561 (c) a foreign exchange student program under
562 53A-2-206(8)~~[.];~~;

563 (d) Electronic High School courses for credit which meet
564 curriculum requirements, consistent with the student's
565 SEOP/Plan for College and Career Readiness and following
566 written school counselor approval~~[.];~~ or

567 (e) a school operated by an LEA under a Utah Schools for
568 the Deaf and the Blind IEP provided that:

569 (i) the student~~[s]~~ may only be counted in (S1) membership
570 and ~~[shall]~~may not have an S2 record; and

571 (ii) the S2 record for the~~[se]~~ student~~[s shall only be]~~
572 is submitted by the Utah Schools for the Deaf and the Blind.

573 **R277-419-6. High School Completion Status.**

574 A. An LEA shall account for ~~[T]~~the final status of all
575 students who enter high school (grades 10-12)~~[—shall be~~
576 ~~accounted for,]~~ whether they graduate or leave high school for
577 other reasons~~[. LEAs shall use]~~, using the following decision
578 rules to indicate the high school completion or exit status of
579 each student who leaves the Utah public education system:

580 (1) ~~[G]~~graduates are students who earn a basic high
581 school diploma by satisfying one of the options consistent
582 with R277-705-4B or out-of-school youths of school age who
583 complete adult education secondary diploma requirements
584 consistent with R277-733~~[.];~~;

585 (2) ~~[O]~~other students are completers who have not
586 satisfied Utah's requirements for graduation but who:

587 (a) ~~[shall be]~~are in membership in twelfth grade on the

588 last day of the school year; and
589 (b)(i) meet any additional criteria established by
590 ~~the~~an LEA consistent with its authority under R277-705-4C;
591 ~~or~~

592 (~~e~~ii) meet any criteria established for special
593 education students under Utah State Board of Education Special
594 Education Rules, Revised, August 2007, and available from the
595 USOE, and R277-700-8E; or

596 (~~d~~iii) pass a General Educational Development (GED)
597 test with a designated score~~[-]~~;

598 (3) ~~e~~continuing students are students who:
599 (a) transfer to higher education, without first obtaining
600 a diploma;~~[-or]~~

601 (b) transfer to the Utah Center for Assistive Technology
602 (UCAT) without first obtaining a diploma; or

603 (c) age out of special education~~[-]~~;

604 (4) ~~D~~dropouts are students who:
605 (a) ~~have~~leave school with no legitimate reason for
606 departure or absence~~[-from school or who-]~~;

607 (~~a~~b) withdraw due to a situation so serious that
608 educational services cannot be continued even under the
609 conditions of R277-419-5A(1)(f)(ii);~~[-or]~~

610 (~~b~~c) are expelled and do not re-enroll in another
611 public education institution; or

612 (~~e~~d) transfer to adult education~~[-]~~;

613 (5) ~~Students~~an LEA shall~~[-be]~~ exclude~~d~~a student from
614 the cohort calculation if the~~y~~ student:
615 (a) transfers out of state, out of the country, to a
616 private school, or to home schooling;~~[-or]~~

617 (b) ~~are~~is a U.S. citizen~~s~~ who enroll~~ed~~s in another
618 country as a foreign exchange student;~~[-or]~~

619 (c) ~~are~~is a non-U.S. citizen~~s~~ who enroll~~ed~~s in a
620 Utah public school as a foreign exchange student under Section
621 53A-2-206 in which case the~~y~~ student shall be identified by
622 resident status (J for those with a J-1 visa, F for all
623 others), not by an exit code; or

624 (d) die~~d~~s.

625 B[-](1) An LEA[§] shall report the high school completion
626 status or exit code of each student to the
627 [USOE]Superintendent as specified in Data Clearinghouse
628 documentation.

629 (2) High School completion status or exit codes for each
630 student are due to the Superintendent by Year End upload for
631 processing and auditing.

632 (3) Except as provided in R277-419-6B(4), an LEA shall
633 submit any further updates of completion status or exit codes
634 by October 1 following the end of the student's graduating
635 cohort pursuant to R277-484-3, Deadlines for Data Submission.

636 (4) An LEA with an alternative school year schedule where
637 all of the students have a summer break in a season other than
638 summer, shall submit the LEA's data by the next complete data
639 submission update, following the LEA's summer break, as
640 defined in R277-484-3.

641 C[-](1) The [USOE]Superintendent shall report a
642 graduation rate for each school, LEA, and the state.

643 (2) The Superintendent shall calculate the graduation
644 rates in accordance with the No Child Left Behind Act of 2001
645 (NCLB) and the NCLB High School Graduation Rate:
646 Non-Regulatory Guidance.

647 (3) The Superintendent shall include a student in a
648 school's graduation rate if:

649 (a) the school was the last school the student attended
650 before the student's expected graduation date; and

651 (b) if the student does not meet any exclusion rules as
652 stated in R277-419-6A(5).

653 (4) The last school a student attended will be determined
654 by the student's exit dates as reported to Data Clearinghouse.

655 (5) A student's graduation status will be attributed to
656 the school attended in their final cohort year.

657 (6) If a student attended two or more schools during the
658 student's final cohort year, a tie-breaking logic to select
659 the single school will be used in the following hierarchical
660 order of sequence:

661 (a) school with an attached graduation status for the

662 final cohort year;
663 (b) school with the latest exit date;
664 (c) school with the earliest entry date;
665 (d) school with the highest total membership;
666 (e) school of choice;
667 (f) school with highest attendance; or
668 (g) school with highest cumulative GPA.
669 ~~[(1)7] The Superintendent shall report [T]the four-year~~
670 ~~cohort rate [shall be reported] on the annual state reports.~~
671 ~~[-(2) The three-year cohort graduation rate shall be~~
672 ~~reported separately for high schools on the official state~~
673 ~~graduation report.]~~

674 **R277-419-7. Student Identification and Tracking.**

675 A[-](1) Pursuant to Section 53A-1-603.5, an LEA[s] shall:
676 ~~[(1)a]~~ use the SSID system maintained by the
677 ~~[USOE]Superintendent~~ to assign every student enrolled in a
678 program under the direction of the Board or in a program or a
679 school that is supported by public school funding a unique
680 student identifier[-]; and

681 ~~[(2)b]~~ display the SSID on student transcripts exchanged
682 with LEAs and Utah public institutions of higher education.

683 (2)(a) The [number]unique student identifier shall be
684 assigned to a student upon enrollment into a public school
685 program or a public school-funded program.

686 (b) The ~~[number]unique student identifier [shall]~~may not
687 be the student's social security number or contain any
688 personally identifiable information about the student.

689 B[+(1)]. An LEA[s] shall require all students to provide
690 their legal first, middle, and last names at the time of
691 registration to ensure that the correct SSID follows students
692 who transfer among LEAs.

693 ~~[(2)(a)1]~~ A school shall transcribe the [N]names [shall
694 ~~be transcribed]~~ from the student's birth certificate or other
695 reliable proof of the student's identity and age, consistent
696 with Section 53A-11-503;

697 ~~[(b)2]~~ The direct transcription of student names from

698 birth certificates or other reliable proof of student identity
699 and age shall be the student's legal name for purposes of
700 maintaining school records; and

701 (~~e~~3) [~~Schools or school districts~~] An LEA may modify the
702 order of student names, provide for nicknames, or allow for
703 different surnames, consistent with court documents or parent
704 preferences, so long as legal names are maintained on student
705 records and used in transmitting student information to the
706 USOE.

707 C. The [~~USOE~~] Superintendent and LEAs shall track
708 students and maintain data using students' legal names.

709 D. If there is a compelling need to protect a student by
710 using an alias, [~~the~~] an LEA should exercise discretion in
711 recording the name of the student.

712 E. An LEA is responsible to verify the accuracy and
713 validity of enrollment verification data, prior to enrolling
714 students in a the LEA, and provide students and their parents
715 with notification of enrollment in a public school.

716 F. An LEA shall ensure enrollment verification data is
717 collected, transmitted, and stored consistent with sound data
718 policies, established by the LEA as required in R277-487.

719 **R277-419-8. Variances.**

720 A[~~-~~](1) An LEA may, at its discretion, make [A]an
721 exception for school attendance for public school students
722 [may be made at the discretion of the local board], in the
723 length of the school day or year, for students with compelling
724 circumstances.

725 (2) The time an excepted student is required to attend
726 school shall be established by the student's IEP or SEOP/Plan
727 for College and Career Readiness.

728 B[~~-~~](1) An LEA shall plan for [E]emergency[+],
729 activity[+], and[+]weather-related exigency time [shall be
730 planned for in an LEA's]in its annual calendaring.

731 (2) If school is closed for any reason, the school shall
732 make up the instructional time missed[~~shall be made up~~] under
733 the emergency/activity time as part of the minimum required

734 time to qualify for full MSP funding.

735 C. Staff Planning, Professional Development, Student
736 Assessment Time, and Parent-Teacher and Student Education Plan
737 (SEP) Conferences.

738 (1) To provide planning and professional development
739 time for staff, an LEA[~~s~~] may hold school longer some days of
740 the week and shorter other days so long as minimum school day
741 requirements, as provided for in R277-419-1[~~V~~]FF, are
742 satisfied.

743 (2) Schools may conduct parent-teacher and [~~s~~]Student
744 [~~e~~]Education [~~p~~]Plan (SEP) conferences during the school day.

745 (3) [~~Such~~]Parent-teacher and SEP conferences may only be
746 held for a total of the equivalent of three full school days
747 or a maximum of 16.5 hours for the school year.

748 (4) Student membership for professional development or
749 parent-teacher conference days shall be counted as that of the
750 previous school day.

751 (~~[4]~~5) An LEA[~~s~~] may designate no more than 12
752 instructional days at the beginning of the school year[~~or~~],
753 at the end of the school year, or both for the assessment of
754 students entering or completing kindergarten.

755 (6) If instruction days are designated for kindergarten
756 assessment:

757 (a) an LEA shall designate the days[~~shall be designated~~
758 ~~by the LEA board~~] in an open meeting;

759 (b) an LEA shall provide adequate notice and explanation
760 [~~shall be provided~~] to kindergarten parents well in advance of
761 the assessment period;

762 (c) qualified school employees shall conduct the
763 ~~assessment~~[~~shall be conducted by qualified school employees~~]
764 consistent with Section 53A-3-410; and

765 (d) assessment time per student shall be adequate to
766 justify the forfeited instruction time.

767 (~~[5]~~7) The final decision and approval regarding
768 planning time, parent-teacher and SEP conferences rests with
769 [~~the local board of education~~]an LEA, consistent with Utah law
770 and Board administrative rules.

771 ([6]8) Total instructional time and school calendars
772 shall be approved by [~~local boards~~]an LEA in an open meeting.

773 D. A school using a modified 45-day 15-day year round
774 schedule initiated prior to July 1, 1995 shall be considered
775 to be in compliance with this rule if [~~a~~]the school's schedule
776 includes a minimum of 990 hours of instruction time in a
777 minimum of 172 days.

778 [~~R277-419-9. Provisions for Maintaining Student Membership and~~
779 ~~Enrollment Documentation and Documentation of Student~~
780 ~~Education Services Provided by Third Party Vendors.~~

781 — A. ~~R277-419-1 through 8 provide direction for student~~
782 ~~membership and enrollment and eligibility criteria for both~~
783 ~~traditional and nontraditional schools and programs.~~

784 — B. A traditional program is a public school program that
785 consists of eligible enrolled public education students who
786 physically attend school in classrooms.

787 — C. A nontraditional program is a public school program
788 that consists of eligible, enrolled public education students
789 where students primarily receive instruction either online or
790 through a distance learning program.

791 — D. LEAs may enroll students in both traditional and
792 nontraditional programs.

793 — E. Home school courses do not qualify for public
794 education funding for both traditional and non-traditional
795 programs. Home school courses are those where the curriculum
796 and instructional methods, reporting, or evaluation of student
797 progress or mastery is provided or administered by the parent,
798 guardian, custodian, or other group of individuals, not
799 directly supervised by an LEA.

800 — F. LEA and Third Party Vendor Use of Public Funds for
801 Incentives and Reimbursements

802 — (1) LEAs or their third party vendors shall not use
803 public funds, as defined under Section 51-7-3(26), to provide
804 monetary or other incentives for enrollment or referral
805 bonuses to individuals or groups of individuals.

806 ~~—— (2) LEAs or their third party vendors shall not use~~
807 ~~public funds to provide educational, curriculum, instruction,~~
808 ~~private lessons, or technology reimbursements to individuals,~~
809 ~~groups of individuals or third party vendors that are not~~
810 ~~available to all students enrolled in the LEA or required by~~
811 ~~an IEP or 504 plan that is approved by the LEA.~~

812 ~~—— (3) LEAs or their third party vendors that purchase items~~
813 ~~or technology devices and provide them to students shall~~
814 ~~ensure that these items are the property of the LEAs and are~~
815 ~~subject to the LEAs asset policies.~~

816 ~~—— (4) LEAs shall establish provisions identified in R277-~~
817 ~~419-9F(1) through (3) in their contracts with third party~~
818 ~~vendors and shall monitor compliance with these provisions.~~

819 ~~—— G. LEAs shall ensure school enrollment verification~~
820 ~~records are collected consistent with sound data collection~~
821 ~~and storage procedures, established by the LEA, and that these~~
822 ~~records are transmitted securely. It is the LEAs'~~
823 ~~responsibility to verify the accuracy and validity of student~~
824 ~~enrollment records, prior to enrolling students in an LEA, and~~
825 ~~to provide students and their parents with notification of~~
826 ~~enrollment in a public school. An LEA is the only entity~~
827 ~~authorized by the Board to collect and store public school~~
828 ~~enrollment verification records including:~~

829 ~~—— (1) birth certificates or other verification of age and~~
830 ~~identity;~~

831 ~~—— (2) verification of immunization or exemption form;~~

832 ~~—— (3) proof of Utah public school residency;~~

833 ~~—— (4) family income verification; or~~

834 ~~—— (5) special education records, including:~~

835 ~~—— (a) individualized education program;~~

836 ~~—— (b) 504 plan; or~~

837 ~~—— (c) English learner plan.~~

838 ~~—— H. All LEAs that enroll public school students shall~~
839 ~~maintain documentation of the following:~~

840 ~~—— (1) that the LEA complied with all provisions of R277-~~
841 ~~419-1 through 8;~~

842 ~~—— (2) that the LEA complied with all educator licensure~~

843 ~~requirements of R277-502;~~
844 ~~—— (3) that the LEA complied with all fingerprint and~~
845 ~~background check requirements for educators, employees and~~
846 ~~volunteers consistent with Section 53A-3-410, 53A-1a-512.5,~~
847 ~~R277-516, and R277-520;~~
848 ~~—— (4) that the LEA established a school schedule consistent~~
849 ~~with R277-419-4A(1);~~
850 ~~—— (5) that the LEA only enrolled students who met the~~
851 ~~eligibility requirements of R277-419-5A(1) (a-e);~~
852 ~~—— (6) that the LEA directed the instruction of the core~~
853 ~~curriculum consistent with Section 53A-1-402(1)(a) and R277-~~
854 ~~700; and~~
855 ~~—— (7) that the LEA scheduled and administered all statewide~~
856 ~~assessments, as required under Sections 53A-1-606.6 through~~
857 ~~53A-1-611 and R277-404.~~
858 ~~—— I. In addition to R277-419-9D, LEAs that enroll students~~
859 ~~in traditional programs shall also satisfy the requirements of~~
860 ~~R277-419-5A(1)(f).~~
861 ~~—— J. In addition to R277-419-9D, LEAs that enroll students~~
862 ~~in nontraditional programs shall also maintain documentation~~
863 ~~that the LEA satisfied the following:~~
864 ~~—— (1) adopted a written policy that designates a continuing~~
865 ~~enrollment measurement to document the continuing membership~~
866 ~~or enrollment status for individual students consistent with~~
867 ~~R277-419-5A(1)(c);~~
868 ~~—— (2) measured and documented each student's continued~~
869 ~~enrollment using the adopted continuing enrollment measurement~~
870 ~~at least every ten consecutive school days;~~
871 ~~—— (3) documented that LEA employees confirmed students'~~
872 ~~continued enrollment consistent with R277-419-9J(2) and~~
873 ~~updated student membership records in the student information~~
874 ~~system; and~~
875 ~~—— (4) documented that the LEA adjusted the student~~
876 ~~membership information for students that did not meet the~~
877 ~~continuing enrollment measurement, consistent with R277-419-~~
878 ~~5A(1)(c).~~
879 ~~—— K. The continuing enrollment measurement may include some~~

880 ~~or all of the following components, in addition to other~~
881 ~~components, as determined by the LEA:~~

882 ~~—— (1) a minimum student login or teacher contact~~
883 ~~requirement;~~

884 ~~—— (2) required periodic contact with a licensed educator;~~

885 ~~—— (3) a minimum hourly requirement, per day or week, when~~
886 ~~students are engaged in course work; or~~

887 ~~—— (4) required timelines for a student to provide or~~
888 ~~demonstrate completed assignments, coursework or progress~~
889 ~~toward academic goals.~~

890 ~~—— L. LEA Nontraditional Program and Third Party Vendor~~
891 ~~Compliance~~

892 ~~—— (1) An LEA offering a nontraditional program that~~
893 ~~contracts for curricular and instructional services which are~~
894 ~~administered by third party vendors shall submit documentation~~
895 ~~of compliance with law and Board rules (as prescribed by the~~
896 ~~Board) to the Superintendent's office for review prior to the~~
897 ~~initiation of the program.~~

898 ~~—— (2) An LEA offering a nontraditional program that~~
899 ~~contracts for curricular and instructional services from a~~
900 ~~third party vendor and does not resolve a corrective action~~
901 ~~item, may not qualify for some or all Minimum School Program~~
902 ~~funds.~~

903 ~~—— M. An LEA that contracts with a third party vendor to~~
904 ~~provide curricular and instructional services to students for~~
905 ~~nontraditional programs shall monitor and supervise the vendor~~
906 ~~throughout the administration of the services and ensure~~
907 ~~compliance, at a minimum, with the following:~~

908 ~~—— (1) all student eligibility and membership/enrollment~~
909 ~~requirements of R277-419 are met;~~

910 ~~—— (2) all educator licensure requirements of R277-502 are~~
911 ~~satisfied;~~

912 ~~—— (3) all fingerprint and background check requirements for~~
913 ~~educators, employees and volunteers, consistent with Section~~
914 ~~53A-3-410, 53A-1a-512.5, R277-516, and R277-520, are met;~~

915 ~~—— (4) the Board-directed core standards are used in student~~
916 ~~instruction, consistent with Section 53A-1-402(1)(a) and R277-~~

917 700;
918 ~~— (5) all required statewide assessments are administered~~
919 ~~by the LEA, as required under Sections 53A-1-606.6 through~~
920 ~~53A-1-611 and R277-404;~~
921 ~~— (6) the LEA has a written supervision plan for the vendor~~
922 ~~administration of curricular and instructional services; and~~
923 ~~— (7) the LEA maintains documentation of supervisory~~
924 ~~activities ensuring compliance with the written supervision~~
925 ~~plan (copy of the agreement, assignment of supervising~~
926 ~~personnel by title, meeting notes, correspondence with vendor)~~
927 ~~consistent with the LEA's administrative records retention~~
928 ~~schedule.~~
929 ~~— N. Consistent with R277-114, the Superintendent may~~
930 ~~withhold funds from traditional or nontraditional public~~
931 ~~education programs for non-compliance with R277-419. An LEA~~
932 ~~may appeal the decision of the Superintendent to the Board.]~~

933 **KEY: education finance, school enrollment**
934 **Date of Enactment or Last Substantive Amendment: [~~December 8,~~**
935 **~~2014]~~2015**
936 **Notice of Continuation: September 14, 2012**
937 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
938 **53A-1-401(3); 53A-1-402(1)(e); 53A-1-404(2); 53A-1-301(3)(d);**
939 **53A-3-404; 53A-3-410**



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: *R277-417 Prohibiting LEAs from Offering Incentives or Reimbursements
for Enrollment or Participation (New)*

Background:

During the April meeting of the Law and Licensing Committee, there was a discussion regarding repealing emergency rule R277-419-9 and creating new rules to codify portions of R277-419-9. New rule R277-417 codifies portions of R277-419-9.

Key Points:

R277-417 defines incentives and reimbursements, outlines the prohibition of using public funds to provide incentives and reimbursements for enrollment in an LEA or participation in an LEA program, and outlines exceptions and corrective action if noncompliance is determined to have occurred. This issue was noted in the online and distance education audit.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-417 on first reading and, if approved by the Committee, the Board consider approving R277-417 on second reading.

Contact: Angie Stallings, 801-538-7550
Bruce Williams, 801-538-7514
Natalie Grange, 801-538-7668

1 **R277. Education, Administration.**

2 **R277-417. Prohibiting LEAs From Offering Incentives or**
3 **Reimbursements for Enrollment or Participation.**

4 **R277-417-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Incentive" means one of the following given to a
7 student or to the student's parent or guardian by an LEA or
8 by a third party provider as a condition of the student's
9 enrollment in an LEA or specific program for any length of
10 time, during any school year:

11 (1) money greater than \$10; or

12 (2) an item of value greater than \$10.

13 C. "Individualized Education Program (IEP)" means a
14 written statement for a student with a disability that is
15 developed, reviewed, and revised in accordance with the Utah
16 Special Education Rules and Part B of the Individuals with
17 Disabilities Education Act (IDEA).

18 D. "LEA" or "local education agency" means a school
19 district or a charter school.

20 E.(1) "Reimbursement" means the payment of money or
21 provision of other item of value greater than \$10 offered as
22 payment or compensation to a student or to a parent or
23 guardian for:

24 (a) a student's enrollment in an LEA; or

25 (b) a student's participation in an LEA's program.

26 (2) "Reimbursement" does not include a reimbursement paid
27 by an LEA to a student, parent or guardian, for an expenditure
28 incurred by the student, parent or guardian on behalf of the
29 LEA if the expenditure was authorized by the LEA.

30 F. "Section 504 accommodation plan" required by Section
31 504 of the Rehabilitation Act of 1973, means a plan designed
32 to accommodate an individual who has been determined, as a
33 result of an evaluation, to have a physical or mental
34 impairment that substantially limits one or more major life

35 activities.

36 G. "Third party provider" means a third party who
37 provides educational services on behalf of an LEA.

38 **R277-417-2. Authority and Purpose.**

39 A. This rule is authorized under Utah Constitution
40 Article X, Section 3 which vests general control and
41 supervision over public education in the Board and by Section
42 53A-1-401(3) which allows the Board to adopt rules in
43 accordance with its responsibilities.

44 B. The purpose of this rule is to provide standards and
45 procedures for prohibiting LEAs from offering incentives for
46 student enrollment.

47 **R277-417-3. LEA and Third Party Provider Use of Public Funds**
48 **for Incentives and Reimbursements.**

49 A. An LEA or a third party provider may not use public
50 funds, as defined under Section 51-7-3(26), to provide the
51 following to a student, parent or guardian, individual, or
52 group of individuals:

53 (1) an incentive for a student's:

54 (a) enrollment in an LEA; or

55 (b) participation in an LEA's program; or

56 (2) a referral bonus for a student's:

57 (a) enrollment in an LEA; or

58 (b) participation in an LEA's program.

59 B. Except as provided in R277-417-3C, an LEA or third
60 party provider may not use public funds to provide a
61 reimbursement to a student or the student's parent or guardian
62 for:

63 (1) curriculum;

64 (2) instruction;

65 (3) private lessons;

66 (4) technology; or

67 (5) other educational expense.

68 C. An LEA or third party provider may use public funds to
69 provide a reimbursement to a student or the student's parent
70 or guardian if:

71 (1) the reimbursement is available to all students
72 enrolled in the LEA;

73 (2) the reimbursement is required to be paid or provided
74 pursuant to an IEP or Section 504 accommodation plan that is
75 approved by the LEA;

76 (3) for a student in Kindergarten through grade 6, the
77 reimbursement is provided to a student's parent or guardian
78 for internet accessibility;

79 (4) for a student in grade 7 through grade 12:

80 (a) the reimbursement is provided to a student or
81 student's parent or guardian for internet access in accordance
82 with the fee waiver policy requirements of R277-407-6; and

83 (b) failure to provide the reimbursement described in
84 R277-417-3C(4)(a) will cause economic hardship.

85 D. An LEA or third party provider shall ensure that a
86 technology device or other item purchased by the LEA or third
87 party provider remains the property of the LEA and is subject
88 to the LEA's asset policies if the LEA or third party provider
89 purchases an item or technology device and provides the item
90 or technology device to a student or to the student's parent
91 or guardian.

92 E. An LEA shall establish monitoring procedures to ensure
93 that a third party provider who provides educational services
94 to a student on behalf of the LEA complies with the provisions
95 of R277-417.

96 F. The Board or the Superintendent may require an LEA to
97 repay public funds to the Superintendent if:

98 (1) an LEA or an LEA's third party provider fails to
99 comply with the provisions of this R277-417; and

100 (2) the repayment is made in accordance with the

101 procedures established in R277-114.

102 KEY: student, enrollment, incentives

103 Date of Enactment or Last Substantive Amendment: 2015

104 Authorizing, and Implemented or Interpreted Law: Art X Sec 3;

105 53A-1-401(3)



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: R277-418 *Nontraditional and Competency Based Program Standards*
(New)

Background:

During the April meeting of the Law and Licensing Committee, there was a discussion regarding repealing emergency rule R277-419-9 and creating new rules to codify portions of R277-419-9. New rule R277-418 codifies portions of R277-419-9.

Key Points:

R277-418 defines a nontraditional program and provides administrative procedures and requirements for nontraditional programs. Staff recommends the Board consider developing minimum program and educational standards, a revised approval process, and recommendations on requirements necessary to provide a full WPU or equivalent value for membership generated from nontraditional and competency based programs, as required by 53A-1-409.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-418 on first reading and, if approved by the Committee, the Board consider approving R277-418 on second reading.

Contact: Angie Stallings, 801-538-7550
Bruce Williams, 801-538-7514
Natalie Grange, 801-538-7668

1 **R277. Education, Administration.**

2 **R277-418. Nontraditional and Competency Based Program**
3 **Standards.**

4 **R277-418-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Distance learning program" means a program, under the
7 direction of an LEA, in which students receive educational
8 services in a location other than a brick and mortar school,
9 and may include educational services delivered over the
10 internet.

11 C. "Enrollment verification data" includes:

12 (1) a student's birth certificate or other verification
13 of age;

14 (2) verification of immunization or exemption from
15 immunization form;

16 (3) proof of Utah public school residency;

17 (4) family income verification; and

18 (5) special education program information, including
19 information for:

20 (a) an individualized education program;

21 (b) a Section 504 accommodation plan; and

22 (c) an English learner plan.

23 D. "Competency based program" means an education program
24 that requires a student to acquire a competency and includes
25 a classroom structure and operation that aid and facilitate
26 the acquisition of specified competencies on an individual
27 basis wherein a student is allowed to master and demonstrate
28 competencies as fast as the student is able.

29 E. "LEA" or "local education agency" means a school
30 district or a charter school.

31 F. "Nontraditional Program" means a program within an LEA
32 that consists of eligible, enrolled public school students
33 where the student receives instruction through a distance
34 learning program or online learning program.

35 G. "Online learning program" means a program:

36 (1) that is under the direction of an LEA; and

37 (2) in which students receive educational services

38 primarily over the internet.

39 H. "Superintendent" means the State Superintendent of
40 Public Instruction or the Superintendent's designee.

41 I. "Third party provider" means a third party who
42 provides educational services on behalf of an LEA.

43 **R277-418-2. Authority and Purpose.**

44 A. This rule is authorized under Utah Constitution
45 Article X, Section 3 which vests general control and
46 supervision over public education in the Board and by Section
47 53A-1-401(3) which allows the Board to adopt rules in
48 accordance with its responsibilities.

49 B. The purpose of this rule is to provide standards and
50 procedures for nontraditional and competency based programs.

51 **R277-418-3. Nontraditional Program Standards.**

52 A. An LEA offering a nontraditional program shall comply
53 with the following standards:

54 (1) student eligibility and membership/enrollment
55 requirements described in R277-419-5, 419-6, and 419-7;

56 (2) school and program requirements described in
57 R277-419-3(A);

58 (3) minimum school day requirements described in
59 R277-419-4(A)1-2;

60 (4) compliance with official record standards and
61 membership audit requirements described in:

62 (a) R277-419-4B(1) and (2); and

63 (b) R277-419-4C and 4D;

64 (5) educator licensure requirements described in
65 R277-502;

66 (6) fingerprint and background check requirements for
67 educators, employees and volunteers, described in:

68 (a) Title 53A, Chapter 15, Part 15, Background Checks;

69 (b) 53A-1a-512.5;

70 (c) 53A-6-401;

71 (d) R277-516; and

72 (e) R277-520;

73 (7) integration of the Utah Core Standards in the
74 nontraditional program's student instruction consistent with
75 Section 53A-1-402(1)(a) and R277-700;

76 (8) compliance with statewide assessment administration
77 requirements by the LEA, as required under:

78 (a) Title 53A, Chapter 1, Part 6, Achievement Tests; and

79 (b) R277-404; and

80 (9) compliance with the public school data
81 confidentiality and disclosure requirements described in
82 R277-487.

83 B. An LEA that contracts with a third party provider to
84 provide educational services on behalf of the LEA for the
85 LEA's nontraditional program shall:

86 (1) develop a written monitoring plan to supervise the
87 activities and services provided by the third party provider;

88 (2) ensure the third party provider is complying with:

89 (a) federal law;

90 (b) state law; and

91 (c) Board rules;

92 (3) monitor and supervise all activities of the third
93 party provider; and

94 (4) maintain documentation of the LEA's supervisory
95 activities consistent with the LEA's administrative records
96 retention schedule.

97 C. An LEA shall:

98 (1) verify the accuracy and validity of a student's
99 enrollment verification data, prior to enrolling a student in
100 the LEA; and

101 (2) provide a student and the student's parent or
102 guardian with notification of the student's enrollment in a
103 school or program within the LEA.

104 D. The Board or the Superintendent may require an LEA to
105 repay public funds to the Superintendent if:

106 (1) the LEA or the LEA's third party provider fails to
107 comply with the provisions of this R277-418; and

108 (2) the repayment is made in accordance with the
109 procedures established in R277-114.

110 E. An LEA offering a nontraditional program shall retain
111 sufficient documentation to demonstrate the nontraditional
112 program's compliance with this R277-418-3.

113 **R277-418-4. Competency Based Program Standards.**

114 A. An LEA offering a competency based program shall
115 ensure that the program retains sufficient documentation to
116 demonstrate compliance with the following standards;

117 (1) student eligibility and membership/enrollment
118 requirements described in R277-419-5, 419-6, and 419-7;

119 (2) school and program requirements described in
120 R277-419-3(A);

121 (3) minimum school day requirements described in
122 R277-419-4(A)1-2;

123 (4) compliance with official record standards and
124 membership audit requirements described in:

125 (a) R277-419-4B(1) and (2); and

126 (b) R277-419-4C and 4D;

127 (5) educator licensure requirements described in
128 R277-502;

129 (6) fingerprint and background check requirements for
130 educators, employees and volunteers, described in:

131 (a) Title 53A, Chapter 15, Part 15, Background Checks;

132 (b) 53A-1a-512.5;

133 (c) 53A-6-401;

134 (d) R277-516; and

135 (e) R277-520;

136 (7) integration of the Utah Core Standards in the
137 nontraditional program's student instruction consistent with
138 Section 53A-1-402(1)(a) and R277-700;

139 (8) compliance with statewide assessment administration
140 requirements by the LEA, as required under:

141 (a) Title 53A, Chapter 1, Part 6, Achievement Tests; and

142 (b) R277-404; and

143 (9) compliance with the public school data
144 confidentiality and disclosure requirements described in
145 R277-487.

146 B. An LEA that contracts with a third party provider to
147 provide educational services on behalf of the LEA for the
148 LEA's competency based program shall:

149 (1) develop a written monitoring plan to supervise the
150 activities and services provided by the third party provider;

151 (2) ensure the third party provider is complying with:

152 (a) federal law;

153 (b) state law; and

154 (c) Board rules;

155 (3) monitor and supervise all activities of the third
156 party provider; and

157 (4) maintain documentation of the LEA's supervisory
158 activities consistent with the LEA's administrative records
159 retention schedule.

160 C. An LEA shall:

161 (1) verify the accuracy and validity of a student's
162 enrollment verification data, prior to enrolling a student in
163 the LEA; and

164 (2) provide a student and the student's parent or
165 guardian with notification of the student's enrollment in a
166 school or program within the LEA.

167 D. The Board or the Superintendent may require an LEA to
168 repay public funds to the Superintendent if:

169 (1) the LEA or the LEA's third party provider fails to
170 comply with the provisions of this R277-418; and

171 (2) the repayment is made in accordance with the
172 procedures established in R277-114.

173 E. An LEA offering a competency based program shall
174 retain sufficient documentation to demonstrate the competency
175 based program's compliance with this R277-418-4.

176 **KEY: student, enrollment, nontraditional program**

177 **Date of Enactment or Last Substantive Amendment: 2015**

178 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
179 **53A-1-401(3)**



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: R277-487 *Public School Data Confidentiality and Disclosure* (Amendment)

Background:

During the April meeting of the Law and Licensing Committee, there was a discussion regarding repealing emergency rule R277-419-9 and amending rules to codify portions of R277-419-9. R277-487 is amended to incorporate student privacy issues currently in R277-419-9 *Pupil Accounting - Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors* into this rule. The amendments also include numerous technical, stylistic and terminology changes.

Key Points:

The amendments in R277-487-12 *Application to Third Party Vendors and Contractors*, require an LEA to ensure that a third party provider working with the LEA complies with certain student privacy and data security requirements. Technical, stylistic and terminology changes are also made throughout the rule.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-487, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-487, as amended, on second reading.

Contact: Judy Park, 801-538-7750
Angie Stallings, 801-538-7550
Aaron Brough, 801-538-7922

1 **R277. Education, Administration.**

2 **R277-487. Public School Data Confidentiality and Disclosure.**

3 **R277-487-1. Definitions.**

4 A. "Board" means the Utah State Board of Education.

5 B. "Chief Privacy Officer" means a USOE employee
6 designated by the Board as primarily responsible to oversee
7 and direct the DGPB to carry out the responsibilities of this
8 rule, direct the development of materials and training about
9 student and public education employee privacy and security
10 standards, including FERPA, for the USOE and LEAs.

11 C. "Classroom-level assessment data" means student scores
12 on state-required tests, aggregated in groups of more than 10
13 students at the classroom level or, if appropriate, at the
14 course level, without individual student identifiers of any
15 kind.

16 D. "Comprehensive Administration of Credentials for
17 Teachers in Utah Schools (CACTUS)" means the electronic file
18 maintained and owned by the USOE on all licensed Utah
19 educators. The file includes information such as:

- 20 (1) personal directory information;
21 (2) educational background;
22 (3) endorsements;
23 (4) employment history; and
24 (5) a record of disciplinary action taken against the
25 educator.

26 E. "Data Governance/Policy Board (DGPB)" means a board
27 composed of USOE and LEA employees, as directed by the Board,
28 whose purpose is to resolve public education data and process
29 issues, make policy decisions, review all research requests
30 for public education data, and fill only those requests that
31 are appropriate and comply with the standards in this rule.

32 F. "Data security protections" means protections
33 developed and initiated by the Chief Privacy Officer and the
34 DGPB that protect, monitor and secure student, public educator
35 and public education employee data as outlined and identified

36 in FERPA and Sections 63G-2-302 through 63G-2-305.

37 G. "Disciplinary action" means any lesser action taken by
38 UPPAC which does not materially affect a licensed educator's
39 license and licensing action taken by the Board for suspension
40 or revocation.

41 H. "Enrollment verification data" includes:

42 (1) a student's birth certificate or other verification
43 of age;

44 (2) verification of immunization or exemption from
45 immunization form;

46 (3) proof of Utah public school residency;

47 (4) family income verification; and

48 (5) special education program information, including:

49 (a) an individualized education program;

50 (b) a Section 504 accommodation plan; and

51 (c) an English learner plan.

52 [H]I. "FERPA" means the Family Educational Rights and
53 Privacy Act of 1974, 20 U.S.C. 1232g, a federal law designed
54 to protect the privacy of students' education records. The law
55 is hereby incorporated by reference.

56 [I]J. "LEA" ~~[means]~~ or "local education agency" ~~[7~~
57 ~~including local school boards/public]~~ means a school
58 ~~district[st], charter school[s7]~~ and, for purposes of this
59 rule, the Utah Schools for the Deaf and the Blind.

60 [J]K. "Personally identifiable student information" means
61 the student's name; a personal identifier, such as the
62 student's social security number or student number; other
63 indirect identifiers such as the student's date of birth or
64 place of birth; other information that, alone or in
65 combination, is linked or linkable to a specific student and
66 enables a person in the school community, who does not have
67 personal knowledge of the relevant circumstances, to identify
68 the student with reasonable certainty; or information
69 requested by a person who the educational agency or
70 institution reasonably knows is entitled to the requested

71 information.

72 [K]L. "Student information" means materials, information,
73 records and knowledge that an LEA possesses or maintains, or
74 both, about individual students. Student information is
75 broader than student records and personally identifiable
76 student information may include information or knowledge that
77 school employees possess or learn in the course of their
78 duties.

79 [H]M. "Student performance data" means data relating to
80 student performance, including data on state, local and
81 national assessments, course-taking and completion,
82 grade-point average, remediation, retention, degree, diploma,
83 or credential attainment, enrollment, and demographic data.

84 N. "Superintendent" means the State Superintendent of
85 Public Instruction or the Superintendent's designee.

86 O. "Third party provider" means a third party who
87 provides educational services on behalf of an LEA.

88 [[M]P. "USOE" means the Utah State Office of Education.

89 **R277-487-2. Authority and Purpose.**

90 A. This rule is authorized under Utah Constitution
91 Article X, Section 3 which vests general control and
92 supervision over public education in the Board, by Section
93 53A-1-401(3) which allows the Board to make rules in
94 accordance with its responsibilities; by Section 53A-13-301(3)
95 regarding confidentiality and required or appropriate
96 disclosure of personally identifiable student information; by
97 Section 53A-1-607(2) regarding disclosure of student
98 performance data to LEAs for assessment and accountability
99 purposes; by Section 53A-8a-410(4) to ensure the privacy and
100 protection of individual educator evaluation data; by Section
101 53A-3-602.5 regarding a school performance report requiring
102 criterion-referenced or online computer adaptive tests to be
103 aggregated for all students by class; by Section 53A-1-411
104 which directs the Board to establish procedures for

105 administering or making available online surveys to obtain
106 information about public education issues; and by Section
107 53A-6-104 which authorizes the Board to issue licenses to
108 educators and maintain licensing information.

109 B. The purpose of this rule is to:

110 (1) provide for appropriate review and disclosure of
111 student performance data on state administered assessments as
112 required by law;

113 (2) provide for adequate and appropriate review of
114 student performance data on state administered assessments to
115 professional education staff and parents of students;

116 (3) ensure the privacy of student performance data and
117 personally identifiable student information, as directed by
118 law;

119 (4) provide an online education survey conducted with
120 public funds for Board review and approval; and

121 (5) provide for appropriate protection and maintenance of
122 educator licensing data.

123 **R277-487-3. Data Privacy and Security Policies.**

124 A. Board Responsibilities:

125 (1) The [~~Board~~]Chief Privacy Officer and DGPB shall
126 develop resource materials for LEAs to train employees, aides,
127 and volunteers of an LEA regarding confidentiality of
128 personally identifiable student information and student
129 performance data, as defined in FERPA.

130 (2) The [~~Board~~]Chief Privacy Officer and DGPB shall make
131 the materials available to each LEA.

132 B. LEA Responsibilities:

133 (1) An LEA[s] shall establish policies and provide
134 appropriate training for employees regarding the
135 confidentiality of student performance data and personally
136 identifiable student information[, ~~including an overview of~~
137 ~~all, state, and local laws that pertain to the privacy of~~
138 ~~students, their parents, and their families. The policy should~~

139 ~~address the specific needs or priorities of the LEA].~~

140 (2) ~~[LEAs shall require password protection for all~~
141 ~~student performance data and personally identifiable student~~
142 ~~information maintained electronically]~~An LEA shall provide
143 these policies to parents of students affected by the
144 policies, as well as post the policies for the public on their
145 website.

146 (3) An LEA shall ensure that school enrollment
147 verification data are collected, maintained, and transmitted:

148 (a) in a secure manner; and

149 (b) consistent with sound data collection and storage
150 procedures, established by the LEA.

151 (4) An LEA is the only entity authorized to collect and
152 store school enrollment verification data.

153 C. Public Education Employee and Volunteer
154 Responsibilities:

155 (1) All public education employees, aides, and volunteers
156 in public schools shall become familiar with federal, state,
157 and local laws regarding the confidentiality of student
158 performance data and personally identifiable student
159 information.

160 (2) All public education employees, aides, and volunteers
161 shall maintain appropriate confidentiality pursuant to
162 federal, state, ~~and~~ local laws, and LEA policies created in
163 accordance with this section, with regard to student
164 performance data and personally identifiable student
165 information.

166 ~~[(3) An employee, aid, or volunteer shall maintain~~
167 ~~student performance data and personally identifiable student~~
168 ~~information in a secure and appropriate place as designated by~~
169 ~~LEA policies.~~

170 ~~(4) An employee, aid, or volunteer accessing student~~
171 ~~performance data and personally identifiable student~~
172 ~~information in electronic format shall comply with LEA~~
173 ~~policies regarding the procedures for maintaining~~

174 ~~confidentiality of electronic records.]~~

175 ([5]3) An employee, aide, or volunteer ~~[shall]~~may not
176 share, disclose, or disseminate passwords for electronic
177 maintenance of:

178 (a) student performance data; ~~[and]~~or

179 (b) personally identifiable student information.

180 ~~[(6) All public education employees, aids and volunteers
181 have a responsibility to protect confidential student
182 performance data and personally identifiable student
183 information and access records only as necessary for their
184 assignment(s).]~~

185 ([7]4) A ~~[P]~~public education employee~~[s]~~ licensed under
186 Section 53A-6-104 ~~[shall]~~may access ~~[and]~~or use student
187 information and records if the public education employee
188 accesses the student information or records consistent with
189 R277-515, Utah Educator Standards. ~~[Violations may result in~~
190 ~~licensing discipline.]~~

191 (5) A public education employee may be disciplined in
192 accordance with licensing discipline procedures if the public
193 education employee violates this R277-487.

194 **R277-487-4. Transparency.**

195 A. The Chief Privacy Officer working with the DGPB shall
196 recommend USOE policies for Board approval and model policies
197 for LEAs regarding the state's student data systems.

198 B. The Chief Privacy Officer shall ensure that the
199 [R]rules/policies~~[shall]~~ address:

200 (1) accessibility to parents, students and the public of
201 the student performance data~~[defined in R277-487-1];~~

202 (2) authorized purposes, uses, and disclosures of data
203 maintained by the ~~[state]~~Superintendent and LEAs;

204 (3) the rights of parents and students regarding their
205 personally identifiable information under state and federal
206 law;

207 (4) parent, student and public access to information

208 about student data privacy and the security safeguards that
209 protect the data from unauthorized access and use; and
210 (5) contact information for parents and students to
211 request student and public school information from LEAs
212 consistent with the law.

213 **R277-487-5. Additional Responsibilities of Chief Privacy**
214 **Officer and DGPB.**

215 A. The Chief Privacy Officer may [~~pursue~~]recommend
216 legislation, as approved by the Board, for additional data
217 security protections and the regulation of use of the data.

218 B. The Chief Privacy Officer shall supervise regular
219 privacy and security compliance audits, following initiation
220 by the Board.

221 C. The Chief Privacy Officer and the DGPB shall have
222 responsibility for identification of threats to data security
223 protections.

224 D. The Chief Privacy Officer and the DGPB shall develop
225 and recommend policies for [~~USOE~~]the Superintendent and model
226 policies for LEAs for consistent wiping or destruction of
227 devices when devices are discarded by public education
228 entities.

229 E. The Chief Privacy Officer and the DGPB shall develop
230 USOE and model LEA policies for the training of staff for
231 appropriate responses to suspected or known breaches of data
232 security protections.

233 **R277-487-6. Prohibition of Public Education Data Use for**
234 **Marketing.**

235 Data maintained by the state, school districts, schools,
236 and other public education agencies or institutions in the
237 state, including data provided by contractors, [~~shall~~]may not
238 be sold or used for marketing purposes (except with regard to
239 authorized uses or directory information not obtained through
240 a contract with an educational agency or institution).

241 **R277-487-7. Public Education Research Data.**

242 A. The ~~[USOE]~~Superintendent may provide limited or
243 extensive data sets for research and analysis purposes to
244 qualified researchers or organizations.

245 (1) ~~[A]~~The Superintendent shall use reasonable methods
246 ~~[shall be used]~~ to qualify researchers or organizations to
247 receive data, such as evidence that a research proposal has
248 been approved by a federally recognized Institutional Review
249 Board (IRB).

250 (2) Aggregate de-identified student assessment data
251 ~~[are]~~is available through the USOE website. The Superintendent
252 shall ensure that ~~[P]~~personally identifiable student
253 information is protected.

254 (3) The ~~[USOE]~~Superintendent is not obligated to fill
255 every request for data and ~~[has]~~shall establish procedures to
256 determine which requests will be filled or to assign
257 priorities to multiple requests. The ~~[USOE/Board understands~~
258 ~~that it will]~~Superintendent shall respond in a timely manner
259 to all requests submitted under Section 63G-2-101 et seq.,
260 Government Records Access and Management Act. In filling data
261 requests, the Superintendent may give higher priority~~[may be~~
262 ~~given]~~ to requests that will help improve instruction in
263 Utah's public schools.

264 (4) ~~[A fee may be charged]~~The Superintendent may charge
265 a fee to prepare data or to deliver data, particularly if the
266 preparation requires original work. The ~~[USOE]~~Superintendent
267 shall comply with Section 63G-2-203 in assessing fees for
268 responses to GRAMA requests.

269 (5) The researcher or organization shall provide a copy
270 of the report or publication produced using USOE data to the
271 USOE at least 10 business days prior to the public release.

272 B. Student data and information: Requests for data that
273 disclose student information shall be provided in accordance
274 with the Family Educational Rights and Privacy Act (FERPA), 20

275 U.S.C. Section 1232g; such responses may include:

276 (1) student data that are de_identified, meaning that a
277 reasonable person in the school community who does not have
278 personal knowledge of the relevant circumstances could not
279 identify student(s) with reasonable certainty;

280 (2) agreements with recipients of student data where
281 recipients agree not to report or publish data in a manner
282 that discloses students' identities. For example, reporting
283 test scores for a race subgroup that has a count, also known
284 as n-size, of less than 10 could enable someone to identify
285 the actual students and shall not be published;

286 (3) release of student data, with appropriate binding
287 agreements, for state or federal accountability or for the
288 purpose of improving instruction to specific student
289 subgroups.

290 C. Licensed educator information:

291 (1) The ~~[USOE]~~Superintendent shall provide information
292 about licensed educators maintained in the CACTUS database
293 that is required under Section 63G-2-301(2).

294 (2) ~~[Additional]~~The Superintendent may release
295 information/data~~[may be released by the USOE]~~:

296 (a) consistent with the purposes of CACTUS~~[r]~~;

297 (b) if the requester accepts the confidentiality
298 protections ~~[accepted by requester(s),]~~established by the
299 Superintendent; and

300 (c) [the benefit that]if the research may provide a
301 benefit for public education in Utah, as determined by the
302 ~~[USOE]~~Superintendent.

303 D. Recipients of USOE research data shall sign a USOE-
304 designated confidentiality agreement, if required by the
305 ~~[USOE]~~Superintendent.

306 E. The Board or the ~~[USOE]~~Superintendent may commission
307 research or may approve research requests.

308 **R277-487-8. Public Education Survey Data.**

309 A. The Chief Privacy Officer, working with the DGPB,
310 shall approve statewide education surveys administered with
311 public funds through the USOE or through a contract issued by
312 the USOE, as required under Section 53A-1-411.

313 B. Data obtained from Board statewide surveys
314 administered with public funds are the property of the Board.

315 C. Data obtained from Board statewide surveys
316 administered with public funds shall be made available as
317 follows:

318 (1) Survey data made available by the Board shall protect
319 the privacy of students in accordance with FERPA.

320 (2) The Superintendent shall ensure that [§]survey data
321 about educators [~~shall be available~~]is provided to a requester
322 in a manner that protects the privacy of individual educators
323 consistent with State law.

324 **R277-487-9. Comprehensive Administration of Credentials for**
325 **Teachers in Utah Schools (CACTUS) Data, Confidentiality, and**
326 **Appropriate Disclosure.**

327 A. CACTUS maintains[~~public, protected and private~~]
328 information on licensed Utah educators[~~. Private or protected~~
329 ~~information includes such items as home address, date of~~
330 ~~birth, social security number, and any disciplinary action~~
331 ~~taken against an individual's license.], including information
332 classified as private, controlled, or protected under GRAMA.~~

333 B. [~~A CACTUS file shall be opened on~~]The Superintendent
334 shall open a CACTUS file for a licensed Utah educator when:

335 (1) the individual initiates a USOE background check, or

336 (2) the USOE receives a paraprofessional license
337 application from an LEA.

338 C. The data in CACTUS may only be changed as follows:

339 (1) Authorized USOE staff or authorized LEA staff may
340 change demographic data.

341 (2) Authorized USOE staff may update licensing data such
342 as endorsements, degrees, license areas of concentration and

343 licensed work experience.

344 (3) Authorized employing LEA staff may update data on
345 educator assignments for the current school year only.

346 D. A licensed individual may view his own personal data.
347 An individual may not change or add data except under the
348 following circumstances:

349 (1) A licensed individual may change his demographic data
350 when renewing his license.

351 (2) A licensed individual shall contact his employing LEA
352 for the purpose of correcting demographic or current educator
353 assignment data.

354 (3) A licensed individual may petition the USOE for the
355 purpose of correcting any errors in his CACTUS file.

356 E. Individuals currently employed by public or private
357 schools under letters of authorization or as interns are
358 included in CACTUS.

359 F. Individuals working in LEAs as student teachers are
360 included in CACTUS.

361 G. Designated individuals have access to CACTUS data:

362 (1) Training shall be provided to designated individuals
363 prior to granting access.

364 (2) Authorized USOE staff may view or change CACTUS files
365 on a limited basis with specific authorization.

366 (3) For employment or assignment purposes only,
367 authorized LEA staff members may access data on individuals
368 employed by their own LEA or data on licensed individuals who
369 do not have a current assignment in CACTUS.

370 (4) Authorized LEA staff may also view specific limited
371 information on job applicants if the applicant has provided
372 the LEA with a CACTUS identification number.

373 (5) CACTUS information belongs solely to the USOE. The
374 USOE shall make the final determination of information
375 included in or deleted from CACTUS.

376 (6) CACTUS data [~~consistent with Section 63G-2-301(1)~~
377 ~~under the Government Records Access and Management Act~~ are

378 ~~public information and shall be released by the USOE]~~may only
379 be released in accordance with the provisions of GRAMA.

380 **R277-487-10. Educator Evaluation Data.**

381 A. The [~~Board~~]Superintendent shall provide classroom-
382 level assessment data to administrators and teachers. School
383 administrators shall share information requested by parents
384 while ensuring the privacy of individual student information
385 and educator evaluation data.

386 B. Individual educator evaluation data shall be protected
387 at the school, LEA and state levels and, if applicable, at the
388 USOE.

389 C. LEAs shall designate employees who may have access to
390 educator evaluation records.

391 D. LEAs may not release or disclose student assessment
392 information that reveals educator evaluation information or
393 records.

394 E. LEAs shall train employees in the confidential nature
395 of employee evaluations and the importance of securing
396 evaluations and records.

397 **R277-487-11. Training and Technical Assistance.**

398 A. The Chief Privacy Officer and DGPB shall develop
399 training for the Board, the USOE and LEAs.

400 B. The Chief Privacy Officer and DGPB shall develop model
401 policies, as resources permit.

402 **R277-487-12. Application to Third Party [~~Vendors~~]Providers and**
403 **Contractors.**

404 A. The USOE and LEAs shall [~~have~~]set policies that
405 expressly limit a third party provider or contractor's access
406 to personally identifiable student data and public school
407 enrollment verification data~~[to third party vendors and~~
408 ~~contractors]~~.

409 B. [~~Personally identifiable student information may only~~

410 ~~be released consistent with the provisions of 34 CFR Part~~
411 ~~99.31(a).~~

412 ~~C. De-identified student data and information may only be~~
413 ~~released consistent with 34 CFR Part 99.31(b)]~~An LEA may
414 release Student information and public school enrollment
415 verification data to a third party provider if the release is
416 allowed by, and released in accordance with, FERPA and its
417 implementing regulations.

418 ~~[D]~~C. CACTUS or public education employee information may
419 only be released consistent with state law, with express
420 permission of the licensed individual or employee, or with the
421 purposes for which the information was entered into CACTUS or
422 a similar employee database.

423 ~~[E]~~D. Sanctions for violations of authorized use and
424 release of student and employee data:

425 (1) All USOE contracts shall include sanctions for
426 contractors or third party ~~[vendors]~~providers who violate
427 provisions of state policies regarding unauthorized use and
428 release of student and employee data.

429 (2) The ~~[USOE]~~Superintendent shall recommend that LEA
430 policies include sanctions for contractors or third party
431 ~~[vendors]~~providers who violate provisions of federal or state
432 privacy law and LEA policies regarding unauthorized use and
433 release of student and employee data.

434 **R277-487-13. Annual Reports by Chief Privacy Officer and DGPB.**

435 A. The Chief Privacy Officer~~[shall work with the DGPB,~~
436 ~~the USOE, and the Board to prepare an annual report about~~
437 ~~student data]~~, with the assistance of DGPB, shall submit to
438 the Board an annual report about student data.

439 B. The public report shall include:

440 (1) information about the implementation of this rule;

441 (2) information about research studies begun or planned
442 using student information and data;

443 (3) ~~[the]~~ identification of significant threats to

444 student data privacy and security;
445 (4) a summary of data system audits; and
446 (5) recommendations for further improvements specific to
447 student data security and the systems that are necessary for
448 accountability in Board rules or legislation[+
449 (1) ~~Board rules;~~
450 (2) ~~legislation; or~~
451 (3) ~~both Board rules and legislation, if appropriate~~].

452 **KEY: students, records, confidentiality**

453 **Date of Enactment or Last Substantive Amendment: [~~January 7,~~**
454 **]2015**

455 **Notice of Continuation: November 14, 2014**

456 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
457 **53A-13-301(3); 53A-1-401(3); 53A-1-411**



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: *R277-500 Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks (Amendment and Continuation)*

Background:

1. *R277-500 Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks* must be amended in response to HB 124 S1 (2015) *Education Background Check Amendments*.
2. The rule is not required to be continued until July 8, 2016 but is being continued at this time consistent with Board policy for continuation of rules and the Utah Administrative Rulemaking Act.

Key Points:

1. Effective July 1, 2015, HB 124 S1 requires the Board to require a license applicant to submit to a background check and ongoing monitoring as a condition of licensure.
2. The Board is required to collect the consent of a currently licensed educator for an initial background check and ongoing monitoring on a form specified by the Board to be collected at the individual's next license renewal.
3. R277-500 continues to be necessary as it defines the requirements for renewing a Utah educator license.
4. Additional amendments to the rule have been made to make the rule consistent with other licensing rules and to provide additional clarity.

Anticipated Action:

1. It is proposed that the Law and Licensing Committee consider approving R277-500, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-500, as amended, on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-500 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-500 for continuation on second reading.

Contact: Sydnee Dickson, 801-538-7515
Diana Suddreth, 801-538-7739
Travis Rawlings, 801-538-7601

1 **R277. Education, Administration.**

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

4 **R277-500-1. Definitions.**

5 A. "Acceptable alternative professional learning
6 ~~[activities]~~activity" means an ~~[activities]~~activity that may
7 not fall within a specific category under R277-500-5 but
8 ~~[are]~~is consistent with this rule.

9 B. "Accredited" means a teacher preparation program
10 accredited by the National Council for Accreditation of
11 Teacher Education (NCATE), ~~[or—]~~the Teacher Education
12 Accreditation Council (TEAC), or the Council for the
13 Accreditation of Educator Preparation (CAEP).

14 C. "Accredited school," for purposes of this rule, means
15 a public or private school that has met standards considered
16 to be essential for the operation of a quality school program
17 and has received formal approval by the Northwest
18 Accreditation Commission.

19 D. "Active educator," for purposes of this rule, means an
20 individual holding a valid license issued by the Board who is
21 employed by a Utah public LEA, accredited private school, or
22 USOE, or who was employed by a Utah public LEA or accredited
23 private school in a role covered by the license for at least
24 three years in the individual's renewal period.

25 E. "Active educator license" means a license that is
26 currently valid for employment in a position requiring an
27 educator license.

28 F. "Board" means the Utah State Board of Education.

29 G. "College/university course" means a course taken
30 through an institution approved under Section 53A-6-108.

31 H. "Course work successfully completed" for purposes of
32 this rule means the student earns a grade C or better in
33 approved university or university level course work or USOE
34 professional learning credit.

35 I. "Documentation of professional learning activities"
36 means:

37 (1) an original student transcript of university/college

38 courses;

39 (2) an LEA or USOE-sponsored electronic record of
40 professional learning activities;

41 (3) a summary, explanation, or copy of the product of a
42 professional learning activity signed by the educator's
43 supervisor or a licensed administrator ;

44 (4) a certificate of completion for an approved
45 professional learning conference, workshop, institute,
46 symposium, educational travel experience or staff development;
47 or

48 (5) an agenda or conference program demonstrating
49 sessions and duration of professional learning activities.

50 J. "Educational research" means conducting research on
51 education issues or investigating education innovations.

52 K. "Inactive educator" means an individual:

53 (1) who holds~~[holding]~~ a valid license issued by the
54 Board;

55 (2) who is not currently employed by a Utah public LEA or
56 accredited private school; and

57 (3) who was employed by a Utah public LEA or accredited
58 private school in a role covered by the license for less than
59 three years in the individual's renewal period.

60 L. "Inactive educator license" means a license issued by
61 the Board, other than a suspended or revoked license, that is
62 currently not valid due to the holder's failure to complete
63 requirements for license renewal.

64 M. "LEA" or "local education agency" means a school
65 district or a charter school.

66 [M]N. "Level 1 license" means a Utah professional
67 educator license issued:

68 (1) to an applicant upon completion of an approved
69 preparation program or an alternative preparation program;; or

70 (2) to an applicant that holds an educator license issued
71 by another state or country that has also met all ancillary
72 requirements established by law or rule.

73 [N]O. "Level 2 license" means a Utah professional
74 educator license issued to an applicant after the applicant

75 ~~[satisfaction of]~~meets the following:

76 (1) completion of all requirements for a Level 1 license

77 ~~[and:];~~

78 ~~[(1)]~~(2) satisfaction of requirements under R277-522 for
79 a teachers whose employment as a Level 1 licensed educator
80 began after January 1, 2003 in a Utah public LEA or accredited
81 private school;

82 ~~[(2)]~~(3) completion of:

83 (a) at least three years of successful education
84 experience in a Utah public LEA or accredited private school;
85 or

86 (b)(i) one year of successful education experience in a
87 Utah public LEA or accredited private school; and

88 (ii) at least three years of successful education
89 experience in a public LEA or accredited private school
90 outside of Utah; and

91 ~~[(3)]~~(4) completion of any additional requirements
92 established by law or rule.

93 ~~[O]~~P. "Level 3 license" means a Utah professional
94 educator license issued to an educator who:

95 (1) holds a current Utah Level 2 license; and ~~[has also]~~

96 (2)(a) received National Board Certification; ~~for]~~

97 (b) received a doctorate in education or in a field
98 related to a content area in a unit of:

99 (i) the public education system; or

100 (ii) an accredited private school~~[-];~~ or

101 (c) holds a Speech-Language Pathology area of
102 concentration and has obtained American Speech-Language
103 Hearing Association (ASHA) certification.

104 ~~[P]~~Q. "License" means an authorization which permits the
105 license holder to serve in a professional capacity in a public
106 LEA or accredited private school.

107 ~~[Q]~~R. "Licensed administrator" means:

108 (1) an individual holding an active educator license that
109 is valid for employment in a public school administrative
110 position; or

111 (2) an individual currently employed by a Utah charter

112 school in an administrative position.

113 [R]S. "License renewal points" means the points
114 accumulated by a Utah license holder through activities
115 approved under this rule for the purpose of satisfying
116 requirements of Section 53A-6-104.

117 [S]T. "National Board Certification" means the successful
118 completion of the National Board for Professional Teaching
119 Standards (NBTPS) process, a three-year process, that may
120 include:

121 (1) national content-area assessment[7];

122 (2) an extensive portfolio[7]; and

123 (3) assessment of video-taped classroom teaching
124 experience.

125 [F]U. "Professional growth plan" means a plan created and
126 reviewed annually by an active educator and the educator's
127 direct supervisor that details the professional goals of the
128 educator based on the Utah Effective Teaching and Educational
129 Leadership Standards consistent with R277-520 and related to
130 the educator's self-assessment and formal evaluation required
131 under Section 53A-8a-301.

132 [H]V. "Professional learning" means engaging in
133 activities that improve or enhance an educator's practice.

134 [V]W. "Professional learning plan" means a document
135 prepared by a Utah educator consistent with this rule.

136 X. "Superintendent" means the State Superintendent of
137 Public Instruction or the Superintendent's designee.

138 [W]Y. "University level course" means a course:

139 (1) that has ~~having~~ the same academic rigor and
140 requirements [~~similar to~~] of a university[7] or college course;
141 [~~and~~]

142 (2) taught by appropriately trained individuals[. ~~The~~
143 ~~final determination of~~]; and

144 (3) designated as a university level course[~~is made~~] by
145 the [~~USOE~~] Superintendent.

146 [X]Z. "UPPAC" means the Utah Professional Practices
147 Advisory Commission under Section 53A-6-301 through 307.

148 [Y]AA. "USOE" means the Utah State Office of Education.

149 [Z]BB. "USOE professional learning credit" means a
150 course[s], approved by the [USOE]Superintendent under
151 R277-519-3, [in which]that educators may participate in to:

152 (1) renew a license[7];

153 (2) teach in another subject area[7]; or

154 (3) teach at another grade level.

155 [AA]CC. "Verification of employment" means official
156 documentation of employment as an educator listing the
157 educator's assignment and years of service, signed by the
158 supervising administrator.

159 **R277-500-2. Authority and Purpose.**

160 A. This rule is authorized by Utah Constitution Article
161 X, Section 3 which vests general control and supervision of
162 public education in the Board, Section 53A-6-104 which
163 requires the Board to make rules requiring participation in
164 professional learning activities in order for educators to
165 retain Utah licensure, and Section 53A-1-401(3) which permits
166 the Board to adopt rules in accordance with its
167 responsibilities.

168 B. The purpose of this rule is to provide definitions and
169 requirements for an educator to renew a Utah educator license.
170 This rule requires verification of employment, development of
171 a professional learning plan, and documentation of activities
172 consistent with Title 53A, Chapter 6.

173 **R277-500-3. Educator License Renewal Requirements.**

174 A. Professional Learning Plan for Active Educators

175 (1) An active educator, in collaboration with[his] the
176 active educator's supervisor, shall develop and maintain a
177 professional learning plan as a subset of the active
178 educator's professional growth plan.

179 (2) The professional learning plan shall outline the
180 professional learning activities in which the educator will
181 participate during the educator's current license renewal
182 cycle;

183 (3) The professional learning plan shall be developed by

184 taking into account:

185 (a) the educator's professional goals;

186 (b) curriculum relevant to the educator's current or
187 anticipated assignment;

188 (c) goals and priorities of the LEA and school;

189 (d) available student data relevant to the educator's
190 current or anticipated assignment;

191 (e) feedback from the educator's yearly evaluation
192 required under Section 53A-8a-301;

193 (f) the requirements under R277-522 if the educator is a
194 Level 1 licensed educator.

195 (4) The professional learning plan for active educators
196 shall include two hours of professional learning on youth
197 suicide prevention consistent with Section 53A-1-603.

198 (5) The professional learning plan shall be reviewed and
199 signed annually by the educator and supervisor and may be
200 adjusted as appropriate.

201 (6) The educator is responsible for creation of the
202 professional learning plan in collaboration with the
203 designated supervisor.

204 (7) The educator is responsible for maintaining
205 documentation associated with the plan and the annual review
206 of the plan.

207 (8) The LEA may create tools or policies or both to
208 assist educators in meeting this responsibility.

209 B. Professional Learning Plan for Inactive Educators

210 (1) All inactive educators intending to renew an educator
211 license shall, in collaboration with a licensed administrator,
212 develop and maintain a professional learning plan.

213 (2) The professional learning plan shall outline the
214 professional learning activities in which the educator will
215 participate during the educator's current license renewal
216 cycle.

217 (3) The plan shall take into account:

218 (a) the educator's professional goals;

219 (b) current license areas of concentration and
220 endorsements;

221 (c) current trends relevant to the educator's current
222 license areas of concentration and endorsements;

223 (d) the Utah Core [~~Curriculum~~]Standards relevant to the
224 educator's current license areas of concentration and
225 endorsements;

226 (4) The professional learning plan shall be reviewed and
227 signed by the educator and a licensed administrator at the
228 beginning of the license renewal cycle and again at the end of
229 the license renewal cycle.

230 (5) The educator [~~is responsible for~~]shall develop[ing]
231 the professional learning plan and maintain[ing] documentation
232 of the plan.

233 C. License Renewal Points

234 (1) To be valid for renewal, the professional learning
235 plan shall document that the educator has earned the
236 appropriate number of license renewal points as defined in
237 R277-500-3.

238 (2) License holders may accrue license renewal points
239 beginning with the date of each new license renewal.

240 (3) A Level 1 license holder shall earn at least 100
241 license renewal points in each three year period. A Level 1
242 license may only be renewed consistent with R277-504-3[+]D[+].

243 (4) A Level 2 license holder shall earn at least 200
244 license renewal points in each 5 year period.

245 (5) A Level 3 license holder shall earn at least 200
246 license renewal points in each 7 year period.

247 D. Documentation

248 (1) Each Utah license holder shall be responsible for
249 maintaining documentation supporting completion of the
250 professional learning plan.

251 (2) It is the educator's responsibility to retain
252 documentation of professional learning activities with
253 appropriate signatures.

254 (3) All documentation relevant to the professional
255 learning plan shall be retained by the educator for a minimum
256 of two years from the designated renewal date.

257 E. [~~Fingerprint Background Check and~~]Educator Ethics

258 Review

259 ~~[(1) A fingerprint background check shall be required for~~
260 ~~the renewal of any Utah educator license beginning July 1,~~
261 ~~2009 consistent with Section 53A-6-401.~~

262 ~~— (2) No license may be renewed until the completion of the~~
263 ~~background check and receipt and review of the report by the~~
264 ~~USOE.~~

265 ~~— (3) The background check shall be completed within one~~
266 ~~calendar year prior to the date of license renewal.~~

267 ~~— (4) If an educator license holder's fingerprint~~
268 ~~background check is incomplete or under review by the Utah~~
269 ~~Professional Practices Advisory Commission (UPPAC), the~~
270 ~~educator license holder's CACTUS file will direct the reviewer~~
271 ~~of the file to the USOE for further information. An educator~~
272 ~~license cannot be renewed until the background check process~~
273 ~~is complete.]~~

274 ([5]1) Completion of the USOE Educator Ethics Review
275 shall be required for the renewal of a Utah educator license
276 beginning January 1, 2011.

277 ([6]2) No license may be renewed prior to the completion
278 of the USOE Educator Ethics Review.

279 ([7]3) The Ethics Review shall be completed within one
280 calendar year prior to license renewal.

281 F. Fingerprint Background Check

282 (1) An educator shall submit to a fingerprint background
283 check and ongoing monitoring through registration with the
284 systems described in Section 53A-15-1505 as a condition of
285 licensure in Utah.

286 (2) An educator shall submit a new fingerprint background
287 check for ongoing monitoring within one calendar year prior to
288 the date of the educator's next license renewal after July 1,
289 2015.

290 (3) The Superintendent shall discontinue monitoring a
291 license holder through the systems described in Section
292 53A-15-1505 if an educator's license expires, consistent with
293 BCI and FBI guidelines.

294 (4)(a) An educator shall submit a new fingerprint

295 background check for ongoing monitoring to renew an expired
296 license.

297 (b) An educator shall complete the new background check
298 described in R277-500-3F(4)(a) within one calendar year prior
299 to the date of the renewal of the expired license.

300 (5)(a) If an educator license holder's fingerprint
301 background check is incomplete or under review by the Utah
302 Professional Practices Advisory Commission (UPPAC), the
303 educator license holder's CACTUS file will direct the reviewer
304 of the file to the Superintendent for further information.

305 (b) An educator license may not be renewed until the
306 background check process is complete.

307 **R277-500-4. Educator License Renewal Procedures.**

308 A. An active educator license holder shall satisfy the
309 final review and obtain the appropriate signatures regarding
310 completion of the professional learning plan between January
311 1 and June 30 of the educator's assigned renewal year.

312 (1) A Level 2 or 3 educator license holder who has
313 completed all additional requirements for renewal shall
314 complete the online renewal provided by USOE between January
315 1 and June 30 of the educator's assigned renewal year.

316 (2) A Level 1 educator license holder who has completed
317 all additional requirements for renewal shall submit the
318 Professional Learning Plan Completion Form to the USOE between
319 January 1 and June 30 of the educator's assigned renewal year.
320 Forms that are not complete or do not bear original signatures
321 shall not be processed.

322 (3) An educator's failure to complete the online process
323 or submit the completion form consistent with deadlines in
324 this rule shall result in beginning anew the administrative
325 licensure process, including all attendant fees and criminal
326 background checks.

327 B. An inactive educator license holder shall satisfy the
328 final review and obtain the appropriate signatures regarding
329 completion of the professional learning plan within one
330 calendar year prior to the date on which the inactive educator

331 license holder is directed/scheduled to renew the license.

332 (1) A Level 2 or 3 educator license holder who has
333 completed all additional requirements for renewal shall
334 complete the online renewal process provided by USOE between
335 January 1 and June 30 of the educator's assigned renewal year.

336 (2) A Level 1 educator license holder who has completed
337 all additional requirements for renewal shall submit the
338 Professional Learning Plan Completion Form to the USOE between
339 January 1 and June 30 of the educator's assigned renewal year.
340 Forms that are not complete or do not bear original signatures
341 shall not be processed.

342 (3) An educator's failure to complete the online process
343 or submit the completion form consistent with deadlines shall
344 result in beginning anew the licensure process, including all
345 attendant fees and criminal background checks.

346 C(1) An educator shall obtain the signature of the
347 educator's direct administrative supervisor on the educator's
348 renewal form.

349 (2) The educator's direct administrative supervisor
350 described in R277-500-4C(1) shall be a licensed administrator.

351 (3) If an educator's supervisor is not a licensed
352 administrator then the form shall be signed by the next
353 highest administrative supervisor who is a licensed
354 administrator.

355 (4) If the educator is the highest administrative
356 authority in the LEA then the form shall be signed by the
357 president or chairperson of the LEA's governing board.

358 D. An educator who is seeking a license renewal shall
359 obtain the signature of a licensed administrator on the
360 educator's license renewal form.

361 [~~E~~](1) The Superintendent shall charge a fee, set by
362 the Superintendent, to an educator~~[Educators]~~ seeking renewal
363 from an inactive status or requesting level changes~~[shall be~~
364 ~~charged a fee set by the USOE]~~.

365 (2) The Superintendent shall charge an educator
366 [Educators] with an active license~~[s shall be charged]~~ a
367 renewal fee consistent with R277-502

368 ~~[D]~~F. The ~~[USOE]~~Superintendent shall audit a random
369 sample of approximately ten percent of the annual online
370 renewals.

371 G. An educator~~[Educators]~~ selected for an audit described
372 in R277-500-4F:

373 (1) shall submit the Professional Learning Plan
374 Completion Form with the appropriate signatures to the USOE in
375 a timely manner.

376 (2) shall receive a warning letter and may be referred to
377 UPPAC if documentation is not submitted as requested.

378 (3) shall be referred to UPPAC for possible license
379 discipline if the documentation reveals fraudulent or
380 unprofessional actions.

381 ~~[E]~~H. The ~~[USOE]~~Superintendent may~~[, at its own~~
382 ~~discretion,]~~ review or audit renewal transactions including
383 the professional learning plan, signatures, and documentation
384 of professional learning activities.

385 **R277-500-5. Categories of Acceptable Activities for License**
386 **Renewal.**

387 A~~[-]~~(1) An ~~[Active]~~educator~~[s]~~ may earn licensure
388 renewal points based on ~~[their]~~the educator's employment in a
389 position requiring a Utah educator license during ~~[their]~~the
390 educator's license cycle.

391 ~~[[1]~~2) [Only]An educator may only count years of
392 employment with satisfactory performance evaluations~~[-may be~~
393 ~~counted]~~ for license renewal points.

394 ~~[[2]~~3) A Level 1 license holder may earn 25 license
395 renewal points per year of employment to a maximum of 50
396 points per license cycle.

397 ~~[[3]~~4) A Level 2 or 3 license holder may earn 35 license
398 renewal points per year of employment to a maximum of 105
399 points per license cycle.

400 B~~[-]~~(1) An educator shall complete a college ~~or~~
401 university course~~[+~~

402 ~~(1) shall be successfully completed]~~ with a C or better,
403 or a pass, to have the course apply to the educator's license.

404 (2) Each semester hour of university or college credit,
405 as recorded on an official transcript, equals 18 license
406 renewal points.

407 C[-](1) USOE professional learning credit:

408 [(1)](a) shall be [~~State-~~]approved as described in
409 [~~under~~] R277-519-3; and

410 [(2)](b) shall be successfully completed through
411 attendance and through completion of required project(s).

412 [(3)](2) Each semester credit hour equals 15 license
413 renewal points.

414 [(4)](3) [~~Approval may be requested from the USOE by~~
415 ~~LEAs through a request submitted~~]An LEA may request approval
416 of USOE professional learning credit by submitting a request
417 to the Superintendent through the USOE-sponsored online
418 professional learning tracking system.

419 [(5)](4) [~~Approval~~]An LEA shall [~~be requested~~]request
420 approval from the [~~USOE~~]Superintendent at least four weeks
421 prior to the beginning date of the scheduled professional
422 learning activity[~~and~~].

423 (5) The professional learning credit may be denied if
424 [~~not~~] the LEA does not seek approval from the Superintendent
425 [~~approved~~] in advance.

426 D. An LEA-sponsored or approved professional learning
427 ~~activities~~activity:

428 (1) shall be approved by the LEA at least four weeks
429 prior to the scheduled activity; and

430 (2) may include LEA or school based professional learning
431 such as:

432 (a) participating in professional learning communities;

433 (b) development of LEA or school curriculum;

434 (c) planning and implementation of a school improvement
435 plan;

436 (d) mentoring a Level 1 teacher;

437 (e) engaging in instructional coaching;

438 (f) conducting action research;

439 (g) studying student work with colleagues to inform
440 instruction.

441 ~~(3)~~E. Each clock hour of scheduled professional
442 learning activity time equals one license renewal point, not
443 to exceed 25 points per activity per year.

444 ~~F.~~F(1) Acceptable alternative professional learning
445 activities for an educator include~~+~~

446 ~~(1) Acceptable~~ activities ~~[are those]~~that enhance or
447 improve education, yet may not fall into a specific category~~[-~~

448 ~~(2) These~~ if the activities ~~[shall be]~~are approved by:

449 (a) the educator's supervisor~~[-]~~;

450 (b) by a licensed administrator if the educator is an
451 inactive educator~~[-]~~; or

452 (c) the Superintendent, with prior written approval by
453 the ~~[USOE]~~Superintendent.

454 ~~(3)~~(2) Each clock hour of participation equals one
455 license renewal point, not to exceed 25 points per activity.

456 ~~F.~~G. Conferences, workshops, institutes, symposia, or
457 staff-development programs:

458 (1) Acceptable workshops and programs shall be approved
459 by the educator's supervisor, by a licensed administrator if
460 the educator is an inactive educator, or with prior written
461 approval by the ~~[USOE]~~Superintendent.

462 (2) Each clock hour of participation equals one license
463 renewal point, not to exceed 25 points per activity.

464 G. Content and pedagogy testing:

465 (1) Acceptable tests include those approved by the Board.

466 (2) Each Board-approved test score report submitted, with
467 a passing score, equals 25 license renewal points.

468 (3) Each test must be related to the educator's current
469 or potential license area(s) or endorsement(s).

470 (4) No more than two test score reports may be submitted
471 in a license cycle.

472 H. Utah university sponsored cooperating teachers:

473 (1) An educator working as a cooperating teacher with one
474 or more student teachers may earn license renewal points.

475 (2) Each clock hour spent supervising, collaborating
476 with, and mentoring assigned student teachers equals one
477 license renewal point not to exceed 25 points per license

478 renewal cycle.

479 I. Service in a leadership role in a national,
480 state-wide, or LEA-recognized professional education
481 organization:

482 (1) Acceptable service shall be approved by the
483 educator's supervisor or by a licensed administrator if the
484 educator is an inactive educator.

485 (2) Each clock hour of participation equals one license
486 renewal point, not to exceed 10 points per year.

487 J. Educational research and innovation that results in a
488 final, demonstrable product:

489 (1) Acceptable activities shall be approved by the
490 educator's supervisor or by a licensed administrator if the
491 educator is an inactive educator.

492 (2) The research activity shall be consistent with school
493 and LEA policy.

494 (3) Each clock hour of participation equals one license
495 renewal point, not to exceed 35 points per activity.

496 K. Substituting in a Utah public LEA or accredited
497 private school:

498 (1) shall be considered an acceptable professional
499 learning activity only for inactive educators paid and
500 authorized as substitutes.

501 (2) Two hours of documented substitute time equals one
502 license renewal point, not to exceed 25 points per year or 50
503 points per license cycle.

504 (3) Verification of hours shall be documented on LEA or
505 school letterhead, list dates of employment, and signed by the
506 supervising administrator.

507 L. Paraprofessional or volunteer service in a Utah public
508 LEA or accredited private school:

509 (1) shall be considered an acceptable professional
510 learning activity only for inactive educators.

511 (2) Three hours of documented paraprofessional or
512 volunteer service equals one license renewal point, not to
513 exceed 25 points per year or 50 points per license cycle.

514 (3) Verification of hours shall be documented on LEA or

515 school letterhead, list dates of service, and signed by the
516 supervising administrator.

517 M. Credit for LEA lane change or other purposes is
518 determined by the LEA and is awarded at the LEA's discretion.
519 USOE professional learning credit should not be assumed to be
520 credit for LEA purposes, such as salary or lane change credit.

521 **R277-500-6. Board Directive to Educator License Holders for**
522 **Fingerprint Background Check.**

523 A. The [~~USOE~~]Superintendent may direct a Utah educator
524 license holder to have a criminal fingerprint background check
525 under Section 53A-6-401 for good cause shown.

526 B. If an educator license holder fails to comply with the
527 directive in a reasonable time, following reasonable notice,
528 and adequate due process, the educator license holder's
529 license may be put into a pending status in the educator's
530 CACTUS file subject to the educator license holder's
531 compliance with the directive.

532 C. The Board or its designee may review an educator
533 license holder's compliance with the directive prior to the
534 final decision about the educator license holder's license
535 status.

536 [~~D. The provisions and requirements of this rule shall~~
537 ~~apply to educators seeking licensure renewal beginning July 1,~~
538 ~~2012.]~~

539 **R277-500-7. Exceptions or Waivers to this Rule.**

540 A. The [~~USOE~~]Superintendent may make exceptions to the
541 provisions of this rule for unique and compelling
542 circumstances[-

543 ~~B. Exceptions may only be made]~~ if the exception is
544 granted consistent with the purposes of this rule and the
545 authorizing statutes.

546 B. An educator may request an exception described in
547 R277-500-7A.

548 C. [~~Requests for exceptions shall be made]~~An educator
549 shall submit a request to the Superintendent for an exception

550 described in R277-500-7C in writing at least 30 days prior to
551 the license holder's renewal date[~~to the Coordinator of~~
552 ~~Educator Licensing, USOE~~].

553 D. [~~Approval or disapproval of the~~The Superintendent
554 shall approve or deny a request for an exception described in
555 R277-500-7C[~~shall be made~~] in a timely manner.

556 E. A denial of a request described in R277-500-7D and is
557 not subject to administrative appeal.

558 **KEY: educator license renewal, professional learning,**
559 **fingerprint background check**

560 **Date of Enactment or Last Substantive Amendment: [~~July 9,~~**
561 **2012]2015**

562 **Authorizing, and Implemented or Interpreted Law: 53A-6-104;**
563 **53A-1-401(3)**



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry L Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7, 2015

ACTION: R277-516 *Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees (Amendment)*

Background:

R277-516 *Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees* needs to be amended in response to the recent passage of HB 124 S1 *Education Background Check Amendments*.

Key Points:

1. Effective July 1, 2015, HB 124 S1 requires local education agencies to require that employees, volunteers, and charter school governing board members submit to a background check and ongoing monitoring.
2. LEAs are required to have completed a background check and submitted for ongoing monitoring all individuals appointed or hired prior to July 1, 2015 by September 1, 2018.
3. The Board is required to notify the employing LEA or qualifying private school of a licensed educator of any criminal history information reported to the Board.
4. Additional amendments to the rule have been made to make the rule consistent with other licensing rules and to provide additional clarity.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-516, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-516, as amended, on second reading.

Contact: Sydnee Dickson, 801-538-7515
Diana Suddreth, 801-538-7739
Travis Rawlings, 801-538-7601

1 **R277. Education, Administration.**

2 **R277-516. Education Employee Required Reports of Arrests and**
3 **Required Background Check Policies for Non-licensed Employees.**

4 **R277-516-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Comprehensive Administration of Credentials for
7 Teachers in Utah Schools (CACTUS)" means the database
8 maintained on all licensed Utah educators[~~. The database~~],
9 which includes information such as:

- 10 (1) personal directory information;
11 (2) educational background;
12 (3) endorsements;
13 (4) employment history;
14 (5) professional development information;
15 (6) completion of employee background checks; and
16 (7) a record of disciplinary action taken against the
17 educator.

18 C. "DPS" means the Department of Public Safety.

19 D. "LEA" or "local education agency" means a school
20 district, a charter school, and, for purposes of this rule,
21 the Utah Schools for the Deaf and the Blind.

22 [D]E.(1) "Licensed educator" means an individual who
23 holds a valid Utah educator license and has satisfied all
24 requirements to be a licensed educator in the Utah public
25 school system (examples are traditional public school
26 teachers, charter school teachers, school administrators, USOE
27 and school district specialists).

28 (2) A licensed educator may or may not be employed in a
29 position that requires an educator license.

30 (3) A [E] licensed educator[s] includes an individual[s]
31 who:

32 (a) are is student teaching[~~7~~];

33 (b) who are is in an alternative route[s] to licensing
34 program[s] or position[s]; and or

35 (c) an individual[s] who holds an [district— or charter
36 school]LEA-specific competency-based license[s].

37 [F]F. "Public education employer" means the education
38 entity that hires and employs an individual, including public
39 school districts, the Utah State Office of Education, Regional
40 Service Centers, and charter schools.

41 G. "Superintendent" means the State Superintendent of
42 Public Instruction or the Superintendent's designee.

43 [F]H. "USOE" means the Utah State Office of Education.

44 I. "Volunteer" means a volunteer who may be given
45 significant unsupervised access to children in connection with
46 the volunteer's assignment.

47 **R277-516-2. Authority and Purpose.**

48 A. This rule is authorized by Utah Constitution Article
49 X, Section 3 which vests the general control and supervision
50 of the public schools in the Board, by Sections
51 53A-1-301(3)(a) and 53A-1-301(3)(d)(x) which instructs the
52 [~~State~~]Superintendent[~~of Public Instruction~~
53 (~~Superintendent~~)] to perform duties assigned by the Board that
54 include presenting to the Governor and the Legislature each
55 December a report of the public school system for the
56 preceding year that includes investigation of all matters
57 pertaining to the public schools, and statistical and
58 financial information about the school system which the
59 Superintendent considers pertinent;[~~and~~] by Sections
60 53A-1-402(1)(a)(i) and (iii) which direct the Board to
61 establish rules and minimum standards for the public schools
62 regarding the qualification and certification of educators and
63 ancillary personnel who provide direct student services, and
64 the evaluation of instructional personnel[~~-~~]; and by Title
65 53A, Chapter 15, Part 15, Background Checks, which directs the
66 Board to require educator license applicants to submit to
67 background checks and provide ongoing monitoring of licensed

68 educators.

69 B. The purpose of this rule is ensure that all students
70 who are compelled by law to attend public schools, subject to
71 release from school attendance consistent with Section 53A-11-
72 102, are instructed and served by public school teachers and
73 employees who have not violated laws that would endanger
74 students in any way.

75 **R277-516-3. Licensed Public Education Employee Personal**
76 **Reporting of Arrests.**

77 A. A licensed educator who is arrested, cited or charged
78 with the following alleged offenses shall report the arrest,
79 citation, or charge within 48 hours or as soon as possible to
80 the licensed educator's district superintendent, charter
81 school director or designee:

82 (1) any matters involving an alleged sex offense;

83 (2) any matters involving an alleged drug-related
84 offense;

85 (3) any matters involving an alleged alcohol-related
86 offense;

87 (4) any matters involving an alleged offense against the
88 person under Title 76, Chapter 5, Offenses Against the Person;

89 (5) any matters involving an alleged felony offense under
90 Title 76, Chapter 6, Offenses Against Property;

91 (6) any matters involving an alleged crime of domestic
92 violence under Title 77, Chapter 36, Cohabitant Abuse
93 Procedures Act; and

94 (7) any matters involving an alleged crime under federal
95 law or the laws of another state comparable to the violations
96 listed in R277-516-3A(1)-(6).

97 B. A licensed educator shall report convictions,
98 including pleas in abeyance and diversion agreements within 48
99 hours or as soon as possible upon receipt of notice of the
100 conviction, plea in abeyance or diversion agreement.

101 C. [~~The district~~]An LEA superintendent, [~~charter~~
102 ~~school~~]director, or designee shall report conviction, arrest
103 or offense information received from a licensed educator[~~s~~] to
104 the [~~USOE~~]Superintendent within 48 hours of receipt of
105 information from a licensed educator[~~s~~].

106 D. The [~~USOE~~]Superintendent shall develop an electronic
107 reporting process on the USOE website.

108 [~~D~~]E. [~~The~~]A licensed educator shall report for work
109 following [~~the~~]an arrest and provide notice to the licensed
110 educator's employer unless directed not to report for work by
111 the employer, consistent with school district or charter
112 school policy.

113 **R277-516-4. Non-licensed Public Education Employee,**
114 **Volunteer, and Charter School Board Member Background Check**
115 **Policies.**

116 A. [~~School districts and charter schools~~]An LEA shall
117 adopt a polic[ies]y for non-licensed public education
118 employee, volunteer, and charter school board member
119 background checks that include at least the following
120 components:

121 (1) [~~periodic background checks of non-licensed~~
122 ~~employees~~] a requirement that the individual submit to a
123 background check and ongoing monitoring through registration
124 with the systems described in Section 53A-15-1505 as a
125 condition of employment or appointment; and

126 (2) [~~non-licensed employees shall submit to criminal~~
127 ~~background checks at least every six years;~~] identification of
128 the appropriate privacy risk mitigation strategy that will be
129 used to ensure that the LEA only receives notifications for
130 individuals with whom the LEA maintains an authorizing
131 relationship.

132 B. [~~School district and charter school~~]An LEA polic[ies]y
133 shall [~~determine~~]describe the background check process

134 necessary based on the ~~[non-licensed employee's~~
135 ~~assignment]~~individual's duties.

136 ~~[C. School districts and charter schools shall submit to~~
137 ~~the Utah Department of Public Safety a complete list of~~
138 ~~non-licensed employees including names, dates of birth, and~~
139 ~~social security numbers.]~~

140 **R277-516-5. Non-licensed Public Education Employee or Charter**
141 **School Board Member Arrest Reporting Policy Required from**
142 **[School Districts and Charter Schools] LEAs.**

143 A. An [School districts/charter schools] LEA shall have a
144 policy requiring ~~[reporting of designated offenses by]~~
145 non-licensed public employees, charter school board members,
146 and all employees who drive motor vehicles as an employment
147 responsibility to report offenses specified in R277-516-5C.

148 B. ~~[School districts/charter schools shall have an~~
149 ~~employee reporting policy for non-licensed employees adopted~~
150 ~~in an open board meeting no later than September 15, 2009.]~~
151 An LEA shall post [F]the policy described in R277-516-5A
152 [shall be available] on the [school district/charter school]
153 LEA's website[or provided to the USOE or both].

154 C. ~~[The]~~An LEA's policy described in R277-516-5A shall
155 include the following minimum components:

156 (1) reporting of the following:

157 (a) convictions, including pleas in abeyance and
158 diversion agreements;

159 (b) any matters involving arrests for alleged sex
160 offenses;

161 (c) any matters involving arrests for alleged drug-
162 related offenses;

163 (d) any matters involving arrests for alleged alcohol-
164 related offenses; and

165 (e) any matters involving arrests for alleged offenses
166 against the person under Title 76, Chapter 5, Offenses Against

167 the Person.

168 (2) a timeline for receiving reports from non-licensed
169 public education employees;

170 (3) immediate suspension from student supervision
171 responsibilities for alleged sex offenses and other alleged
172 offenses which may endanger students during the period of
173 investigation;

174 (4) immediate suspension from transporting students or
175 public education vehicle operation or maintenance for alleged
176 offenses involving alcohol or drugs during the period of
177 investigation;

178 (5) adequate due process for the accused employee
179 consistent with Section 53A-3-410(10);

180 (6) a process to review arrest information and make
181 employment or appointment decisions that protect both the
182 safety of students and the confidentiality and due process
183 rights of employees and charter school board members; and

184 (7) timelines and procedures for maintaining records of
185 arrests and convictions of non-licensed public education
186 employees and charter school board members.

187 D. An LEA shall ensure that the [R]records described in
188 R277-516-5C(7)[~~shall~~]:

189 (a) include final administrative determinations and
190 actions following investigation; and

191 (b) [be]are maintained:

192 (i) only as necessary to protect the safety of students;

193 and

194 (ii) with strict requirements for the protection of
195 confidential employment information.

196 **R277-516-6. Public Education Employer Responsibilities Upon**
197 **Receipt of Arrest Information[~~from Employees~~].**

198 A. A public education employer that receives arrest
199 information about a licensed public education employee shall

200 review the arrest information and assess the employment status
201 consistent with Section 53A-6-501, R277-515, and the [~~school~~
202 ~~district/charter school's~~]LEA's policy.

203 B. A public education employer that receives arrest
204 information about a non-licensed public education employee,
205 volunteer, or charter school board member shall review the
206 arrest information and assess the [~~employee's~~]individual's
207 employment or appointment status:

208 (1) considering the [~~non-licensed public education~~
209 ~~employee's~~]individual's assignment and duties; and

210 (2) consistent with a local board-approved policy for
211 ethical behavior of non-licensed employees, volunteers, and
212 charter school board members.

213 C. A local board shall provide appropriate training to
214 non-licensed public education employees, volunteers, and
215 charter school board members about the provisions of the local
216 board's policy for self-reporting and ethical behavior of non-
217 licensed public education employees, volunteers, and charter
218 school board members.

219 D. A public education employer shall cooperate with the
220 [~~USOE~~]Superintendent in investigations of licensed educators.

221 **R277-516-7. [~~USOE~~]Responsibility for Review of**
222 **Arrest/Conviction Information Regarding Current or Prospective**
223 **Licensees.**

224 A. The [~~USOE~~]Superintendent shall review the following in
225 a timely manner:

226 (1) self-disclosure reports received from public
227 education employers who received the information from licensed
228 educators pursuant to this rule[~~7~~]; or

229 (2) reports from DPS regarding arrests/convictions of
230 current or prospective licensees[~~in a timely manner~~].

231 B. [~~The USOE~~]After a review described in R277-516-7A, the
232 Superintendent[~~shall~~]:

233 (1) may require the current or prospective licensee to
234 [~~immediately~~]submit [~~his~~]the current or prospective
235 licensee's fingerprints to DPS for a background check;

236 (2) shall place a flag on the current or prospective
237 licensee's CACTUS file indicating a background check issue;
238 and

239 (3) shall evaluate the reports and results of a
240 background check for potential licensing action[~~7~~]:

241 (a) after [~~consultation~~]consulting with the public
242 education employer; and

243 (b) consistent with procedures under Section 53A-6-401
244 and [~~R686-100~~]R277-203[~~, for potential licensing action~~].

245

246 **KEY: school employees, self reporting**

247 **Date of Enactment or Last Substantive Amendments: [~~December 8,~~**
248 **2009]2015**

249 **Notice of Continuation: June 10, 2014**

250 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
251 **53A-1-301(3)(a); 53A-1-301(3)(d)(x); 53A-1-402(1)(a)(i); 53A-**
252 **1-402(1)(a)(iii)**

**Utah State Board of Education
Standards and Assessment Committee**

Laura Belnap, Chair

lbelnap@utahonline.org

Dixie Allen, Vice Chair

dixieleeallen@gmail.com

David Crandall

crandall@xmission.com

Brittney Cummins

b4cummins@gmail.com

Spencer Stokes

utahboard2@gmail.com

Staff: Sydnee Dickson

sydnee.dickson@schools.utah.gov

Secretary: Michelle Davis

michelle.davis@schools.utah.gov

Standards and Assessment Committee

North Board Room

Time for public comment may be provided prior to each item

ACTION: R277-107 *Educational Services Outside of Educator's Regular Employment* (Continuation and Amendment) Tab 2-T

ACTION: Standards Revision Process Tab 2-U

ACTION: Release of Secondary Mathematics Standards for 90-day Review Tab 2-V

ACTION: Release of Fine Arts Standards for 90-day Review Tab 2-W

ACTION: Recalculation of Uniform Growth Goal Tab 2-X

ACTION: School Readiness Funding Tab 2-Y

ACTION: Distribution of FY 16 Funds to Science Education Enhancement Institutions (iSEE) and Provider Organizations Tab 2-Z

ACTION: R277-410 *Accreditation of Schools* (Amendment and Continuation) Tab 2-AA



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry L. Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: R277-107 *Educational Services Outside of Educator's Regular Employment*
(Continuation and Amendment)

Background:

1. R277-107 *Educational Services Outside of Educator's Regular Employment* is due for its five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire on July 1, 2015. Staff have reviewed R277-107 and determined that the rule continues to be necessary.
2. In addition to continuing the rule, technical changes have been made.

Key Points:

1. R277-107 continues to be necessary because it provides direction and parameters for employees who provide or participate in public education-related services or activities outside of their regular public education employment.
2. Technical changes are made throughout the rule to make it consistent with the Board's stylistic and formatting preferences.

Anticipated Action:

1. It is proposed that the Standards and Assessment Committee consider approving R277-107 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-107 for continuation on second reading.
2. It is proposed that the Standards and Assessment Committee consider approving R277-107, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-107, as amended, on second reading.

Contact: Angie Stallings, 801-538-7550

1 **R277. Education, Administration.**

2 **R277-107. Educational Services Outside of Educator's Regular**
3 **Employment.**

4 **R277-107-1. Definitions.**

5 A. "Activity sponsor" means a private or public
6 individual or entity that employs an employee in any program
7 in which public school students participate.

8 B. "Board" means the Utah State Board of Education.

9 C. "Extracurricular activit[ies]y" means [~~those~~]an
10 activit[ies]y for students recognized or sanctioned by an
11 [~~educational institution~~]LEA which may supplement or
12 compliment, but [~~are~~]is not part of, [~~its~~]the LEA's required
13 program or regular curriculum.

14 D. "LEA" or "local education agency" means a [~~local~~
15 ~~education agency, including local school boards/public~~]school
16 district[~~s~~], a charter school[~~s~~], [~~and~~]or, for purposes of
17 this rule, the Utah Schools for the Deaf and the Blind.

18 E. "Public education employee (employee)" means a person
19 who is employed on a full-time, part-time, or contract basis
20 by any LEA.

21 F[~~-~~](1) "Private, but public education-related activity"
22 means any type of activity for which:

23 (a) [~~the~~]a public education employee receives
24 compensation; and

25 (b) the principle clients are students at the school
26 where the employee works.

27 (2) [~~Such activities~~] "Private, but public education-
28 related activity" may include:

29 ([~~1~~]a) tutoring;

30 ([~~2~~]b) lessons;

31 ([~~3~~]c) clinics;

32 ([~~4~~]d) camps; or

33 ([~~5~~]e) travel opportunities.

34 **R277-107-2. Authority and Purpose.**

35 A. This rule is authorized by Utah Constitution Article
36 X, Section 3 which vests general control and supervision of

37 public education in the Board, Section 53A-1-402.5 which
38 directs the Board to make rules that establish basic ethical
39 conduct standards for employees who provide public education-
40 related services or activities outside of their regular
41 employment, and 53A-1-401(3) which permits the Board to adopt
42 rules in accordance with its responsibilities.

43 B. The purpose of this rule is to provide direction and
44 parameters for employees who provide or participate in public
45 education-related services or activities outside of their
46 regular public education employment.

47 C. The Board recognizes that public school educators
48 have expertise and training in various subjects and skills and
49 should have the opportunity to enrich the community with their
50 skills and expertise while still respecting the unique public
51 trust that public educators have.

52 **R277-107-3. LEA Responsibility.**

53 An LEA may have policies providing for the following,
54 consistent with the provisions of this R277-107 and the law:

55 A. sponsorship or specific non-sponsorship of
56 extracurricular activities; or

57 B. opportunities for students [~~consistent with the~~
58 ~~provisions of this rule and the law~~].

59 **R277-107-4. LEA Relationship to Activities Involving**
60 **Educators.**

61 A[~~7~~](1) An LEA may sponsor extracurricular activities or
62 opportunities for students.

63 (2) Extracurricular activities are subject to Utah's
64 school fee laws and rules, fee waivers, procurement and all
65 other applicable laws and rules.

66 B. An employee that participates in a private, but
67 public education-related activity, is subject to the
68 following:

69 (1) the employee's participation in the activity shall
70 be separate and distinguishable from the employee's public
71 employment as required by this rule;

72 (2) the employee may not, in promoting the activity:
73 (a) contact students at the public schools, except as
74 permitted by this rule; or
75 (b) use education records, resources, or information
76 obtained through [~~his~~]the employee's public employment unless
77 the records, resources, or information are readily available
78 to the general public[-];
79 (3) the employee may not use school time to discuss,
80 promote, or prepare for:
81 (a) a [~~ny~~] private activity; or
82 (b) a private, but public education-related activity;
83 (4) the employee may:
84 (a) offer private, but public education-related
85 services, programs or activities to students provided that
86 they are not advertised or promoted by the employee during
87 school time[-];
88 (b) discuss [~~the~~]a private, but public education-related
89 activity with students or parents outside of the classroom and
90 the regular school day;
91 (c) use student directories or online resources which
92 are available to the general public; and
93 (d) use student or school publications in which
94 commercial advertising is allowed, to advertise and promote
95 the activity.
96 C. Credit and participation in a public school program
97 or activity may not be conditioned on a student's
98 participation in such activities as clinics, camps, private
99 programs, or travel activities not equally and freely
100 available to all students.
101 D. No employee may state or imply to any person that
102 participation in a regular school activity or program is
103 conditioned on participation in a private activity.
104 E. No provision of this rule shall preclude a student
105 from requesting or petitioning a teacher or school for
106 approval of credit based on an extracurricular educational
107 experience consistent with LEA policy.

108 **R277-107-5. Advertising.**

109 A. An employee may purchase advertising space to
110 advertise an activity or service in a publication, whether or
111 not sponsored by the public schools, that accepts paid or
112 community advertising.

113 B. The advertisement may identify the activity,
114 participants, and leaders or service providers by name,
115 provide non-school contact information, and provide details of
116 the employee's employment experience and qualification.

117 C. Posters or brochures may be posted or distributed in
118 the same manner as could be done by a member of the general
119 public, advertising an employee's services, consistent with
120 LEA policy.

121 D. Unless an activity is sponsored by the LEA, the
122 advertisement shall state clearly and distinctly that the
123 activity is NOT sponsored by the LEA.

124 E. The name of an LEA [~~shall~~may] not be used in the
125 advertisement except as the LEA's name may relate to the
126 employee's employment history or if school facilities have
127 been rented for the activity.

128 F. If the name of the employee offering the service or
129 participating in the activity is stated in any advertisement
130 sent to the employee's students, or is posted, distributed, or
131 otherwise made available in the employee's school, the
132 advertisement shall state that the activity is not school
133 sponsored.

134 **R277-107-6. Public Education Employees.**

135 A. Public education employees shall comply with [~~Section~~
136 ~~63G-6-1001, Felony to accept emolument~~] Title 63G, Chapter 6a,
137 Utah Procurement Code.

138 B. Public education employees shall comply with Title 67,
139 Chapter 16, [~~Utah~~]Public Officers' and Employees' Ethics Act.

140 C. Except as provided in R277-107-6D, [e]consistent with
141 Section 63G-[~~6-1001~~]6a-2404 and Title 67, Chapter 16, Public
142 Officers' and Employees' Ethics Act, a public education
143 employee[~~s shall~~may] not solicit or accept gifts, incentives,

144 honoraria, or stipends from private sources:

145 (1) for the~~[ir]~~ employee's personal or family use~~[-unless~~
146 ~~the gift is of nominal value and is for birthdays, holidays,~~
147 ~~or teacher appreciation occasions or is a public award in~~
148 ~~recognition of public service, consistent with school or LEA~~
149 ~~policies and the Utah Public Employees Ethics Act];~~

150 (2) in exchange or payment for advertising placed by the
151 employee; or

152 (3) in exchange or payment for securing agreements,
153 contracts or purchases between private company and public
154 education employer, programs or teams.

155 D. A public education employee may accept a gift,
156 incentive, honoraria, or stipend from a private source if the
157 gift, incentive, honoraria, or stipend is:

158 (1)(a) of nominal value and is for birthdays, holidays,
159 or teacher appreciation occasions; or

160 (b) a public award in recognition of public service; and

161 (2) consistent with school or LEA policies and the Utah
162 Public Employees Ethics Act.

163 ~~[D]~~E. A [P]public education employee[~~s~~] who holds a Utah
164 educator license[~~s~~] shall be subject to license discipline
165 (including license suspension or revocation) for violation of
166 this ~~[rule]~~R277-107 and applicable provisions of Utah law.

167 **R277-107-7. Public Education Employee/Sponsor Agreements or**
168 **Contracts.**

169 A. An agreement between an employee and an activity
170 sponsor shall be signed by the employee and include a
171 statement that reads substantially: I understand that this
172 activity is not sponsored by an~~[y]~~ LEA, that my
173 responsibilities to the activity sponsor are outside the scope
174 of and unrelated to any public duties or responsibilities I
175 may have as a public education employee, and I agree to comply
176 with laws and rules of the state and policies regarding my
177 advertising and participation.

178 B. ~~[The]~~An employee shall provide the LEA business
179 administrator, superintendent, or charter school director with

180 a signed copy of all contracts between the employee and a
181 private activity sponsor.

182 C. ~~The~~An LEA shall maintain a copy of a contract
183 described in R277-107-7B in the employee's personnel file.

184 **KEY: school personnel**

185 **Date of Enactment or Last Substantive Amendment: ~~[May 8,~~**
186 **~~2012]~~2015**

187 **Notice of Continuation: ~~[July 1, 2010]~~2015**

188 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
189 **53A-1-402.5; 53A-1-401(3)**



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Standards Adoption Process

Background:

During the April Board meeting the Standards and Assessment Committee determined that an official process for standards adoption by the Board was necessary to ensure that Board members and staff had a common understanding and expectation of what the process entailed.

Key Points:

Board members created and revised the process with the help of USOE staff.

Anticipated Action:

The Committee will consider approving the Standards Adoption Process. If approved, the full Board will consider approving the Standards Adoption Process.

Contact: Sydnee Dickson, 801-538-7515

Standards Revision Process for Utah State Board of Education

Recommendations to Utah State Board of Education

May 7, 2015

1. Notice of revision by Board
2. Standards Review Committee (SRC) meets to make initial recommendations
3. Report SRC recommendations to Board
4. Writing committee organized
5. Report revision recommendations and progress to Board
6. Meet with SRC to provide updates and receive input
7. Report periodically to Board with brief updates and check-ins during revision process
8. Submit to Board for 90 day review
9. Public review with monthly brief updates to Board
10. Revision based on public input
11. Standards to Board for review/ adoption
12. Report implementation plan

CORE REVISION TIMELINE – ADOPTED BY BOARD MAY 2014

Content Area	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Language Arts - Elementary	New Assessment Fully Implement				Public review Revise Standards	Adoption Professional Development	Begin to implement and align assessment	New Assessment Fully Implement
Language Arts - Secondary	New Assessment Fully Implement			Public review Revise Standards	Adoption Professional Development	Begin to implement and align assessment	New Assessment Fully Implement	
Math – Elementary	New Assessment Fully Implement	Public review		Public review Revise Standards	Adoption Professional Development	Begin to implement and align assessment	New Assessment Fully Implement	
Math – Secondary	New Assessment Fully Implement	Public review			Public review Revise Standards	Adoption Professional Development	Begin to implement and align assessment	New Assessment Fully Implement
Science Elementary			Public review Revise Standards	Adoption Professional Development	Begin to implement and align assessment	New Assessment Fully Implement		
Science 6,7,8		Public review Revise Standards	Adoption Professional Development	Begin to implement and align assessment	New Assessment Fully Implement			
Science HS			Public review Revise Standards	Adoption Professional Development	Begin to implement and align assessment	New Assessment Fully Implement		
Soc. Studies Secondary		Revise Standards Public review	Professional Development Adoption	Implement				
Soc. Studies Elementary			Revise Standards Public review	Professional Development	Implement			

CORE REVISION TIMELINE – ADOPTED BY BOARD MAY 2014

Content Area	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
<u>Fine Arts Elem</u>		Revise Standards Public review	Professional Development	Implement				
<u>Fine Arts HS</u>		Revise Standards Public review	Professional Development	Implement				
<u>P. E.</u>		Public review Revise Standards	Professional Development Implement					
<u>Health</u>				Revise Standards	Public review Professional Development	Implement		
Dr. Ed.	Implement					Revise Standards	Public review Professional Development	Implement
Library/Media Secondary & Elementary			Public review Revise Standards Adopt	Professional Development Implement				
Ed. Tech		Public review Revise Standards	Professional Development Implement					
World Languages		Public review Revise Standards	Professional Development Implement					



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Release of Secondary Mathematics Standards for 90-day Review

Background: In accordance with Utah State Code 53A-1-402.8, a Standards Review Committee for Secondary Mathematics convened and made general recommendations for revising the Utah Core Secondary Mathematics standards. In March, 2015 the Utah State Board of Education approved the five recommendations relating to the Core standards.

Key Points: The Secondary Mathematics Core Standards have been revised based on the five areas approved by the USBE in March:

- *Revise and align the Precalculus and Secondary I Honors, II Honors, and III Honors standards so that all students completing either pathway have met the same standards.*
- *Revise and align the Statistics and Probability standards across secondary courses (grades 7-12).*
- *Consider moving some of the standards in Secondary II to other courses.*
- *Revise ambiguous standards so that the depth of intended proficiency is clear.*
- *Cross-reference the high school standards with the courses in which they are taught.*

Anticipated Action: The Standards and Assessment Committee will consider forwarding a recommendation to the Board to approve the release of the draft Secondary Mathematics Standards for a 90-day public review period.

Contact: Sydnee Dickson, 801-538-7794
Diana Suddreth, 801-538-7739
Joleigh D Honey, 801-538-7794

Secondary Mathematics Standards Revisions



Prepared by the

Utah State Office of Education

May 7-8, 2015

Diana Suddreth, Director Teaching and Learning
diana.suddreth@schools.utah.gov

Joleigh Honey, Secondary Mathematics Specialist
joleigh.honey@schools.utah.gov

Secondary Mathematics Core Revisions

Process for Revisions

The process for making revisions to the secondary mathematics core included several working groups, each with various stakeholders. The Standards Review Committee, the Steering Committee, and the Statistics Committee were created in the summer of 2014, while the Governor's Panel was another committee whose work contributed to the revisions of the core. Throughout the process, feedback and suggestions were documented regarding revisions. Feedback came from the Governor's panel, from the State Mathematics Educators Curriculum Committee (SMECC), from teachers who attended Secondary Mathematics Standards webinars, and from the public who completed an online survey with suggestions for standards.

The Standards Review Committee met during the 2014-2015 school year and made recommendations to the Board of Education in March. The following recommendations made by the Standards Review Committee were approved by the Utah State Board of Education and have been completed for public review:

- 1. Revise and align the Precalculus and Secondary I Honors, II Honors, and III Honors standards so that all students completing either pathway have met the same standards.*
 - The Honors standards and Precalculus standards are 100% aligned. Some of the Precalculus standards were removed as they existed in the non-Honors standards and a few Honors standards were added so that all standards in Precalculus are also covered in Honors.*
- 2. Revise and align the Statistics and Probability standards across secondary courses (grades 7-12).*
 - The Statistics and Probability standards have been aligned throughout secondary, with most changes occurring with the high school standards.*
- 3. Cross-reference the high school standards with the courses in which they are taught.*
 - A sample of this has been created and included in the support documents. The cross-reference documentation occurs in the High School standards section of the core.*
- 4. Consider moving some of the standards in Secondary II to other courses.*
 - The standards in Secondary II have been reduced, with some standards moving to Honors and others moving to Secondary III.*
- 5. Revise ambiguous standards so that the depth of intended proficiency is clear.*
 - Ambiguous standards have been revised. For stakeholders who would also like examples, the curriculum guides will be a great resource.*

Standard	Original Description	Changed Description
7.SP.1	Understand that statistics can be used to gain information about a population by examining a sample of the population; generalizations about a population from a sample are valid only if the sample is representative of that population. Understand that random sampling tends to produce representative samples and support valid inferences.	Understand that statistics can be used to gain information about a population by examining a sample of the population; generalizations about a population from a sample are valid only if the sample is representative of that population. Understand that random sampling is more likely to produce representative samples and support valid inferences.
7.SP.3	Informally assess the degree of visual overlap of two numerical data distributions with similar variabilities, measuring the difference between the centers by expressing it as a multiple of a measure of variability. For example, the mean height of players on the basketball team is 10 cm greater than the mean height of players on the soccer team, about twice the variability (mean absolute deviation) on either team; on a dot plot, the separation between the two distributions of heights is noticeable.	Informally assess the degree of visual overlap of two numerical data distributions with similar variabilities, estimating the difference between the centers by expressing it as a multiple of a measure of variability. For example, the mean height of players on the basketball team is 10 cm greater than the mean height of players on the soccer team, approximately twice the variability (mean absolute deviation) on either team; on a dot plot, the separation between the two distributions of heights is noticeable.
8: Overview	Expressions and Equations <ul style="list-style-type: none"> • Work with radicals and integer exponents. • Understand the connections between proportional relationships, lines, and linear equations. 	Expressions and Equations <ul style="list-style-type: none"> • Work with radicals and integer exponents. • Understand the connections between proportional relationships, lines, and linear equations. • Analyze and solve linear equations, linear inequalities, and pairs of simultaneous linear equations.
8: Overview	<ul style="list-style-type: none"> • Understand and apply the Pythagorean Theorem. 	<ul style="list-style-type: none"> • Understand and apply the Pythagorean Theorem and its converse.
8.NS.3	Description did not exist.	Added: 8.NS.3 - Understand how to perform operations and simplify radicals with emphasis on square roots.
8.EE	Analyze and solve linear equations and pairs of simultaneous linear equations.	Analyze and solve linear equations, linear inequalities, and pairs of simultaneous linear equations.

8.EE.7	Solve linear equations in one variable.	Solve linear equations and inequalities in one variable.
8.EE.7b	Solve linear equations with rational number coefficients, including equations whose solutions require expanding expressions using the distributive property and collecting like terms.	Solve single variable linear equations and inequalities with rational number coefficients, including equations and inequalities whose solutions require expanding expressions using the distributive property and collecting like terms.
8.EE.7c	Description did not exist	Added: 8.EE.7c - Solve single variable absolute value equations.
8.EE.8b	Solve systems of two linear equations in two variables algebraically, and estimate solutions by graphing the equations. Solve simple cases by inspection. <i>For example, $3x + 2y = 5$ and $3x + 2y = 6$ have no solution because $3x + 2y$ cannot simultaneously be 5 and 6.</i>	Solve systems of two linear equations in two variables graphically, approximating when solutions are not integers. Solve simple cases by inspection. <i>For example, $3x + 2y = 5$ and $3x + 2y = 6$ have no solution because $3x + 2y$ cannot simultaneously be 5 and 6.</i>
8.EE.8c	Solve real-world and mathematical problems leading to two linear equations in two variables. <i>For example, given coordinates for two pairs of points, determine whether the line through the first pair of points intersects the line through the second pair.</i>	Solve real-world and mathematical problems leading to two linear equations in two variables graphically. <i>For example, given coordinates for two pairs of points, determine whether the line through the first pair of points intersects the line through the second pair.</i>
8.G	Understand and apply the Pythagorean Theorem.	Understand and apply the Pythagorean Theorem and its converse.
8.G.6	Explain a proof of the Pythagorean Theorem and its converse.	Explore and explain proofs of the Pythagorean Theorem and its converse.
Secondary Math I		

A.REI.3	Solve linear equations and inequalities in one variable, including equations with coefficients represented by letters.	Solve equations and inequalities in one variable. a. Solve one variable equations, including those with coefficients represented by letters. b. Solve compound inequalities in one variable, including absolute value inequalities. c. Solve simple exponential equations that rely only on application of the laws of exponents, <i>such as</i> $5^x = 125$ or $2^x = 1/16$
A.REI.3 (Note)	Solve equations and inequalities in one variable. Extend earlier work with solving linear equations to solving linear inequalities in one variable and to solving literal equations that are linear in the variable being solved for. Include simple exponential equations that rely only on application of the laws of exponents, such as $5^x = 125$ or $2^x = 1/16$	Solve equations and inequalities in one variable. Extend earlier work with solving linear equations to solving linear inequalities in one variable and to solving literal equations that are linear in the variable being solved for.
S.ID.3	Interpret differences in shape, center, and spread in the context of the data sets, accounting for possible effects of extreme data points (outliers).	Interpret differences in shape, center, and spread in the context of the data sets, accounting for possible effects of extreme data points (outliers). Calculate the weighted average of a distribution and interpret it as a measure of center.
S.ID.5	Summarize, represent and interpret data on two categorical and quantitative variables. 5. Summarize categorical data for two categories (including joint marginal, and conditional relative frequencies). Recognize possible associations and trend the data.	Moved to Secondary Math II.
S.ID.7	Interpret the slope (rate of change) and the intercept (constant term) of a linear model in the context of the data.	Interpret the slope (rate of change) and the intercept (constant term) of a linear model, of a line of best fit, in the context of the data.

S.ID.8	Compute (using technology) and interpret the correlation coefficient of a linear fit.	Compute (using technology) and interpret the correlation coefficient as a measure of the strength of a linear fit.
Secondary Math II		
F.IF.7b	Graph square root, cube root, and piecewise-defined functions, including step functions and absolute value functions.	Graph piecewise-defined functions and absolute value functions.
F.IF Instructional Note Analyze functions using different representations	For F.IF.7b, compare and contrast absolute value, step and piecewise- defined functions with linear, quadratic, and exponential functions. Highlight issues of domain, range and usefulness when examining piecewise defined functions. Note that this unit, and in particular in F.IF.8b, extends the work begun in Secondary Mathematics I on exponential functions with integer exponents. For F.IF.9, focus on expanding the types of functions considered to include, linear, exponential, and quadratic.	For F.IF.7b, compare and contrast absolute value, and piecewise- defined functions with linear, quadratic, and exponential functions. Highlight issues of domain, range and usefulness when examining piecewise defined functions. Note that this unit, and in particular in F.IF.8b, extends the work begun in Secondary Mathematics I on exponential functions with integer exponents. For F.IF.9, focus on expanding the types of functions considered to include, linear, exponential, and quadratic.
F.BF Instructional Note Build new functions from existing functions	For F.BF.3, focus on quadratic functions and consider including absolute value functions. For F.BF.4a, focus on linear functions but consider simple situations where the domain of the function must be restricted in order for the inverse to exist, such as $f(x) = x^2, x > 0$.	For F.BF.3, focus on quadratic functions and consider including absolute value functions.
F.BF.4	Solve an equation of the form $f(x) = c$ for a simple function f that has an inverse and write an expression for the inverse. For example, $f(x) = 2x^3$ or $f(x) = \frac{(x+1)}{(x-1)}$ for $x \neq 1$.	Already exists in Secondary Math III.

S.ID (Cluster Title on left hand side)	Summarize, represent and interpret data on two categorical and quantitative variables.	
S.ID.5	Moved from Secondary Math I.	Added: S.ID.5 - 5. Summarize categorical data for two categories (including joint marginal, and conditional relative frequencies). Recognize possible associations and trend the data.
S.CP.2	Understand that two events A and B are independent if the probability of A and B occurring together is the product of their probabilities, and use this characterization to determine if they are independent.	Moved to Secondary Math II Honors.
S.CP.3	Understand the conditional probability of A given B as $P(A \text{ and } B)/P(B)$, and interpret independence of A and B as saying that the conditional probability of A given B is the same as the probability of A, and the conditional probability of B given A is the same as the probability of B.	Moved to Secondary Math II Honors.
S.CP.4	Construct and interpret two-way frequency tables of data when two categories are associated with each object being classified. Use the two-way table as a sample space to decide if events are independent and to approximate conditional probabilities. <i>For example, collect data from a random sample of students in your school on their favorite subject among math, science, and English. Estimate the probability that a randomly selected student from your school will favor science given that the student is in tenth grade. Do the same for other subjects and compare the results.</i>	Construct and interpret two-way frequency tables of data when two categories are associated with each object being classified. Use the two-way table as a sample space to approximate conditional probabilities. <i>For example, collect data from a random sample of students in your school on their favorite subject among math, science, and English. Estimate the probability that a randomly selected student from your school will favor science given that the student is in tenth grade. Do the same for other subjects and compare the results.</i>

S.CP.5	Recognize and explain the concepts of conditional probability and independence in everyday language and everyday situations. <i>For example, compare the chance of having lung cancer if you are a smoker with the chance of being a smoker if you have lung cancer.</i>	Recognize and explain the concepts of conditional probability in everyday language and everyday situations. <i>For example, compare the chance of having lung cancer if you are a smoker with the chance of being a smoker if you have lung cancer.</i>
S.CP.7	Apply the Addition Rule, $P(A \text{ or } B) = P(A) + P(B) - P(A \text{ and } B)$, and interpret the answer in terms of the model.	Removed completely.
S.CP.8	Apply the general Multiplication Rule in a uniform probability model, $P(A \text{ and } B) = P(A)P(B A) = P(B)P(A B)$, and interpret the answer in terms of the model.	Removed completely.
S.CP.9	Use permutations and combinations to compute probabilities of compound events and solve problems.	Moved to Secondary Math III Honors.
S.MD.1	Use probabilities to make fair decisions (e.g., drawing by lots, using a random number generator).	Removed completely.
S.MD.2	Analyze decisions and strategies using probability concepts (e.g., product testing, medical testing, pulling a hockey goalie at the end of a game).	Removed completely.
G.GPE.2	Derive the equation of a parabola given a focus and directrix.	Moved to Secondary Math II Honors.
Secondary Math III		
S.IC.2	Decide if a specified model is consistent with results from a given data-generating process, e.g., using simulation. For example, a model says a spinning coin falls heads up with probability 0.5. Would a result of 5 tails in a row cause you to question the model?	Removed completely. (Including Cluster Note on left-hand side)

S.IC.5	Use data from a randomized experiment to compare two treatments; use simulations to decide if differences between parameters are significant.	Removed completely.
A.SSE.4	Derive the formula for the sum of a geometric series (when the common ratio is not 1), and use the formula to solve problems. For example, calculate mortgage payments	Understand the formula for the sum of a series and use the formula to solve problems. a. Derive the formula for the sum of an arithmetic series. b. Derive the formula for the sum of a geometric series (when the common ratio is not 1). <i>For example, calculate mortgage payments.</i>
F.TF.7	Description did not exist	Added: F.TF.7 Clusters with Instructional Notes: (on left-hand side) Limit solutions to a given interval. Use inverse functions to solve trigonometric equations that arise in modeling context; evaluate the solutions using <u>technology and interpret them in terms of context.</u>
F.IF.7b	Description did not exist	Cluster Description Note (on the left-hand side): Compare and contrast square root, cubed root, and step functions with all other functions. Highlight issues of domain, range, and usefulness when examining piece-wise defined functions.
F.BF.4 (Cluster note on left hand side)	Extend F.BF.4a to simple rational, simple radical, and simple exponential functions, connect F.BF.4a to F.LE.4	Connect F.BF.4a to logarithmic, square root, and cube root functions.

F.LE (block 1, left hand cluster note)	Construct and compare linear, quadratic, and exponential models and solve problems. Consider extending this unit to include the relationship between properties of logarithms and properties of exponents, such as the connection between the properties of exponents and the basic logarithm property that $\log xy = \log x + \log y$.	Construct and compare linear, quadratic, and exponential models and solve problems. Include the relationship between properties of logarithms and properties of exponents, such as the connection between the properties of exponents and the basic logarithm property that $\log xy = \log x + \log y$.
F.LE.3	Description did not exist in Secondary III.	Added: F.LE.3 - Observe using graphs and tables that a quantity increasing exponentially eventually exceeds a quantity increasing linearly, quadratically, or (more generally) as a polynomial function.
Clusters with Instructional Notes	Added (Block 2) - Interpret expressions for functions in terms of the situation it models. Introduce $f(x) = e^x$ as a model for continuous growth.	Added (Block 2) - Interpret expressions for functions in terms of the situation it models. Introduce $f(x) = e^x$ as a model for continuous growth.
F.LE.5	Description did not exist in Secondary III.	Added F.LE.5 - Interpret the parameters in a linear, quadratic, and exponential functions in terms of a context.

Overview of the Utah Statistics Core Standards Secondary Math I, II & III

Secondary I	Secondary II	Secondary III
S.ID.1: Represent data (dot plots, histograms, box plots)	Moved to Math II from Math I: S.ID.5: Summarize categorical data in two-way tables, associations & trends.	S.IC.1: Statistics allows inferences from samples to parameters
S.ID.2: Compare center and spread of distributions (mean, median, IQR, standard deviation)	S.CP.1: Describe subsets of sample spaces (unions, intersections, complements)	S.IC.3: Surveys, experiments & observational studies. Randomization.
S.ID.3: Interpret differences of shape, center & spread of data sets. Effect of outliers.	S.CP.4(-): Construct & interpret two-way tables. (Removed independence)	S.IC.4: Use samples to estimate population means/proportions. Develop idea of margin of error through simulation.
S.ID.6: Scatter plots for linear and exponential data. Linear regression, residuals.	S.CP.5(-): Conditional probability in context. (Removed independence)	S.IC.6: Evaluate reports based on data.
S.ID.7: Interpret slope and y-intercepts	S.CP.6: Find conditional probabilities and interpret based on a model.	
S.ID.8: Correlation	Standards moved to II Honors: S.CP.2, S.CP.3, S.CP.7, and S.CP.8	
S.ID.9: Correlation vs. causation.		
Secondary I Honors	Secondary II Honors	Secondary III Honors
No additional standards for honors	MOVED TO HONORS from Math II: S.CP.2: Evaluate independence based on product of probabilities	Moved from Math II: S.CP.9: Permutations & combinations.
	S.CP.3: Conditional probability formula	
	S.CP.7: Addition Rule for probability	
	S.CP.8: Multiplication Rule for probability	
Moved to another course	Moved to another course	Moved to another course
MOVED TO SMII: S.ID.5: two-way tables	MOVED TO SMIII HONORS: S.CP.9: Permutations & combinations MOVED TO ADVANCED COURSES: S.MD.1, 2: modeling, decisions & strategies	MOVED TO ADVANCED COURSES: S.ID.2: simulation models AND S.ID.4, 5: normal distributions & significance.



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Release Fine Arts Standards Draft for 90-Day Public Review

Background:

Utah's Fine Arts Standards have been revised by a team consisting of fine arts teachers, district curriculum specialists, and university representatives. New draft standards have also been created in Media Arts. An oversight committee which included parents, teachers, and district and university personnel have given suggestions and provided feedback to the revision team. These draft standards are now ready to present to the Board.

Key Points:

The revision creates sequential K-12 standards in Dance, Drama, Music, and Visual Arts. New Media Arts draft standards have also been created.

Anticipated Action:

The Committee will review the draft K-12 Fine Arts Standards in Dance, Drama, Music, Visual Art and Media Arts and forward a recommendation to the Board regarding releasing the standards for a 90-day public comment and review period.

Contact: Sydnee Dickson, 801-538-7515
Diana Suddreth, 801-538-7739
Cathy Jensen, 538-7793

Utah Fine Arts Education Standards Grades K-12



Diana Suddreth, Director Teaching and Learning

diana.suddreth@schools.utah.gov

Cathy Jensen, K-12 Fine Arts Specialist

cathy.jensen@schools.utah.gov

Utah Fine Arts Education Standards

Dance, Drama/Theatre, Media Arts, Music, Visual Art

Draft for Public Review – May 2015

Proposed Narrative for 90-day Review

At the recommendation of the Fine Arts Standards Oversight Committee, writing teams were convened to revise the Utah Fine Arts Standards in the arts disciplines of Dance, Drama/Theatre, Music and Visual Art. The committee recommended the addition of a fifth arts discipline to be called Media Arts. The writing teams were directed by the Utah State Board of Education to revise the standards to include grade-specific standards K-6 and content-level standards for secondary. The writing teams consisted of elementary grade-level teachers, elementary arts specialists, secondary arts teachers, district arts coordinators and instructors from higher education institutions. The teams reviewed the current Utah Standards as well as the most recent standards adopted in other states. The Committee recommended the writing teams refer to the work of the National Coalition for Core Arts Standards for additional guidance.

The following documents include K-6 grade-specific standards in Dance, Drama, Music and Visual Arts. They include secondary standards in Dance, Drama, Media Arts, Music, and Visual Art. Because not every student takes arts courses in every secondary grade, the secondary standards are organized by proficiency.

These documents are available as a draft for public feedback. Please utilize the survey tool available to provide feedback on these standards:

<https://www.surveymonkey.com/s/FineArtsPublicReview>

Once the 90-day Public Review has concluded, the writing teams for Fine Arts will reconvene to respond to comments and revise the draft accordingly.

Thank you for taking time to provide your feedback and supporting the process of developing standards that ensure a well-rounded Fine Arts education for Utah students and prepare them to be college and career ready.

Fine Arts Standards Review

Anchor Standards of Artistic Skills and Processes

Creating Conceiving and developing new artistic skills, ideas and work

Anchor Standard #1. Generate and conceptualize artistic ideas and work.

Anchor Standard #2. Organize and develop artistic ideas and work.

Anchor Standards #3. Refine and complete artistic work.

Performing Realizing artistic skills, ideas and work through interpretation and

presentation, **Presenting** Interpreting and sharing artistic work,

Producing Realizing and presenting artistic skills, ideas and work.

Anchor Standard #4. Analyze, interpret, and select artistic work for presentation.

Anchor Standard #5. Develop techniques and concepts to refine artistic work for presentation.

Anchor Standard #6. Express meaning through the presentation of artistic work.

Responding Evaluating and articulating/*understand* how the arts convey meaning

for the audience/observer as well as the performer/creator (let's see how this plays out.)

Anchor Standard #7. Perceive and analyze artistic work and process.

Anchor Standard #8. Interpret intent and meaning in artistic work and process.

Anchor Standard #9. Apply criteria to evaluate artistic work and process.

Connecting Relating artistic skills, ideas and work with personal meaning and external context

Anchor Standard #10. Synthesize and relate knowledge from personal and collaborative experiences to make and receive art.

Anchor Standard #11. Relate artistic ideas and works with societal, cultural, and historical context to deepen understanding.



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Recalculation of Uniform Growth Goal

Background: R277-406 *K-3 Reading Improvement Program and the State Reading Goal* includes provisions for the Board to develop uniform standards for acceptable growth goals that a local education agency (LEA) adopts. LEA funding is tied to successful attainment of the Uniform Growth Goal (UGG). If for two consecutive years an LEA fails to meet its UGG, the LEA may not receive K-3 Reading Improvement Program money the following year, and shall terminate any levy imposed under Section 53A-17a-151. This past year four LEAs failed to meet their UGG.

Key Points: UGG calculations using baseline data from the 2012 cohort have produced unintended consequences:

1. Students scoring well below benchmark are being underserved as attention is concentrated on those closest to the proficient mark.
2. Current trajectories suggest that meeting the target of 90 percent of students reading on grade level by the end of 3rd grade by 2020 is unlikely and may result in the majority of LEAs losing their K-3 Reading funds.
3. Loss of K-3 Reading Improvement money further disadvantages struggling readers.

Anticipated Action: USOE staff will propose to the Standards and Assessment Committee an alternative way to calculate UGGs using student growth as the target measure.

Contact: Sydnee Dickson, 801-538-7515
Diana Suddreth, 801-538-7739
Jennifer Thronsen, 801-538-7893

Proposed Recalculation for Uniform Growth Goal (UGG)



Prepared by the
Utah State Office of Education

May 7-8, 2015

Diana Suddreth, Director Teaching and Learning
diana.suddreth@schools.utah.gov

Jennifer Throndsen, Literacy Coordinator
jennifer.throndsen@schools.utah.gov

Proposed Recalculation for Uniform Growth Goal (UGG)

R277-406 K-3 Reading Improvement Program and the State Reading Goal includes provisions for the Board to develop uniform standards for acceptable growth goals that an LEA adopts. The current standards are described below.

Current UGG

During the 2012-13 school year, the uniform growth goal (UGG) baseline was set using each LEA's third grade cohort end of year (EOY) DIBELS Composite benchmark data. That baseline was then used to set a trajectory on one of three paths for each LEA:

- a. A straight 90% trajectory: LEAs would determine the distance between their current district percentage and 90%, divide by 7 (seven academic years between now and 2020), and that becomes the target annual growth percentage.
- b. A half-way to 100% trajectory (as was used with AYP): LEAs would close one-half of the gap between the current grade 3 proficiency and 100% by 2020.
- c. LEAs over 90% would maintain at 90% or higher. If they fall below 90%, they would have to choose option "a" or "b" above.

Under these current parameters, UGG calculations have created certain unintended consequences:

- 1) LEAs are being held accountable for standard percentage growth of a different cohort of students each year. Due to the baseline being set with the 2012-13 cohort, LEAs are locked in on how their 2012-13 cohort performed for all subsequent years. More specifically, LEAs are accountable for the percentage of students who achieve benchmark at end-of year on DIBELS with the target being raised each school year. This means that LEAs are held accountable for a new group of students each year based on a different cohort of students' performance from 2012-13.
- 2) Students scoring well-below benchmark are being underserved. Teachers and schools are seeing these far below proficient students as not likely to make benchmark. As such, they are putting their efforts into students who are not as far from benchmark, rather than meeting the needs of all students, as an avenue to meet their UGG.
- 3) Loss of K-3 Reading Improvement money further disadvantages struggling readers. For example, upon the completion of the 2013-14 school year, four LEAs did not make their UGG. For these LEAs, if they do not meet their goal again this year they will lose their K-3 funds. Without these funds, the personnel and services they are currently using to support struggling readers will not be provided. It is likely more LEAs will not achieve their goal this year.

Proposed Plan for Measuring K-3 Reading Achievement

An alternative to the current practice which would address these consequences is a student growth model. This proposed UGG would focus on 3rd grade DIBELS Composite score data. LEAs would be held accountable by the percentage of students who made typical, above typical, and well-above typical growth from Beginning-of-Year (BOY) to End-of-Year (EOY). The national average for the percentage of 3rd graders making typical or better progress is 47.83%. Under this UGG calculation the target would remain stable and would not be based on the previous cohort's data, but on the growth that each student made from BOY to EOY. More specifically, growth is measured by looking at students who enter at the same level of initial skills at the BOY in comparison to where they are at EOY. Below are some examples that show the differences between the current UGG calculation and the new student growth UGG proposal.

To be able to recommend to the Board, a target for the percentage of 3rd grade students who are making typical or better progress we are working on collecting impact data for the last two years. Currently, we are having LEAs submit their 2013-14 data so we can evaluate what the percentage of students making typical or better progress during that school year. In July, we will also be collecting impact data from the 2014-15 school year from LEAs to determine what this year's equated percentage. We will then use the two years of data to provide a recommended target percentage for UGG.

Suggested Timeline

- **May 2015**--Proposed amendment to current calculation of UGG presented to Board
- **May-June 2015**—Impact data collected and analyzed for 2013-14 school year
- **July 2015**—Impact data collected and analyzed for the 2014-15 school year
- **August 2015**—Recommend a target percentage for growth based on two years of impact data; provide a suggested Board Rule for consideration
- **August-September 2015**—LEA administration and collection of beginning-of-year (BOY) DIBELS data
- **January 2016**—LEA administration and collection of middle-of-year (MOY) DIBELS data
- **May-June 2016**—LEA administration and collection of end-of-year (EOY) DIBELS data



Student Examples

Current UGG	Proposed UGG
<p>Jeff at BOY reads 12 words correct per minute. Jeff at EOY reads 87 words correct per minute.</p> <p>Does not meet benchmark. Counts against an LEAs % of students at benchmark</p>	<p>Jeff at BOY reads 12 words correct per minute. Jeff at EOY reads 87 words correct per minute.</p> <p>Does not meet benchmark. Makes well-above typical growth Counts positively towards % of students who made typical or better progress</p>

Current UGG	Proposed UGG
<p>Sarah at BOY reads 67 words correct per minute. Sarah at EOY reads 98 words correct per minute.</p> <p>Does not meet benchmark. Counts against an LEAs % of students at benchmark</p>	<p>Sarah at BOY reads 67 words correct per minute. Sarah at EOY reads 98 words correct per minute.</p> <p>Does not meet benchmark. Makes typical growth Counts positively towards % of students who made typical or better progress</p>

Current UGG	Proposed UGG
<p>Paul at BOY reads 110 words correct per minute. Paul at EOY reads 120 words correct per minute.</p> <p>Achieves benchmark. Counts positively towards % of students at benchmark</p>	<p>Paul at BOY reads 110 words correct per minute. Paul at EOY reads 120 words correct per minute.</p> <p>Achieves benchmarks Makes below typical progress Counts negatively towards % of students who made typical or better progress</p>

Current UGG	Proposed UGG
<p>Carl at BOY reads 140 words correct per minute. Carl at EOY reads 150 words correct per minute.</p> <p>Achieves benchmark. Counts positively towards an LEAs % of students at benchmark</p>	<p>Carl at BOY reads 140 words correct per minute. Carl at EOY reads 150 words correct per minute.</p> <p>Achieves benchmark Highly capable reader—automatically counts as typical or higher growth Counts positively towards % of students who made typical or better progress</p>



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: School Readiness Funding

Background:

The School Readiness Initiative (HB96), passed during the 2014 Legislative Session, authorizes the State Board of Education to solicit proposals from qualifying public school early childhood education programs for quality school readiness grants.

Key Points:

The purposes of the Utah School Readiness Initiative are to increase school readiness, improve academic outcomes, and reduce remediation costs associated with poor academic outcomes.

1. The grants are available to existing early childhood programs that serve economically disadvantaged three- and four-year-old children who are not receiving special education services.
2. Four LEAs were funded in FY15; however, additional funds remain.
3. USOE staff will recommend LEAs for additional funding based on submitted grant applications.

Anticipated Action:

The Standards and Assessment Committee and Board will consider approving funding for additional LEA projects.

Contact: Sydnee Dickson (801) 538-7515
Diana Suddreth, (801) 538-7739
Jennifer Throndsen, (801) 538-7893
Susan Okroy, (801) 538-7765

School Readiness Funding



Prepared by the

Utah State Office of Education

May 7-8, 2015

Diana Suddreth, Director Teaching and Learning
Diana.suddreth@schools.utah.gov



HB 96 School Readiness Initiative Recommendation of Proposals to the Utah State Board of Education

The School Readiness Initiative (HB96), passed during the 2014 Legislative Session, authorizes the State Board of Education to solicit proposals from qualifying public school early childhood education programs for quality school readiness grants. The Board then recommends applications ranked by a USOE-lead review committee to the School Readiness Board.

On March 2, 2015, USOE posted a grant application based on the requirements of HB96. The application included a scoring rubric detailing the requirements of the program application. Six (6) Local Education Agencies (LEAs) submitted letters of intent to participate in the program by submitting an application on April 15, 2015.

On April 15, 2015, two (2) LEAs submitted an application for review in the HB96 process. The applications were reviewed individually by seven (7) committee members, who then convened to collaborate on the ranking of the applications based on the scoring rubric.

The committee recommends the two (2) programs below to the State Board of Education for funding.

Grand County School District

Logan School District

**Application for Public School Early Childhood
Education Grant HM96**

Grand District

246 South 400 East Moab, Utah

435-259-3847

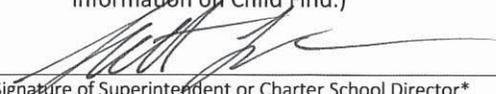
**Submitted by Sherrie L. Buckingham, Grand District
Director of Special Education, Title I and Preschools**

Part I: Applicant Information and Assurances

Name of Local Education Agency: Grand County School District	
Address:	
Street 1:	190 E. 100 N.
Street 2:	
City:	Moab
Zip:	84532
Name and contact information of person to be contacted on matters involving this application:	
Name:	Sherrie Buckingham
Title:	Director of Special Education and Preschool
Phone:	435-259-3847
E-mail:	buckinghams@grandschools.org
Name and contact information of person authorized to sign application on behalf of LEA:	
Name:	Dr. Scott Crane
Title:	Superintendent
Phone:	435-259-5317
E-mail:	cranes@grandschools.org
Information about current program	
Number of students enrolled:	24
Number of students who are economically disadvantaged:	17
Number of students who are identified under IDEA:	2
Number of licensed personnel:	CDA AA <u>1</u> AS BA <u>1</u> BS Other <u>1</u> Total <u>3</u>
Average class size ratio:	12 per AM and PM sessions
Program cost per student:	\$3,092

The applicant assures the following:

- It will comply with all applicable statues and regulations in carrying out any project activities supported by these funds.
- It is under a continuing obligation to comply with terms and conditions of the legislation, governing statues, and grant directions.
- All students will be given a unique student identifier to enable longitudinal data collection.
- Class sizes, ratios, and quality will be observed as per the requirements of the legislation (class size does not exceed 20 students, with one adult for every 10 students in the class).
- The applicant will provide information for reports to the School Readiness Board and the State Board of Education, including, but not limited to (1) the number of students served by the early childhood program, reported by economically disadvantaged status; (2) average daily attendance over the grant period; (3) the cost of the program per students; and (4) the pre-, mid-, and post-assessment results.
- Programs must agree to provide the independent evaluator access to students (with parent permission), classrooms, and other data as requested to determine the growth of the program.
- Programs will comply with all requirements of Child Find under the IDEA. (Please see the "Additional Information" section for information on Child Find.)


 Signature of Superintendent or Charter School Director*
Superintendent, Grand District
 Title

4-14-15
 Date

*Please note that only charter schools that fund their own preschool should apply through USOE. Charter schools that have a private provider apply through the Department of Workforce Services.

PART II-PROGRAM NARRATIVE

2. Program Description

A. Curriculum: Grand Preschool Program has implemented the We Can curriculum as the central instructional framework and supplements this curriculum with Handwriting Without Tears. We Can is aligned with all developmental domains and an academic content area defined in the Utah Early Childhood Standards and has an extensive research base supporting program effectiveness. Handwriting Without Tears, also a research based curriculum, is used to reinforce the prewriting component of the program.

Gap Analysis/Improvement Plan: Teachers implement the basic elements of the curriculum, but need to extend fidelity of implementation to include more teacher/student co-created written projects. Grand District plans to purchase professional development from Granite School District in order to address this need for improvement. In addition, a coaching model will be implemented in order to maintain and extend effective practices in this realm (See Section C- Professional Development).

B. Instructional Methods: In accordance with the We Can curriculum, instruction occurs whole group and small group, and includes child directed learning centers. Students move from one instructional/learning setting to another in ten minute rotations. Small group teaching time allows for more focused assistance according to student need. The curriculum is structured to include lesson-specific differentiation strategies and modifications for English language learners, younger or older preschoolers who need more instruction appropriate to age, and children with special needs. To support students whose first language is Spanish, several We Can components include both Spanish and English instruction. Experiential learning opportunities, instruction and the physical environment of the classroom transform with each thematic unit in order to engage students and encourage communication. Time is scheduled for student exploration, questioning and the sharing of ideas. The staff is expected to use explicit praise and the ratio of positives to correctives is monitored and reviewed in team meetings. The We Can curriculum behavior management component is monitored for fidelity by the Director, which serves to support staff with consistency in the development of a classroom environment in which clear procedures, behavior expectations

Gap Analysis/Improvement Plan: Although the curriculum is a strong resource in terms of differentiation, teachers do not yet demonstrate an in depth understanding of how to identify individual student instructional needs and the effective instructional strategies to meet those needs. A coaching model will be implemented in order to maintain and extend effective practices in this realm. Data from pre- and mid-year assessments, as well as formative classroom assessments, will be used to identify the instructional needs of individual students. Student progress and the needs of individual students will be an agenda item for Friday meetings and instructional strategies will be planned to address student needs. Grand District plans to purchase professional development from Granite School District in order to address this need for improvement (See Section C-Professional Development).

C. Professional Development: Grand County School District is a relatively small district located in an isolated rural area. These factors present an obstacle with respect to implementing ongoing, intensive professional development. This year (Grand Preschool's first year) professional development was limited to one trip to Granite School District for two days of observation and debriefing. After the observation visit, the Director and Preschool staff met to set specific instructional goals based on what was learned. Each week, the staff meets to review these goals, share instructional ideas and evaluate progress.

Gap Analysis/Improvement Plan: Grand District plans to purchase professional development from Granite School District in order to address this need for improvement. The professional development services purchased will include, but will not be limited to 1) Granite District's Performance Improvement Measures, a tool for self-assessment and supervisor assessment of key skills for specific roles (Director/Administrator, Coach, Coordinator, Lead Teacher/Assistant Teacher, Special Education Teacher/Speech Language Pathologist); 2) Essential Preschool Skills Charts, a month by month chart of essential skills to be taught in the preschool years which are fully aligned with the Utah Early Childhood Core Standards; 3) on site coaching and consultation focused on the following: How to effectively use the tools listed above, differentiating in whole and small group instruction, literacy skill development, assessment tools, writing in the classroom, repeated story book reading and explicit teaching/instructional skills. A coaching model will be implemented in which teachers will begin the year with an instructional improvement plan that is aligned with Grand Preschool goals and specifically addresses the areas

of literacy and numeracy. The coach and teacher will review the plan together and refine it if needed. Observations by the coach will focus upon the collection of data to quantify progress toward the goals in the teacher's plan. Observations and debriefing with the coach will occur monthly. The Preschool Director, who has participated in the Collaborative Team Coaching Institute (Title I) throughout the 2014-2015 school year, will serve as the instructional coach. Fridays of each week are reserved for professional development and debriefing of observations.

D. Ongoing Pre- Mid- and Post Assessment: In addition to teacher observations and student portfolio work, Grand Preschool has assessed students using the We Can end of unit assessments. The kindergarten beginning of year screening tool from the receiving elementary school, HMK, was used beginning, middle and will be used at the end of the year. The We Can Essential Preschool Skills Assessment will be used in addition to the to the HMK BOY Kindergarten screening as the complete end of year assessment. Mid-term parent teacher conferences were held and parents were informed of their child's progress and provided with a progress report.

Gap Analysis/Improvement Plan: This is a key area in need of improvement. The We Can Unit Assessments measure content knowledge of the unit theme, but do not measure the progression of preschool skills. The Preschool Skills Assessment provided by the We Can curriculum is an effective measure for BOY, MOY and EOY, but it is only one measure. In addition, the Grand Preschool staff has received no training in standardized administration of the assessment. A parent orientation was held at the beginning of the year, but parents were not informed of the preschool standards and expectations for growth. For the coming year, Grand District plans to purchase the Individual Growth and Development Indicators assessment for use as a second measure and provide training to staff in standard administration procedures for the measure. Training will also be provided in the standard administration of the We Can Preschool Skills Assessment. These trainings will be provided by the assessment publishers. BOY, MOY and EOY assessment will be calendared in August along with the needed trainings. Individual student assessments, with the parents present, will be scheduled as part of the registration process before school starts. At the assessment meeting, parents will be given a copy of the progress report that will be used over the course of the year to document their child's growth. Grand District plans to purchase professional development from Granite School District in order to address this need for improvement.

E. Process to Partner with the Independent Evaluator: Grand Preschool support staff will schedule and coordinate assessment sessions, provide the independent evaluator with state student identification numbers and obtain informed consent from parents. Preschool teachers will record attendance and make their records available as requested. Data from pre and post assessments will be maintained by the Director in a data base using Excel and will be available as requested.

F. Ongoing Program Evaluation and Data Collection: Grand Preschool staff meets weekly to review lesson plans, discuss individual students and make adjustments to instruction and/or schedules as needed and appropriate. Progress is assessed by examining individual student progress, adherence to the curriculum map and the extent to which the We Can curriculum has been implemented with fidelity.

Gap Analysis/Improvement Plan: Although program evaluation occurs at Grand Preschool, progress within the current program has not been measured against an articulated program plan. With the development of a clear program timeline specifying a yearly plan for assessment dates, tools and procedures, professional development, parent education/participation and accountability checks, the Preschool Director and Superintendent will have an articulated framework against which to measure progress. At the end of each trimester during the school year, the Director and Superintendent will meet to review the preschool's progress in each element of the yearly plan. Any programmatic or organizational changes will be made during this review, or sooner, if a need requiring immediate action comes to the attention of the Director, Preschool staff, or the Superintendent. The Director will share the data from assessment results at the beginning, middle and end of each year with the Independent Evaluator, the Superintendent and Grand District School Board and the public. DIBELS scores for each cohort exiting the preschool will be collected in a database through the third grade and these results will also be shared with the School Board, Superintendent and public.

G. Family Engagement, Communication and Education: Grand Preschool conducted an evening parent orientation prior to the first day of school. Parents were given information regarding the curriculum and classroom expectations, transportation, and basic school safety and health procedures. Mid-term conferences, in which the teacher meets with each parent(s) individually, are held each trimester. Assessment results and progress toward Kindergarten

expectations for each child are shared with the parent and any parent questions or concerns are addressed. Home visits are made when a need for outreach becomes apparent. Parent/adult family member and child activities, in which the parent or other family adult complete a craft with their child and then stay on for a snack, are scheduled for once per month. Parents are invited to attend any seasonal celebrations at school. Parents are invited to attend every field trip and the classroom has an open door policy with respect to parent observation and participation. A newsletter containing information about the next week's activities, and a numeracy or literacy activity that can be done at home, is sent home weekly and a classroom calendar monthly. Grand Preschool also maintains a restricted Facebook page for the parents of enrolled students. Upcoming activities, themes of study, photographs and teacher advice are posted on the page. The page is updated weekly.

Gap Analysis/Improvement Plan: Parents are currently invited to visit the classroom and participate in a variety of activities during the day. However, there have been no parent activities scheduled for outside of the work day in order to accommodate working parents. In addition, there have been no parent education activities other than the parent orientation and parent teacher conferences. For the coming year, Grand Preschool will again conduct a parent orientation, but will include information regarding the Utah Early Childhood Standards, Kindergarten readiness and learning activities parents can do with their child at home. The monthly adult-child shared activities will continue, but will alternate to be held during the day one month and during the evening the next. The activities will be connected to the We Can unit theme of study and will include numeracy or literacy mini lessons for parents to use with their child at home. Grand Preschool will retain the services of the Moab Valley Multicultural Center for translation of the parent child learning activities, weekly newsletters and monthly calendars from English to Spanish. To the greatest extent possible, a volunteer from the Multicultural Center will attend the monthly shared activities to facilitate and interpret for non English speaking parents. All seasonal celebrations will continue, but must contain a craft or activity directly related to an academic or content area described in the Utah Early Childhood Standards. Information and registration packets for Grand Preschool, containing contact information for the Preschool Director and teacher, are available at the Moab Valley Multicultural Center, Department of Workforce Services, Moab Public Library, Moab Food Bank, Moab Recreation Center, Health Department and HMK Elementary School.

H. Identification and Service of Students with Disabilities in an Inclusive Environment:

Grand Preschool students who are suspected of having a disability are referred for evaluation after a conference is held with the parent to inform them of the concerns. Grand Preschool is adjacent to Sundwall Preschool, the District's Special Education Preschool. Teachers from both schools communicate weekly regarding Sundwall students who might be ready for integration into Grand Preschool. With parent consent, students may be integrated as they are ready. This spring teachers from both preschools met as a team and identified students from Sundwall Preschool's three year old class who are ready to enter the Grand Preschool four year old program in the coming year. Students with disabilities who are integrated into the Grand Preschool Program receive Special Education services from the Sundwall SpEd teacher on a consult and case management basis, with direct services provided as needed and appropriate. Related services from the Grand District Speech and Language Department are provided as consultation and direct service.

Gap Analysis/Improvement Plan: This year no child find activities took place prior to school starting due to delays caused by building renovation. Prior to school start-up this year, Grand Preschool will participate in child find activities with Sundwall Preschool in August, in addition to the ongoing weekly team meetings with Sundwall teachers. Grand Preschool staff will also outreach staff from the Headstart Program for the purpose of identifying students suspected of having disabilities.

I. Description of Program Staff: Grand Preschool program functions under the authority of the GCSD School Board and under the direct administration of Dr. Scott L. Crane, Superintendent of Schools. Ms. Sherrie Buckingham will be the program director; Ms. Breann Russell will be the teacher of record who will be assisted by Brooklyn Kay a paraprofessional. Annie Henderson will serve as the secretary for this program. Dr. Crane has a PHD in Educational Administration and has served as an administrator in Idaho and Utah for the last 28 years. Dr. Crane has extensive successful experience in working with Intergenerational Poverty children as evidenced by this work with the Fort Hall Elementary School on the Fort Hall Indian Reservation in Idaho. Ms. Sherrie Buckingham is currently serving as GCSD Special Education Director, Special Education Pre-School Director and Director of the new Intergenerational Poverty Pre-School. Ms. Buckingham has a Master's Degree in Administration, a Bachelor of Arts Degree in Elementary Education and Special Education. Ms. Buckingham is licensed in

Administrative/Supervisory K-12, Elementary Education 1-8, and a Special Education K-12. Ms. Buckingham has 17 years administrative experience. Ms. Russell has a Bachelor of Science Degree in Elementary Education K-6 and a Bachelor of Science Degree in Early Childhood Special Education Birth-5. Ms. Russell is licensed and is qualified as an Early Interventionist by Baywatch Utah. Ms. Kay has worked in the GCSD as a paraprofessional since 2007 and is currently working on a degree in Elementary Education. Ms. Henderson has 15 years Special Education experience. The role of Ms. Buckingham, Director, includes, but is not limited to; research and development of potential funding sources, identification and recruitment of eligible families to the program, parent education, fiscal and physical plant oversight, and supervision and evaluation of preschool staff. Lead Teacher, Ms. Russell, is responsible for preparation of instructional materials, instructional planning, whole and small group instruction, classroom management, assessment and parent communication of. Assistant Teacher Ms. Kay's role includes small group instruction, preparation of instructional materials and student supervision. The role of the Secretary, Ms. Henderson, is to assist in the identification of eligible families, registration of new students and support of the Director in meeting all State requirements and completing reports.

Gap Analysis/Improvement Plan: As the need for new staff arises, Grand District will assure recruitment and hiring of staff which are qualified at a level comparable to the current expectation of certified preschool Teaching license for the Lead Teacher and two years higher education and CDA for the Assistant Teacher. Administration from Grand District will attend recruitment fairs throughout the state of Utah and adjoining states, outreach Utah colleges and universities and the regional Moab campus of Utah State University in efforts to canvas for candidates who are qualified according to the current expectations. In addition, Grand School District will incorporate a 'grow our own' initiative in the future, in which information regarding the types of positions that are anticipated to be open in future years and/or have been historically difficult for the District to fill will be provided to teaching assistants throughout the District at the beginning of each school year. Scholarship information and information regarding student loan payback options and other available financial assistance will be included with the anticipated future positions list. Interested teaching assistants will be invited to meet with the Preschool Director for individual conversations concerning potential routes to the required level of licensure. The Preschool Director and Grand District Superintendent will continue to research

and cultivate connections with local donors and businesses, examine options for the use of Title I funds and seek out additional grant opportunities to maintain funding to retain highly qualified staff at Grand Preschool.

B. Process to Monitor, Analyze and Adjust Program: The Grand Preschool Director will observe instruction and review lesson plans on a regular basis in order to monitor program fidelity and implementation of professional development in classroom instruction. Data will be collected during observations and teachers will receive timely feedback regarding their performance. The Performance Improvement Measures will be used to assess needs in the area of professional development. Grand District's evaluation process, based on the Utah Effective Teaching Standards, will be used to evaluate the teacher. Grand Pre-school student academic growth will be measured using a growth model. Student learning success will be determined by the amount of growth in learning which occurs between the time that the student is assessed with the pretest and reassessed with the post test (pretests will be administered in the fall or upon the student's enrollment in preschool and posttests in the spring of each year or upon student disenrollment). In addition, ongoing, formative testing based on the Utah Kindergarten Readiness Standards and the Utah Preschool foundational Standards will occur at intervals throughout the year to determine if students are on track for meeting end-of-year learning expectations. The We Can! Curriculum research based pre and post tests will be used to measure student learning growth and the research validated DIBELS will be used to determine readiness for Kindergarten readiness. Ongoing learning of the students attending GCSD preschool will be tracked through third grade using the DIBELS assessment. The Director will meet with the Grand County School District Superintendent in January and May of each year to review assessment results, evaluate program effectiveness and examine and plan any needed changes that are indicated by the data. Achievement data will be collected in May of each year from the receiving school, HMK Elementary, to determine long term program impact and guide program adjustment. Any information collected from the independent evaluator will also be used to guide this process. The Director will present assessment data and any resulting program changes to the Grand County School District Board of Education in January and May of each year. Assessment results will be made public.

4. Sustainability: Grand District is committed to the allocation of District resources to sustain the preschool at the conclusion of the grant period (See the letter of support from Superintendent Dr. Scott Crane in attachments). In the 2015-2016 school year, the HMK Principal and Title I Coordinators will be informed of the intent to use a portion of Grand District's Title I funding for preschool beginning in the fall 2018. Planning for this shift will take place in years two and three

of the grant period. Grand Preschool Director will research additional state and federal grant resources during years two and three of the grant period and apply for funding from the Grand Education Foundation as needed by January of the 2017-18 school year. Grand District has many benefactors who have been willing to provide financial support to various programs during the past several years. It is the intent of the Preschool Director to solicit the interest of these benefactors by making the achievement results of Grand Preschool public and to outreach them as the program continues to develop. The outreach process will include the creation of information fliers or brochures that will contain information regarding the achievement data, curriculum and staff qualifications of the Grand Preschool Program and contact information for the program Director and Superintendent. These will be mailed to potential donors then followed up with personal contact by the Director. A plan for funding beyond the grant period, created by the Director and Title I Coordinators, will begin in September of year two and be completed by fall of year three.

Attachment A: Budget Summary Form

Double-click on the spreadsheet to enter data

Name of Local Education Agency:	Grand County School District
--	------------------------------

Category	Year 1	Year 2 (optional)	Year 3 (optional)	Total
Salaries	77,312	79,013	80,751	237,076
Fringe Benefits	34,636	35,398	36,177	106,211
Travel/Transportation	7,718	7,888	8,061	23,667
Equipment	1280	1000	500	2780
Materials and Supplies	1050	1050	1050	3150
Other Costs	1129	179	179	1487
Conferences/Workshops	393	393	393	1179
Professional Fees/Contract Services	3588	3588	2982	10158
Administrative/Indirect (not allowed)				
TOTAL COSTS	127106	128509	130093	385708

III. Budget Narrative

Salaries

Year 1: Ms. Buckingham, Quarter time Pre-school Director (1/4th of contracted 216 day/yr = \$21,056.) Ms. Russell, Full time teacher (180 day contract = \$32,088.) Ms. Kay, Full time paraeducator (\$11.74/hr 8hr/day 180 days/yr = \$16,906) Ms. Henderson Quarter time secretary (\$16.81/hr, 8hr/day/216day/yr = \$7,262.) Year 2 and Year 3 will use the same salaries as year 1 increased each year by the Consumer Price Index/Western Region (CPI-W) of 2.2% each year.

Fringe Benefits

Year 1: Ms. Buckingham, Quarter time Pre-school Director (1/4th of contracted 216 day/yr = \$9,353.) Ms. Russell, Full time teacher (180 day contract = \$13,559.) Ms. Kay, Full time paraeducator (180 days/yr = \$9,281) Ms. Henderson Quarter time secretary (216day/yr = \$2,441.). Year 2 and Year 3 will use the same benefits as year 1 increased each year by the Consumer Price Index/Western Region (CPI-W) of 2.2% each year.

Travel/Transportation

Student Bussing Transportation: As per the Utah State Department of Education the average transportation cost per student/bus run is \$.80. GCSD anticipates an enrollment of 36 students in the am/pm sessions. Therefore 36 students/2 bus runs per day/134 school days/\$.80 per run = \$7,718. Year 2 and Year 3 will use the same costs as year 1 increased each year by the Consumer Price Index/ Western Region (CPI-W) of 2.2% each year.

Materials and Supplies

Year 1: IGDI Assessment-required toys \$257, We Can Informational Big Books English/Spanish \$299, We Can Beginning Early Literacy and Language \$76.95, Handwriting W/Out Tears First School Book-class set \$285, Handwriting W/Out Tears My Book-class set \$135= \$1,053
TOTAL Year 2 and 3: Material and supplies replacements=\$1,050

Other Costs

Year 1: Granite School District Documents \$950, We Can Digital Asset Renewal \$149, IGDI Data Management System \$30= \$2,129 Year 2 and 3: We Can Digital Asset Renewal \$149, IGDI Data Management System \$30=\$179. TOTAL 3 years: \$2,540

Conferences/Workshops

Years 1-3: \$393 per year - Utah Early Childhood Conference Odgen, Utah: \$41x2=\$ 82 two staff registration, lodging \$95 + 12.6% tax=\$107, two day per diem of \$78 for two people=\$156, 480 miles round trip \$0.10 per mile=\$48. TOTAL 3 years: \$1179

Professional Fees and Contract Services

Year 1: Two full day trainings provided by Granite School District Preschool Services on site at Grand Preschool at \$1000 per day + travel expenses of \$294 per person for two training providers= \$588. One half day training at \$500 per half day+ travel expenses of \$294 per person for up to two training providers= \$588. Total training expenses year one: \$3088. Grand Preschool Teacher, Assistant Teacher and Director will participate in the trainings. Trainings will focus on: a) Administration of the We Can Preschool Skills and IGDI Assessments; b) Use of EPS charts, Fidelity checklists and Granite Performance Improvement Measures; c) Explicit instruction.

Year 2: Two full day trainings provided by Granite School District Preschool Services on site at Grand Preschool at \$1000 per day + travel expenses of \$294 per person for two training providers= \$588. One half day training at \$500 per half day+ travel expenses of \$294 per person for up to two training providers= \$588. Total training expenses year two: \$3088. Grand Preschool Teacher, Assistant Teacher and Director will participate in the trainings. Trainings will focus on: a) Differentiation in whole & small group; b) Skill based lesson planning; c) Writing in the classroom.

Year 3: Three days of coaching and consultation provided by Granite School District Preschool Services on site at Grand Preschool at \$700 per day + travel expenses of \$294 per person for one coach= \$994. Total training expenses year three: \$2,982

Breakdown of travel expenses per person for trainers: \$150 lodging + 12.6% tax=\$168, two days' meals per diem per trainer=\$78 and mileage at \$0.10 per mile for 480 miles round trip=\$48

GRAND COUNTY SCHOOL DISTRICT
"CLIMBING TO NEW HEIGHTS"

Dr. Scott L. Crane, Superintendent
Robert Farnsworth, Business Administrator
Jim Webster, Board President
Beth Joseph, Board Vice President
Britnie Ellis, Board Member
Melissa Byrd, Board Member
Peggy Nissen, Board Member

April 15, 2015

Utah Office of Education
Public Schools Early Childhood Education Grant
250 E. 500 S.
Salt Lake City, UT 84111

Dear Sirs,

The purpose of this communication is to express the Grand County School District's total support of the Public Schools Early Childhood Education Grant. I understand and support the parameters of this grant as per personnel and providing district facilities for the program. The district is committed to allocating district resources to sustain this program at the conclusion of the grant. Our current Pre-K program is making a significant impact on our at risk students and this grant will help us grow and expand.

Thank you,

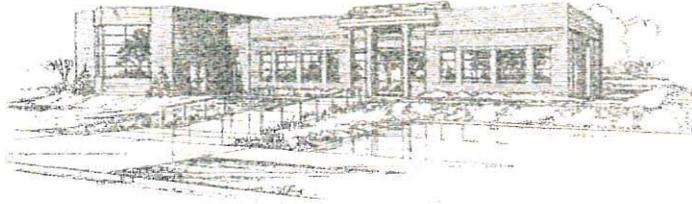


Dr. Scott L. Crane
Grand County School District Superintendent

SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS

Jeff W. HORROCKS
CHAIRMAN

DEBORAH L. HATT
EXECUTIVE DIRECTOR



375 SOUTH CARBON AVE.
P.O. BOX 1106
PRICE, UTAH 84501
(435) 637-5444
FAX (435) 637-5448

Sisifo Taatiti
TANF Program Manager
Department of Workforce Service
140 East #00 South
Salt Lake City, Utah 84111

Ms. Taatiti,

The purpose of this communication is to certify that the Southeastern Association of Local Governments (SEUALG) will be collaborating with Grand County School District's 4 year old Pre-school. The SEUALG (Grand County Food Bank) has a long positive history of collaboration and cooperation with Grand County School District and is excited to be involved in helping the district identify children and families that would benefit from a pre-school whose purpose is to help multicultural children and children of families in multi-generational poverty be better prepared for kindergarten. Many of our parents work long hours and have difficulty providing pre-school experiences for their children due to preschool tuition costs, multiple job work schedules and/or the inability to transport their children to a pre-school. We envision many positive educational outcomes for our children and plan on working diligently to help the school district identify needy four year olds and help communicate to their families the benefits of attending.

Thank you for your support of Grand County Children.

Sincerely,

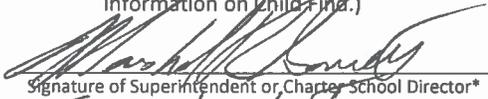
Geri Gamber
Community Services Program Manager
SEUALG
375 S Carbon Avenue
P.O. Box 1106
Price, Utah 84501
Email: ggamber@seualg.utah.gov
Office (435) 637-5444 Ext. 419
Cell (435) 215-9142

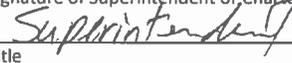
Part I: Applicant Information and Assurances

Name of Local Education Agency:		Logan City School District
Address:		
Street 1:	101 West Center St.	
Street 2:		
City:	Logan	
Zip:	84321	
Name and contact information of person to be contacted on matters involving this application:		
Name:	DeAnna Stallings	
Title:	Preschool Director	
Phone:	(435) 374-9579	
E-mail:	deanna.stallings@loganschools.org	
Name and contact information of person authorized to sign application on behalf of LEA:		
Name:	Marshal Garrett	
Title:	Superintendent	
Phone:	(435) 755-2300	
E-mail:	marshal.garrett@loganschools.org	
Information about current program		
Number of students enrolled:	131	
Number of students who are economically disadvantaged:	119	
Number of students who are identified under IDEA:	14	
Number of licensed personnel:	CDA ___ AA ___ AS 2 BA ___ BS 8 Other 2 Total 12	
Average class size ratio:	8:1	
Program cost per student:	\$1,330	

The applicant assures the following:

- It will comply with all applicable statutes and regulations in carrying out any project activities supported by these funds.
- It is under a continuing obligation to comply with terms and conditions of the legislation, governing statutes, and grant directions.
- All students will be given a unique student identifier to enable longitudinal data collection.
- Class sizes, ratios, and quality will be observed as per the requirements of the legislation (class size does not exceed 20 students, with one adult for every 10 students in the class).
- The applicant will provide information for reports to the School Readiness Board and the State Board of Education, including, but not limited to (1) the number of students served by the early childhood program, reported by economically disadvantaged status; (2) average daily attendance over the grant period; (3) the cost of the program per students; and (4) the pre-, mid-, and post-assessment results.
- Programs must agree to provide the independent evaluator access to students (with parent permission), classrooms, and other data as requested to determine the growth of the program.
- Programs will comply with all requirements of Child Find under the IDEA. (Please see the "Additional Information" section for information on Child Find.)



 Signature of Superintendent or Charter School Director*


 Title

4/14/15

 Date

*Please note that only charter schools that fund their own preschool should apply through USOE. Charter schools that have a private provider apply through the Department of Workforce Services.

Part II: Program Narrative

1. Applicant Information

a. Description of the program and its role within the LEA:

The goal of the Logan City School District Title I Preschool Program is to provide a high quality and developmentally appropriate preschool experience for children in our community. Our program emphasizes the whole development of children by promoting **physical, cognitive, and social-emotional** development. We are currently in our first year of implementation.

This is a Title I program funded by the Logan City School District. Program funds are taken off the top of Title I and then distributed to all of the elementary schools in the district. Enrollment is limited and free, based on financial need, using the state free or reduced lunch income eligibility guidelines.

The preschool program's role in our LEA is to close the achievement gap between our economically disadvantaged students and our more advantaged students. Research shows that the earliest years in a child's cognitive development are the most important and lay the foundation for future academic success. For this reason, students attend preschool in the building they will attend for kindergarten. Our preschoolers enter kindergarten, not only academically prepared, but they become instant role models in the kindergarten classrooms. Our prediction for this program is that longitudinal data will show that these at-risk children will perform comparably to all children in the state throughout their public school years. The Logan City School District preschool program is dedicated to continued improvement that will result in a high quality early childhood education program as outlined by legislation. We will address all 10 components of

HB96 53A-1b-105 Elements of a high quality school readiness program as we strengthen our current program through this school readiness initiative.

b. Demographic Information for the current program, including:

- i. We currently serve 119 students who are eligible to receive free or reduced lunch.
- ii. We serve 21 English Language Learners
- iii. We serve 14 students eligible for special education services.
- iv. The program plans to serve 130 four year-olds.
- v. We will have six high-quality preschool classrooms, operating in the program.

c. Current recruitment process:

The Logan City School District preschool program is committed to serving the students with the most need. Our recruitment process at the district level includes PTA newsletters, newspaper and radio advertisement, yard signs, brochures mailed to every household with a Logan city mailing address, posters, flyers, banners, district and school automated phone calls, and district web-site. Individual schools are expected to be proactive in identifying families within school boundaries with preschool-age children who would benefit from our program. This is done with the assistance of kindergarten teachers, school secretaries, and parent liaisons. We begin accepting applications the end of February. Enrollment is ongoing. If the number of eligible applicants exceeds the number of available spots, parents are asked to bring their student in for an academic screening. Students who are not placed in a school initially are put on a wait-list.

2. Program Description, Gap Analysis, and Strategy for Improvement.

a. Our preschool program uses the *We Can Early Learning Curriculum*. This is a research- and evidence-based comprehensive preschool curriculum with proven,

sustainable gains in children's achievement (*HB96 53A-1b-105 1a*).

i. Oral language and listening comprehension: Description: *We Can* develops listening comprehension and oral expression fluency through collaborative conversations. **Gap Analysis:** (23% growth pre- to mid-assessment) Current curriculum does not provide individualized practice and instruction in oral language and listening comprehension. **Plan for Improvement:** We will implement the use of *Headsprout*, a high-impact, on-line reading program that adapts so that every student receives the individualized practice and instruction they need. *Headsprout* is a research- and evidence-based program.

ii. Phonological awareness and prereading: Description: The *We Can* curriculum provides systematic and explicit instruction and guided practice to develop children's phonological awareness. We also use the Core Literacy Library, Teaching Reading Source book. **Gap Analysis:** (25% growth pre- to mid-assessment) Although our current curriculum sets the foundation, our classrooms lack the resources for activity learning centers that will provide a variety of activities to keep students engaged over longer periods of time, especially students who do not get concepts as quickly as others in the class. Most students need the repetition variety of activities for reteaching. **Plan for Improvement:** We will purchase and implement Instant Learning Centers, Phonemic Awareness Kits and other activities that will provide a variety of extended learning experiences.

iii. Alphabet and Word Knowledge: Description: The *We Can* curriculum provides systematic and explicit instruction and guided practice to develop children's alphabet and word knowledge. We also use the Core Literacy Library, Teaching Reading Source

book. **Gap Analysis:** (32% growth pre- to mid-assessment) Although our current curriculum sets the foundation, our classrooms lack the resources for activity learning centers that will provide a variety of activities to keep students engaged over longer periods of time, especially students who do not get concepts as quickly as others in the class. Most students need the repetition variety. **Plan for Improvement:** We will purchase and implement Alphabet Sound Tubs, Instant Learning Centers, and other activities that will provide a variety of extended learning experiences.

iii. **Prewriting: Description:** We Can's I Can Draw Pre-Writing Program includes age-appropriate instructional and practice activities. Children learn to use five pre-writing strokes. **Gap Analysis:** (37% growth pre- to mid-assessment) Our instructors have a limited knowledge of how fine motor skills are developed. They do not know how to strengthen hands and arms to improve control for writing strokes, as well as painting, cutting, and manipulation of small objects. We are also lacking physical materials that aid in developing these fine motor skills. Prewriting has been our lowest scores in our mid-assessment. **Plan for improvement:** Professional development by an occupational therapist for teaching and improving fine motor skills and control. We need a spectrum of tools and support for differentiating occupational therapy. This will include purchase and implementation of Theraputty, tweezer games, and other small manipulatives.

v. **Book Knowledge and Print Awareness: Description:** *We Can* supplies teachers with numerous tools and experiences that expose children to print and encourage interests in emergent reading and writing. No improvement needed (41% growth pre- to mid-assessment).

vi. Numeracy: Description: *We Can* helps children develop a basic understanding of math concepts by engaging in interactive small and whole group activities. The scope and sequence in *We Can* ensures that children develop a strong foundation in number sense. **Gap Analysis and Plan for Improvement:** We want our preschoolers to have really strong number sense as they enter Kindergarten. We made a 24% growth from pre- to mid-assessment this year. This is one of our lowest growth areas. Our district math specialist will provide lead teachers and instructional assistants professional development in the area of early math concepts using math centers. We will purchase Unifix cubes, theme counters and dice kits necessary to implement math centers.

vii. Creative Arts: Description: We currently are trying to meet the state standards; ie. colors and using body to move to music and express themselves. **Gap Analysis:** State standards require students to experiment with musical instruments, use a variety of media and materials to create drawings, pictures or other objects, and portray a variety of events, characters, or stories through drama, props, and language. Currently, we are unable to fully develop these skills because we lack appropriate materials and professional development on how to integrate creative arts into other content areas. **Plan for Improvement:** We will purchase and implement musical instruments for each classroom and a variety of media tools. We would also like to purchase puppets, dramatic play clothes, and props.

viii. Science and Technology: Description: Currently we address the state standards. **Gap Analysis:** We lack realia. Research shows that teaching science with realia is most beneficial for all students, particularly special education and ELL students. The next most effective way to teach science is with replicas of actual objects.

Currently, we are teaching science primarily with pictures, the least effective way to teach science. Although we are doing the best we can with our limited resources, in order to be high quality, we need more realia in our classrooms. **Plan for improvement:** Purchase science realia, listening centers, learning centers, and ipads.

ix. Social Studies, Health, and Safety: Description: All instruction in these areas are tied to Utah's Early Childhood Core Standards. Physical/Health and Safety standards state that students need to learn to eat from a variety of food groups. **Gap Analysis:** Traditionally, low-income students do not or have not had the opportunity to experience a variety of fresh healthy food. **Plan for Improvement:** Twice a month, we will provide food experiences for our students with a curriculum tied to the state standards. Note: This is not snack food.

b. Instructional methods: Description: Our entire curriculum and classroom structure is centered around intentional and differentiated instruction in whole group, small, and child-directed learning. Throughout each session, students move from whole group instruction to small group instruction to learning centers. Differentiation is achieved through homogenous small groups working with the lead teacher and instructional assistant. Interventions and enhancements take place in these small groups. Students also spend time in child-directed learning centers. Students are able to make individual choices in selecting the center they choose to participate in during center time. **Gap analysis:** A representative from Utah State University did observations and evaluations of our preschool classes using Classroom Observation Tool. One of our gaps was Concept Development (promoting higher-order thinking, *wh* questions, integration, connecting concepts, relating to students' lives), Quality Feedback (scaffolding, back-

and-forth exchanges, follow up questions, encouraging students' efforts), and Language Modeling (frequent conversation, open-ended questions, repetition and extension, variety of words). **Plan for Improvement:** Professional development for instructors in higher-level, open-ended questioning and encouraging more student dialogue and authentic conversations.

c. Programs' ongoing, focused, and intensive professional development.

Description: Our sessions run four days a week, leaving Fridays open for curriculum training and professional development. Professional development areas have included dialogic reading, phonemic awareness, and classroom and behavior management (*HB96 53A-1b-105 1b*). **Gap Analysis and plan for improvement:** Currently, our Friday meetings with our preschool instructors are spent mostly on curriculum training. We would like to change this so that we are spending more time on professional development. We would like to be able to pay early childhood professionals to come to these meetings to work on Thinking Maps, ESL strategies, questioning, engagement strategies, fine motor skill development, and other. We would also like to take our lead teachers and instructional assistants to the Early Childhood Symposium in Ogden, Utah. We also need to be able to pay our lead teachers and instructional aides to attend a 3-day boot-camp professional development the week before school starts. Currently, we cannot do any training before school starts.

d. Ongoing pre-, mid-, and post- assessments of student growth and progress.

Description: We are using the same pre-, mid-, and post-assessment used by Granite and Washington County school districts (*HB96 53A-1b-105 1c and d*). It is a curriculum-based assessment, which assesses the following skills: Oral Language, Articulation,

Phonological and Phonemic Awareness, Alphabet Knowledge, Pre-writing/Fine Motor Skills, Book Knowledge/Print Awareness, Math, Social-Emotional Skills, Gross Motor Skills, Adaptive. **Gap Analysis and plan for improvement:** We have looked at our data and know the areas that we need to improve and change instruction. We addressed these needs in the professional development section (c) and the program description section (a).

e. Process by which the program will partner with the independent evaluator.

Description: Through Aspire, each preschool student is assigned an SSID number, where their attendance is tracked. Each year we do a pre-, mid-, and post-assessment by appointment. Parents give consent to be tested. Currently, the data is kept in an Excel document for individual students and then data is compiled by school.

Comparisons are then made between schools in the different areas of the assessment.

f. Ongoing program evaluation and data collection: Description: In between the formal assessments (pre-, mid-, and post-), progress is being monitored through monthly formative learning assessments (*HB96 53A-1b-105 1f*). Teachers use this data to adjust small groups, inform instruction in small groups, and determine need for interventions. These assessments are vital to a high quality program. The success of a preschool program is determined through the rate of student achievement.

Mid year, we invited Lisa Boyce, Executive Director of DDE Center for Early Care and Education at Utah State University, to visit all of our preschool classrooms to observe and evaluate instructor and program effectiveness. The Classroom Assessment Scoring System (CLASS) is an observation instrument developed to assess classroom quality in preschool through third-grade classrooms. The major

domains of classroom experience assessed by the CLASS is Emotional Support (positive climate, negative climate, teacher sensitivity, regard for student perspectives), Classroom Organization (behavior management, productivity, instructional learning formats), and Instructional Support (concept development, quality of feedback, language modeling). **Gap analysis and Plan for Improvement:** A gap would be created if we could not fund continued use of the CLASS for the next few years. Because we are a new program, we are taking an “all eyes on deck” approach to program evaluation. If we are able to pay for USU professionals to conduct this observation while simultaneously training principals to eventually take over, this element of program evaluation could become self-sufficient within the district. CLASS will be administered three times a year by a certified USU observer to ensure objectivity. Project director will take a two-day course to become certified and will take over the responsibility of observations once grant funds are expended.

g. Methods by which the program encourages and supports family engagement.

Description: Currently we hold five parent trainings throughout the year. The topics of the trainings include 1) overview of our program, 2) reading with your child, 3) technology, 4) math, 5) kindergarten readiness. Trainings are geared to providing parents with multiple, developmentally appropriate strategies for working with their children at home in the topic addressed in the training.

Parent/teacher conferences are held twice a year at the same time as the rest of the elementary school. Appointments are set up to accommodate parent schedules.

Parents receive copies of the monthly formative assessments and the scores from the

pre- and mid-assessment. Parent trainings and conferences are held both in the evening and morning to accommodate parents' schedules.

Gap Analysis and Plan for Improvement: Parent trainings: While the developmentally appropriate strategies are discussed and modeled for parents, materials to allow parents to engage with their child in the home are not currently feasibly available. Because this is a title I program, we are working with families that are economically challenged and do not have the means or the time to acquire the materials necessary for home engagement. In order to bring our parent involvement to high quality status, we would like to purchase and put together packets of materials to be used in the home that will be returned at the end of the school year. For our last parent training, The Treehouse Museum in Ogden has donated reading and workbook backpacks to our program that preschoolers and parents can use throughout the summer to get ready for kindergarten. These packets are for the students to keep.

Language barriers: While we have two instructors who speak Spanish, most of our parent trainings and conferences are conducted in English without a translator present. The Logan City School District retains translators, paid on an hourly wage when their services are utilized. We currently do not have the funds to pay for translators.

Preschool Parent Board: In order to involve parents in the development and implementation of program activities we will be creating a Preschool Parent Board for next year. This board will consist of the preschool director, preschool curriculum specialist, district Title 1 director, and one or two parent representatives from each school. The board will provide feedback regarding what is working and what could be improved in the areas of parent involvement, community involvements, communication

between home and school, student achievement, as well as logistics such as drop-off and pick-up.

h. The plan of the program to identify and serve students with disabilities.

Description: In conjunction with our special education preschool, we have worked to increase our Child Find. Students who show signs of needing special services are given the opportunity to be referred and tested for qualification for an IEP. The multi-disciplinary team determines the best placement to offer the least restrictive environment. That least restrictive environment might be our preschool classroom, a special needs classroom, or our 50/50 LRE classroom that we will have next year in one of our schools. When parents register students for preschool, there is a section of the application where parents can identify concerns and services already being received by the student. Currently we are serving 14 students with an IEP for speech and language in the regular classroom. **No improvement needed.**

i. Description of program staff.

Each preschool classroom is staffed with an instructional paraprofessional (lead teacher), and an instructional assistant. Currently, in order to qualify for these positions, the lead teacher must have at least 48 credits or they must pass the Paraprofessional Praxis Exam.

Staff	BA/ BS	AA/ AS	CDA	Other	Responsibilities
Lead Teachers (6)	3	1		2	Teach all sessions of preschool a day. Attend professional development. Execute lesson plans provided by preschool curriculum specialist. Parent trainings and conferences Administer assessments.
Instructional Assistants	4	1		1	Assist in all sessions of preschool a day. Instruct during rotation and center time.

(6)					Provide support during whole group. Help with assessments.
Preschool Director				MS	Coordinate with site principals. Ensure adherence to professionalism. Supervise and evaluate certified staff. Develop marketing and advertising. Train and motivate certified personnel. Establish and maintain effective learning environment to build student success.
Curriculum Specialist	1				Organize and implement all program goals related to curriculum. Prepare and conduct curriculum training Prepare materials for parent involvement. Prepare curriculum materials and classroom equipment.

Plan for improvement: We will use grant money to have all of our lead teachers and instructional assistants become CDA certified. We will also hire a full-time Utah School Readiness Initiative Project Director, who will be responsible for implementing the elements of a high quality early childhood education program as outlined by legislation. Responsibilities will include: Conduct CDA certification training for all lead teachers and instructional assistants, serve as grant project manager, carrying out all of the responsibilities that go with this as outlined in the School Readiness Initiative grant description, conduct and arrange for all professional development as outlined in the grant proposal, conduct classroom observations to provide classroom staff with feedback that will increase student achievement, and design and conduct a community outreach program.

3. Progress Monitoring

a. Timeline of grant implementation activities.

Activity	Responsible	J	F	M	A	M	J	J	A	S	O	N	D
Year 1													
Purchase and implement Headsprout	Project Director								X				

Purchase Equipment	Project Director								X				
Boot Camp Professional Development	Preschool Director								X				
CLASS Observational Tool	Preschool Director	X			X						X		
CLASS Observer Certification	Project Director								X				
CDA Training	Project Director	X	X	X	X	X			X	X	X	X	X
Hire a project director	Preschool Director							X					
Increase Parent Involvement (Create preschool board)	Project Director								X				
Utilize translators at parent activities	Preschool Director	X	X	X	X					X	X	X	
Occupational Therapy training	Project Director										X		
Math professional development		X											
Year 2													
Attend Early Childhood Symposium	Preschool Director							X					
Purchase and implement Headsprout	Project Director								X				
CDA Training	Project Director	X	X	X	X	X			X	X	X	X	X
Boot Camp Professional Development	Project Director								X				
Utilize translators at parent activities	Preschool Director	X	X	X	X	X			X	X	X	X	
Continue funding project director	Project Director												
CLASS observational tool	Preschool Director	X			X						X		
Year 3													
Early Childhood Symposium	Preschool Director							X					
Boot Camp Professional Development	Project Director												
Purchase and implement Headsprout	Project Director								X				
Continue to fund project director	Project Director												
Utilize translators at parent activities	Preschool Director	X	X	X	X	X			X	X	X	X	
Complete CDA certification	Project Director								X	X	X	X	X
CLASS observational tool	Preschool Director	X			X						X		

b. Description of the process by which the program will monitor timeline. In conjunction with the independent evaluator provided by the state, the School Readiness Initiative Project Director will meet, at least, bi-monthly with the preschool director to go over the timeline and evaluate the implementation of activities to ensure that we are on track to complete activities as outlined in the grant. We will make adjustments as necessary. Using pre-, mid-, and post-assessments, we will determine the impact and effectiveness of the implementation of activities we have outlined in the grant.

4. Sustainability

a. Description: Acknowledging that this is most difficult aspect of any grant, the Logan City School District Title 1 Preschool program, including Title 1 Director, superintendent, and school board, is committed to becoming a high quality program as outlined in the legislation and maintaining that high quality status once grant funds are expended. If we create a high quality program over the next three years, fewer students will be in need of remediation in grades kindergarten through third grade. We will be able to put money currently being spent on aide time for this remediation back into the preschool program to sustain elements originally funded through the grant.

As a preschool team, we will continue to seek grant funds and business partnerships once the grant is completed. The new position created to manage the grant, project director, will include a community outreach component. It will be the project director's responsibility to network with businesses and corporations in our community to secure sponsorships for different aspects of the program. This will include a media campaign, highlighting the results and effectiveness of our program, showing how our program will positively impact the businesses in our community. This outreach will also lay the groundwork for our participation in the ***Results-Based School Readiness Contracts***.

Using grant funds, we will create a streamlined program using a training trainers model to build capacity for all of our preschool staff. The project director will facilitate and conduct professional development not just with the lead teachers, but with the instructional assistants as well. Not only does this provide more expertise in the classroom, but, as lead teachers leave our program, instructional assistants will be trained and ready to take over as lead teacher. They will also be prepared to train a new

instructional assistant in the areas outlined in the grant. We also hope that high quality professional development will decrease the turnover rate of lead teachers and instructional assistants. We are particularly dedicated to the retention of classroom staff because a lot of time, effort, and money will be put into CDA certification and other training. However, we do know that we will lose classroom staff a few at a time. We will be able to sustain CDA training because, in future years, we will only be training a few at a time, as opposed to training all twelve over the next few years using grant funds. Because of quality training using the training trainers model, the amount of time and money put into professional development will decrease year by year. Once the grant is completed, the project director will stay on as curriculum specialist and will continue to provide high quality professional development established during the grant years.

Most of the materials we are requesting are non-consumable and will easily be sustained after the grant. There are, however, consumables, such as crayons and glue sticks in the take-home backpacks and training materials, that will have to be replaced year to year. The cost of training materials will decrease as the need for such intense training decreases. The cost of replacing consumables in the backpacks is minimal. Most the items in the backpack can be reused year to year. Logan City School District will maintain all related technology after grant funds are expended.

Using the CLASS observational tool will be sustained through training. The project director will take a two-day training course through Utah State University to become certified to conduct the observations. While we have available grant funds, we would like to continue to use university professionals to get an unbiased evaluation.

Attachment A: Budget Summary Form

Double-click on the spreadsheet to enter data

Name of Local Education Agency:	Logan City School District
--	----------------------------

Category	Year 1	Year 2 (optional)	Year 3 (optional)	Total
Salaries	45241	45241	45241	135723
Fringe Benefits	17980	17980	17980	53940
Travel/Transportation		215.04	215.04	430.08
Equipment	32288.32	1389.7	1389.7	35067.72
Materials and Supplies	1660	1280	1030	3970
Other Costs	1008	5100		6108
Conferences/Workshops	2428.47	5188.47	5188.47	12805.41
Professional Fees/Contract Services	3496.62	3292.62	3292.62	10081.86
Administrative/Indirect (not allowed)				
TOTAL COSTS	104102.41	79686.83	74336.83	258126.07

Budget Narrative

Salaries:

Utah School Readiness Initiative Project Director:

\$45,241/3 years @ 100% =\$135,723 215 day yearly contract

Responsibilities: The project manager will oversee the program and will spend 100 percent of her time conducting CDA certification training for all lead teachers and instructional assistants, serve as grant project manager, carrying out all of the responsibilities that go with this as outlined in the School Readiness Initiative grant description, conducting and arranging for all professional development as outlined in the grant proposal, conducting classroom observations to provide classroom staff with feedback that will increase student achievement, and designing and conducting a community outreach program. This individual's annual salary will be covered by grant funds for 100 percent of project.

Fringe benefits:

Project Director:

\$45,241 x 30.65% (FICA & Retirement) = \$13,866 for 100% of project = \$41,598

\$4,114 (Medical Benefits) for 100% of project = 12,342

Travel/Transportation:

Annual Emma Eccles Jones Early Childhood Symposium, Ogden, Utah

2 district cars @ \$0.56 miles for 2 days round trip = \$215.04 x 2 years = \$430.08

Equipment:

i. Oral Language: Headsprout is a computer-based program designed increase oral language skills and introduce reading skills. This also provides technology time.

Headsprout: $\$189.95/\text{classroom} \times 6 \text{ classrooms} = \$1,139.70 \times 3 \text{ years} = \$3,419.10$

ii. Phonological Awareness and Prereading: Instant Learning Centers and phonemic awareness kits will allow students to engage in a variety of phonemic awareness activities for longer periods of time.

Instant Learning Centers and kits: $\$244/\text{classroom} \times 6 \text{ classrooms} = \$1,464$ (one time purchase: otp)

iii. Alphabet and Word Knowledge: Students will use a variety of learning centers and activities that will support stamina and engagement over a longer period of time to increase achievement in this standard.

Alphabet Sound Tubs: $\$149/\text{classroom} \times 6 \text{ classrooms} = \894 (otp)

Instant Learning Centers: $\$89.98/\text{classroom} \times 6 \text{ classrooms} = \539.88 (otp)

iv. Prewriting: This is our lowest achievement area. Purchases in this standard will address fine motor skills. These occupational therapy materials will aid in developing the motor skills necessary for prewriting achievement.

Theraputty: $\$129.96/\text{classroom} \times 6 \text{ classrooms} = \779.76 (otp)

Tweezer Games: $\$76.24/\text{classroom} \times 6 \text{ classrooms} = \457.44 (otp)

Small Manipulatives: $\$142.92/\text{classroom} \times 6 \text{ classrooms} = \857.52 (otp)

vi. Numeracy: We want our preschoolers to have really strong number sense as they enter Kindergarten. We made a 24% growth from pre- to mid-assessment this year. This is one of our lowest growth areas. Our district math specialist will provide lead teachers and instructional assistants professional development in the area of early math concepts using math centers.

Unifix cubes: $\$60/\text{classroom} \times 6 \text{ classrooms} = \360 (otp)

Theme counters: $\$53/\text{classroom} \times 6 \text{ classrooms} = \318 (otp)

Number sense dice kits: $\$36/\text{classroom} \times 6 \text{ classrooms} = \216 (otp)

vii. Creative Arts: Purchases in this area will help students meet the state standards of experimenting with musical instruments, media and materials, events, characters, and stories. Giving students more activities and opportunities in creative arts is essential to whole-student education. Not all of these purchases are per classroom; some items will be rotated through the classrooms in the district.

Musical instruments and body movement:

Instrument kits: $\$235.34/\text{classroom} \times 6 \text{ classrooms} = \$1,412.04$ (otp)

Bean bags (movement): $\$22.99/\text{classroom} \times 6 \text{ classrooms} = \137.94 (otp)

Media tools: $\$93.08/\text{classroom} \times 6 \text{ classrooms} = \558.48 (otp)

Puppets: $\$383$ (otp)

Dramatic play clothes and props: $\$1,169.75$

viii. Science and Technology: Currently, we are teaching science primarily with pictures, the least effective way to teach science. Although we are doing the best we can with our limited resources, in order to be high quality in this standard, we need more learning centers, realia, and technology in our classrooms. Not all of these purchases are per classroom; some items will be rotated through the classrooms in the district.

Realia: $\$250 \times 3 \text{ years} = \750

Science Discovery Chest: $\$199/\text{classroom} \times 6 \text{ classrooms} = \$1,194$ (otp)

Lakeshore Science Theme boxes: $\$389 \text{ per set} \times 3 \text{ sets} = \$1,167$ (otp)

Science Learning Centers: $\$55.65/\text{classroom} \times 6 \text{ classrooms} = \333.90 (otp)

Listening Centers (CD player, junction box, headphones):

$\$121.98/\text{classroom} \times 6 \text{ classrooms} = \731.88 (otp)

ipads: $\$379 \times 5/\text{classroom} = \$1,895 \times 6 \text{ classrooms} = \$11,370 \text{ (otp)}$

Charging station: $\$149/\text{classroom} \times 6 \text{ classrooms} = \894 (otp)

itunes cards: $\$25/\text{classroom} \times 6 \text{ classrooms and } 2 \text{ program} = \200

g. Parent Involvement: These purchases will give parents non-expendable materials that they can use in their homes to help their student be more successful. These backpacks will be checked out to each family and returned at the end of the school year or summer, respectively.

School year backpacks: $\$19.50/\text{student} \times 140 \text{ students} = \$2,730 \text{ (otp)}$

Transition to School backpacks: $\$19.50/\text{student} \times 140 \text{ students} = \$2,730 \text{ (otp)}$

Materials and Supplies:

ix. Social Studies, Health, and Safety: Traditionally, low-income students do not or have not had the opportunity to experience a variety of fresh healthy food.

Food Experience: Twice a month, we will provide food experiences for our students with a curriculum tied to the state standards. Note: This is not snack food. $\$500 \times 3 \text{ years} = \$1,500$

Professional development and parent board: These expendable materials and supplies will aid in more effective training and communication. Materials include but are not limited to binders, divider, paper, copying, post-it notes, markers, highlighters, etc.

$\$75/\text{month} \times 10 \text{ months} = \$750 \text{ for year } 1$

$\$50/\text{month} \times 10 \text{ months} = \$500 \text{ for year } 2$

$\$25/\text{month} \times 10 \text{ months} = \$250 \text{ for year } 3$

CLASS training (Utah State University): The project director will attend a two-day training to become certified to administer the CLASS observation. Project director will take over this responsibility once grant funds are expended.

Course books and materials: \$130 (otp)

Parent Involvement: These expendable materials will be sent home with parents to enable them to assist and engage preschoolers during the school year and summer. These materials will not be returned like the backpacks mentioned in equipment. Materials include but are not limited to counters, dice, books, etc.

\$2.00/family x 140 families = \$280

Other Costs:

CDA Certification will be obtained by all of our lead teachers and instructional assistants. The project manager will conduct classes, oversee training, and arrange for verification visits. CDA certifications will directly impact student achievement by bringing high quality early childhood instructional practices into the classroom.

12 participants x \$500 (application fee, text books, professional portfolio) = \$6,000

Shipping and handling: \$108

Conferences/Workshops:

Annual Emma Eccles Jones Early Childhood Symposium, Ogden, Utah

8 people x \$180 registration fee = \$1,440 x 2 years = \$2,880

6 people x \$220 stipend = \$1,320 x 2 years = 2,640

Annual Preschool Boot Camp: Lead teachers and instructional assistants will participate in a 3-day boot camp training prior to the start of school. Training will include

professional ethics, *We Can*, behavior management, classroom setup, assessment, curriculum, etc.

6 Lead Teachers, 5.5 hours for 3 days @ \$13.75/hour = \$1,361.25 for 100% of project (3 years) = \$4,083.75

6 Instructional Assistants, 5.5 hours for 3 days @ \$10.78/hour = \$1,067.22 for 100% of project (3 years) = \$3,201.66

Professional Fees/Contract Services:

The occupational therapist will provide two 2-hour trainings with our lead teachers and instructional assistants. Classroom staff will take this training back to the classroom and work with students individual students with fine motor skills in order to improve prewriting skills.

Occupational therapist: \$51/hour x 4 hours = \$204

Classroom Assessment Scoring System (CLASS) observations will be conducted by a certified observer from Utah State University three times a year in each classroom each year the grant is funded. Information from the observations will improve teacher instruction in the areas of emotional support, classroom organization, and instructional support.

CLASS: \$150/class x 6 classes x 3 times/year = \$2,700 x 3 years = \$8,100

Translators: Translators will be utilized at parent trainings and parent/teacher conferences.

\$14.11/hour x 7 hours = \$98.77 x 6 classrooms = \$592.62 x 3 years = \$1,777.86



ADAMS ELEMENTARY

April 7, 2015

To Whom It May Concern:

As the preschool team at Adams Elementary, we are pleased to write a letter to show our support for the Logan City School District Title 1 preschools. We appreciate the legislature's support of preschool programs and are thrilled at the opportunity to further our pursuit to become a "high quality" program through the improvements this grant will make possible, if we are funded. We are sure these improvements will greatly benefit are students who are most at risk.

Adams Elementary school has had one session of preschool during the 2014-2015 school year. The pre/post data suggests these children will be well prepared to start their formal education next year. We believe our Title I preschool will benefit our current cohort and future students greatly throughout their public school careers. Our school has and will continue to provide space for preschool with a lead teacher and instructional assistant in each session not to exceed 20 students.

Thank you for your consideration of the Logan City School District's HB96 High Quality grant application. We want to ensure that our students receive the best start possible to their education.

Sincerely,

Handwritten signature of John Taggart.

John Taggart

Principal

Handwritten signature of Carla Randall.

Carla Randall

Instructional Coach

Handwritten signature of Chris Lamborn.

Chris Lamborn

Preschool Instructor

John Taggart, Principal

415 E 500 N Logan UT 84321

Phone: 435-755-2320 Fax: 435-755-2322





BRIDGER ELEMENTARY

Bear Country
1261 North 400 West, Logan, Utah 84341
Phone: 435-755-2345 Fax: 435-755-2348
www.bridgerelementary.weebly.com
Principal Jed Grunig

April 10, 2015

To Whom It May Concern:

As the preschool team at Bridger Elementary, we are pleased to write a letter to show our support for the Logan City School District Title 1 preschools. We are thrilled at the efforts being made to become a "high quality" program through the improvements listed in the grant application. We are sure these improvements will greatly benefit are students who are most at risk.

Bridger Elementary school has had two sessions of preschool during the 2014-2015 school year, and we are encouraged by the progress that our preschoolers have made and anticipate that this opportunity will benefit them greatly throughout their public school careers. Our school has and will continue to provide space for preschool with a lead teacher and instructional assistant in each session not to exceed 20 students.

Thank you for your consideration of the Logan City School District's HB96 High Quality grant application. We want to ensure that our students receive the best start possible to their education.

Sincerely,

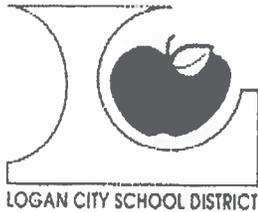
Jed Grunig
Principal

Nancy Griffin
Administrative Assistant

Tiffany NewMyer
Preschool Instructor

Home of the Bears





ELLIS SCHOOL

348 WEST 300 NORTH • LOGAN, UTAH • 84321-3899

PHONE 435-755-2330

SUE SORENSON, Principal

April 10, 2015

To Whom It May Concern;

Ellis Elementary would like to add our support of the Logan City School District's HB96 High Quality grant application. Our school serves students with 75% poverty. Our demographics also show that over a third of our population is Hispanic and we also have a high percentage of students learning English as a second language. We are pleased with the results we have seen in the progress our young students have made in our preschool.

We will continue to provide a classroom, a lead teacher and instructional assistant in the future. Our hope will be to continue to serve 20 students in each session.

We have been delighted with the preschool program and know that with the HB96 High Quality grant we can improve it even more.

Thank you,



Sue Sorenson
Principal



Susan Jaggi
Administrative Assistant



HILLCREST ELEMENTARY



960 NORTH 1400 EAST LOGAN, UT 84321
PHONE: (435) 755-2360 FAX: (435) 755-2362
PRINCIPAL: MR. ERIC MARKWORTH
SECRETARY: MRS. DENISE ALTHOUSE

April 13, 2015

To Whom It May Concern:

As the preschool team at Hillcrest Elementary, we are pleased to write a letter to show our support for the Logan City School District Title 1 preschools. We have been so impressed with the dedication, rigor, and progress of the students at our school during the 2014-15 school year. The students and staff have become part of our school. We could not imagine our school without them.

Hillcrest Elementary school has had one session of preschool during the 2014-2015 school year, and we are encouraged by the progress that our preschoolers have made and anticipate that this opportunity will benefit them greatly throughout their public school careers. Our school has and will continue to provide space for preschool with a lead teacher and instructional assistant in each session not to exceed 20 students.

Thank you for your consideration of the Logan City School District's HB96 High Quality grant application. We want to ensure that our students receive the best start possible to their education.

We hope to continue this quality program as a permanent addition to our school.

Sincerely,

Eric Markworth
Principal

Denise Althouse
Administrative Assistant

Chelsey Petersen
Preschool Instructor



WILSON ELEMENTARY

475 East 100 South, Logan, Utah 84321
Phone: 435-755-2340 Fax: 435-755-2342
www.wilson.loganschools.org
Principal Sundee Ware
sundee.ware@loganschools.org

April 14, 2015

To Whom It May Concern:

We at Wilson are encouraged to see the academic and leadership skills increase with Wilson Elementary pre-school students as we approach the end of the 2014-2015 school year.

A very successful component of our pre-school program includes our parent trainings. Because of the nature of Wilson's demographics, this pre-school program provides training for parents. They receive instruction and modeling on ways to successfully help their family become life long learners. To quote one of our parents, "This training has changed my life." Our parents are trained how to navigate and succeed in the formal education setting.

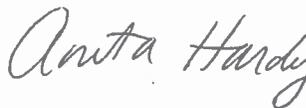
Wilson Elementary has allocated and will continue to give resources toward our preschool program. Not only will we provide personnel, (a head teacher and an assistant) but a room and supplies.

Thank you for your consideration of the Logan City School District's HB96 High Quality grant application. We want to ensure that our students receive the best start possible to their education.

We hope to continue this quality program as a permanent addition to our school.

Sincerely,

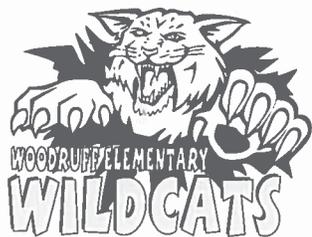

Sundee Ware
Principal


Anita Hardy
Administrative Assistant


Koley Rollins
Preschool Instructor

Home of the Wildcats





WOODRUFF ELEMENTARY

475 East 100 South, Logan, Utah 84321
Phone: 435-755-2350 Fax: 435-755-2352
www.woodruff.loganschools.org
Principal Spencer Holmgren

April 7, 2015

To Whom It May Concern:

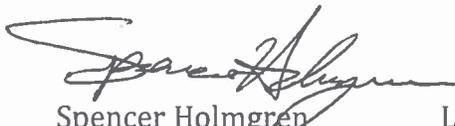
As the preschool team at Woodruff Elementary, we are pleased to write a letter to show our support for the Logan City School District Title 1 preschools. We are thrilled at the efforts being made to become a "high quality" program through the improvements listed in the grant application. We are sure these improvements will greatly benefit our students who are most at risk.

Woodruff Elementary school has had one session of preschool during the 2014-2015 school year, and we are encouraged by the progress that our preschoolers have made and anticipate that this opportunity will benefit them greatly throughout their public school careers. Our school has and will continue to provide space for preschool with a lead teacher and instructional assistant in each session not to exceed 20 students.

The Woodruff Elementary community has also loved having the opportunity to bring their children to our preschool program because they know of the high expectations and levels of achievement that their child will experience at our school.

Thank you for your consideration of the Logan City School District's HB96 High Quality grant application. We want to ensure that our students receive the best start possible to their education.

Sincerely,

Spencer Holmgren
Principal

Liz Smith
Administrative Assistant



Heidi Tuddenham
Preschool Instructor

Home of the Wildcats





UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Teryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Distribution of FY 16 Funds to Science Education Enhancement Institutions (iSEE) and Provider Organizations

Background:

In accordance with Board rule R277-444 *Distribution of Funds to Arts and Science Organizations*, the Utah State Board of Education administers allocations and budget requests associated with the Science Outreach line item funding amongst the current informal science education enhancement (iSEE) institutions.

Key Points:

During the 2015 session of the Utah State Legislature, an additional \$940,000 in ongoing money was allocated for the current iSEE organizations and an additional \$850,000 was allocated for the new iSEE provider organizations.

Anticipated Action:

The Standards and Assessment Committee will review recommendations regarding the distribution of the new money and direct staff in response to those recommendations.

Contact: Sydnee Dickson, 801-538-7515
Diana Suddreth, 801-538-7739
Sarah Young, 801-538-7959

Distribution of New Funding for the Informal Science Education Enhancement (iSEE)



Prepared by the

Utah State Office of Education

May 7-8, 2015

Diana Suddreth, Director Teaching and Learning
diana.suddreth@schools.utah.gov

Sarah Young, STEM Specialist
sarah.young@schools.utah.gov

RECOMMENDATION TO THE UTAH STATE BOARD OF EDUCATION

Distribution of New Funding for the Informal Science Education Enhancement (iSEE)

Background:

The Utah State Legislature allocated additional funding for the iSEE program for the FY16. The group includes eight informal science education organizations (six current providers, and two new providers) that provide in school and venue science learning experiences for the schools in alignment to the Utah Core Standards for Science. The Board has discretion on how new funding should be distributed. Each organization is required to match the legislative funding 1:1. The new funding is in two categories:

On-going to Current Providers:	\$940,000
New Providers:	\$850,000

Recommendation:

On-going: Distribute the \$940,000 to the six current provider organizations and the subsidy program according to the requests proposed by the institutions based on their capacity to match funding and deliver services to the K-12 education system.

	2014/15	2015/16	
<u>Current Providers</u>	<u>iSEE</u>	<u>iSEE</u>	<u>Increase</u>
Clark Planetarium	\$739,917	\$839,897	\$99,980
Discovery Gateway	\$268,258	\$278,258	\$10,000
Loveland Living Planet Aquarium	\$281,688	\$674,980	\$393,292
Natural History Museum of Utah	\$549,685	\$724,665	\$174,980
Red Butte Garden	\$222,480	\$297,460	\$74,980
The Leonardo	<u>\$313,212</u>	<u>\$499,980</u>	<u>\$186,768</u>
	\$2,375,240	\$3,315,340	\$940,100

New Providers: Distribute \$850,000 to the two iSEE organizations according to the requests proposed by the institutions based on their capacity to match funding and deliver services to the K-12 education system.

	2014/15 RFP Funds	2015/16 Ongoing Funds	
<u>New Providers</u>	iSEE	iSEE	Increase
HawkWatch	\$46,683	\$100,000	
Thanksgiving Point	\$178,317	<u>\$750,000</u>	
		\$850,000	



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: R277-410 *Accreditation of Schools* (Amendment and Continuation)

Background:

Recent changes in accreditation procedures are not currently reflected in Board rule. The Law and Licensing Committee reviewed proposed amendments to the rule in its April 9, 2015 meeting and directed that the rule come back to its May meeting for further discussion and information from a representative from AdvancedEd.

In addition to the amendments to R277-410, the rule is presented for continuation consistent with Board policy for continuation of rules and the Utah Administrative Rulemaking Act.

Key Points:

R277-410 continues to be necessary because it provides accreditation procedures and responsibilities for public schools.

Anticipated Action:

It is proposed that the Standards and Assessment Committee consider approving R277-410 for continuation and amendment on first reading, and if approved by the Committee, the Board consider approving R277-410 for continuation and amendment on second reading.

Contact: Sydnee Dickson, 801-538-7515

1 **R277. Education, Administration.**

2 **R277-410. Accreditation of Schools.**

3 **R277-410-1. Definitions.**

4 A. "Accreditation" means the formal process for internal
5 and external review and approval under the Standards for the
6 Northwest Accreditation Commission, a division of Advance
7 Education Inc., (AdvancED).

8 B. "AdvancED" means the provider of accreditation
9 services based on standards, student performance and
10 stakeholder involvement and~~[-is a]~~ nonprofit resource offering
11 school improvement and accreditation services to education
12 providers.

13 C. "Board" means the Utah State Board of Education.

14 D. "Elementary school" for the purpose of this rule
15 means grades no higher than grade 6.

16 E. "Junior high school" for purposes of this rule means
17 grades 7 through 9.

18 F. "Middle school" for the purpose of this rule means
19 grades no lower than grade 5 and no higher than grade 8 in any
20 combination.

21 G. "Northwest" means the Northwest Accreditation
22 Commission, the regional accrediting association of which Utah
23 is a member. Northwest is an accreditation division of
24 AdvancED.

25 H. "Secondary school" for the purpose of this rule means
26 a school that includes grades 9-12 that offers credits toward
27 high school graduation or diplomas or both in whatever kind of
28 school the grade levels exist.

29 I. "State Council" means the State Accreditation Council,
30 which is composed of 15- 20 public school administrators,
31 school district personnel, private and special purpose school
32 representatives, and USOE personnel. The members are selected
33 to provide statewide representation and volunteer their time
34 and service.

35 ~~[J. "USOE" means the Utah State Office of Education.]~~

36 J. "Superintendent" means the State Superintendent of
37 Public Instruction or the Superintendent's designee.

38 **R277-410-2. Authority and Purpose.**

39 A. This rule is authorized under Utah Constitution
40 Article X, Section 3 which vests general control and
41 supervision of public education in the Board, by Section 53A-
42 1-402(1)(c)(i) which directs the Board to adopt rules for
43 school accreditation, and Section 53A-1-401(3) which allows
44 the Board to adopt rules in accordance with its
45 responsibilities.

46 B. The purpose of this rule is to specify accreditation
47 procedures and responsibility for public schools for which
48 accreditation is required or sought voluntarily and for
49 nonpublic schools which voluntarily request AdvancED Northwest
50 accreditation.

51 **R277-410-3. Accreditation of Public Schools.**

52 A. The [~~USOE~~]Superintendent has responsibility to
53 facilitate accreditation by the Board for Utah public schools.
54 The Board is not responsible for the accreditation of
55 nonpublic schools, including private, parochial, or other
56 independent schools.

57 B. A Utah public secondary school[~~s~~], as defined in
58 R277-410-1H and consistent with R277-481-3A(2), shall be a
59 member[~~s~~] of AdvancED Northwest and be accredited by AdvancED
60 Northwest.

61 C. A Utah public elementary [~~and~~]or middle school[~~s~~] that
62 desires accreditation shall be a member[~~s~~] of AdvancED
63 Northwest and meet the requirements of R277-410-5 and R277-
64 410-6. AdvancED Northwest accreditation is optional for Utah
65 elementary and middle schools.

66 D. [~~All~~]An AdvancED Northwest accredited school[~~s~~] shall
67 complete and file reports in accordance with AdvancED
68 Northwest protocols.

69 E. If a school includes grade levels for which
70 accreditation is both mandatory and optional, the school shall
71 be accredited in its entirety.

72 **R277-410-4. Accreditation Status; Reports.**

73 A. Except as provided in R277-410-4G, [F]the Board
74 accepts the AdvancED Northwest Standards for Quality Schools
75 as the basis for its accreditation standards for school
76 accreditation.

77 B. [~~The Board requires~~]A Utah public school[s] seeking
78 accreditation [~~to satisfy~~]shall meet additional specific Utah
79 assurances in addition to required AdvancED Northwest
80 standards.

81 C. A school shall complete reports as required by
82 AdvancED Northwest and submit the report to the appropriate
83 recipients.

84 D. A school shall have a complete school evaluation and
85 site visit at least once every five years to maintain its
86 accreditation.

87 E. The [~~USOE~~]Board or Superintendent may require on-site
88 visits as often as necessary when [~~it~~]the Superintendent
89 receives notice of accreditation problems, as determined by
90 the [~~USOE~~]Superintendent, AdvancED Northwest, or its State
91 Council.

92 F. The school's accreditation status is recommended by
93 the State Council following a review of the report of the
94 school's External Review. Final approval of the status is
95 determined by the AdvancED Commission and approved by the
96 Board.

97 G. Subject to the requirements of this R277-410-4, the
98 Board may:

99 (1) request a review of a school's accreditation at any
100 time and for any reason; and

101 (2) withdraw the Board's approval of the school's
102 accreditation.

103 **R277-410-5. Accreditation Procedures.**

104 A. The evaluation of secondary schools for the purpose
105 of accreditation is a cooperative activity in which the
106 school, the school district, the [~~USOE~~]Superintendent, and
107 AdvancED Northwest share responsibilities. A school's internal
108 review, development, and implementation of a school

109 improvement plan are crucial steps toward accreditation.

110 B. A school seeking AdvancED Northwest accreditation for
111 the first time shall submit a membership application to
112 AdvancED. The accepted application shall be forwarded to the
113 AdvancED ~~[State]~~Managing Office Director.

114 (1) If a school's application for membership is accepted
115 by AdvancED, ~~[the school is granted provisional accreditation~~
116 ~~status for two years and shall have an accreditation visit in~~
117 ~~year three of the school's operation]~~the Utah AdvancED
118 Managing Office shall schedule an on-site Readiness Review.
119 Upon successful completion of the Readiness Review, the school
120 may become a candidate for accreditation. Candidate schools
121 are not accredited until such status is officially granted.

122 (2) A school may remain in candidacy for no more than two
123 years prior to hosting an External Review Team accreditation
124 visit. The External Review Team shall be staffed with [—A
125 school may request an accreditation visit prior to year three
126 if the school has sufficient student and financial data.

127 ~~—(2) Following a visit by]~~ at least two qualified
128 educators verifying a school's compliance with accreditation
129 standards. Following [and] approval by both the Utah AdvancED
130 Council and the AdvancED Commission, the school shall[—then]
131 receive accreditation. A school may request an External
132 Review accreditation visit prior to year two if the school has
133 sufficient student and financial data.

134 C. AdvancED Northwest accredited schools shall be subject
135 to:

136 (1) compliance with AdvancED Northwest membership
137 requirements;

138 (2) satisfactory review by the AdvancED State Council,
139 AdvancED Northwest Commission and Board approval;

140 (3) a site visit at least every five years by an external
141 review team to review the internal review materials, visit
142 classes, and talk with staff and students as follows:

143 (a) The external review team shall present its finding
144 in the form of a written report in a timely manner. The
145 report shall be provided to the school, school district

146 superintendent or local charter board chair, and other
147 appropriate parties.

148 (b) AdvancED staff shall review the external review team
149 report, and consult with the Utah AdvancED~~[-State]~~ Council. [
150 ~~and t~~]The AdvancED Commission shall grant accreditation status
151 if appropriate.

152 D. Following review and acceptance, accreditation
153 external review team reports are public information and are
154 available upon request.

155 **R277-410-6. Elementary School Accreditation.**

156 A. Elementary schools desiring accreditation shall be
157 members of AdvancED Northwest and meet the standards required
158 for such accreditation as outlined in this rule.

159 B. The accreditation of Utah elementary schools is
160 optional; interested elementary schools may apply to AdvancED
161 Northwest for accreditation.

162 C. Accreditation shall take place under the direction of
163 AdvancED Northwest.

164 **R277-410-7. Junior High and Middle School Accreditation.**

165 A. Junior high and middle schools desiring accreditation
166 shall be members of AdvancED Northwest and meet the standards
167 required for such accreditation as outlined in this rule.

168 B. The accreditation of Utah middle schools is optional;
169 interested middle schools may apply to AdvancED Northwest for
170 accreditation.

171 C. Public junior high and middle schools that include
172 grade 9 shall be members of AdvancED Northwest and be visited
173 and assigned status by Advanc~~ed~~ED Northwest.

174 D. The AdvancED Northwest accreditation standards
175 provided in this rule are applicable to a junior high [~~and~~]or
176 middle school[~~s~~] in the[~~ir~~] school's entirety if the school[~~s~~]
177 includes grade 9 consistent with R277-410-6C.

178 **R277-410-8. Board Accreditation Standards.**

179 A. Board accreditation standards include AdvancED

180 Standards for Quality Schools and Utah-specific requirements.
181 Each standard requires the school to respond to a series of
182 indicator statements and provide evidence of compliance as
183 directed.

184 ~~[B. Advanced Standards for Quality Schools.~~
185 ~~— (1) Purpose and Direction~~
186 ~~— (2) Governance and Leadership~~
187 ~~— (3) Teaching and Assessing for Learning~~
188 ~~— (4) Resources and Support Systems~~
189 ~~— (5) Using Results for Continuous Improvement]~~

190 [C]B. Utah-specific assurances include essential
191 information sought from schools to demonstrate alignment with
192 Utah law and Board rules. Utah-specific assurances are
193 available from the USOE Teaching and Learning Section.

194 **R277-410-9. Transfer or Acceptance of Credit.**

195 A. Utah public schools shall accept transfer credits
196 from accredited secondary schools consistent with R277-705-3.

197 B. Utah public schools may accept transfer credits from
198 other credit sources consistent with R277-705-3.

199 **KEY: accreditation, public schools, nonpublic schools**
200 **Date of Enactment or Last Substantive Amendment: [~~June 9,~~**
201 **~~2014]~~2015**
202 **Notice of Continuation: [~~August 1, 2012]~~2015**
203 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
204 **53A-1-402(1)(c); 53A-1-401(3)**

Board Meeting

8:00 a.m. to 8:15 a.m.

3. Opening Business

- Pledge of Allegiance
- Board Member Message
- Introduction of New Employees
- Acknowledgment of Student Artwork

8:15 a.m. to 8:25 a.m.

4. Recognition of Outgoing Board Members

8:25 a.m. to 8:40 a.m.

5. Public Participation/Comment

Priority shall be given to those individuals or groups, who, prior to the day of the meeting, have submitted a request to address the Board. Sign up is available the day of the meeting before 8:00 a.m.

8:40 a.m. to 8:45 a.m.

- 6. ACTION:** General Consent Calendar (backup furnished electronically at <http://www.schools.utah.gov/board/Meetings.aspx>).

Tab 6

8:45 a.m. to 9:00 a.m.

- 7. INFORMATION/ACTION:** Report from North Sanpete School District

9:00 a.m. to 9:10 a.m.

- 8. INFORMATION:** Superintendent's Report

9:10 a.m. to 9:20 a.m.

- 9. INFORMATION:** Board Chair's Report
- Conference Reports

9:20 a.m. to 9:35 a.m.

- 10. INFORMATION:** Intergenerational Poverty - Casey Cameron, Deputy Director, Division of Workforce Services

9:35 a.m. to 10:20 a.m.

- 11. ACTION:** New Charter School Applications

Tab 11

10:20 a.m. to 10:35 a.m.

BREAK

10:35 a.m. to 12:30 p.m.

- 12. ACTION:** Committee Reports

12:30 p.m. to 1:15 p.m.

LUNCH

1:15 p.m. to 1:35 p.m.

13. **ACTION:** Component Percentages Leading to the Determination of Annual Educator Summative Evaluation Ratings Tab 13

1:35 p.m. to 1:50 p.m.

14. **ACTION:** Digital Teaching and Learning Program Tab 14

1:50 p.m. to 2:05 p.m.

15. **ACTION:** Review of Advisory Groups Tab 15

2:05 p.m. to 2:20 p.m.

16. **INFORMATION:** Board Member Closing Comments

2:20 p.m. to 2:25 p.m.

17. **ACTION:** Utah Professional Practices Advisory Commission Cases Tab 17

2:25 p.m. to 3:30 p.m.

18. **EXECUTIVE SESSION**

3:30 p.m. to 3:40 p.m.

19. **ACTION:** Executive Session Items

- UPPAC Cases
- Appointments

3:40 p.m.

20. **ADJOURNMENT**

General Consent Calendar
May 8, 2015

Backup furnished electronically at <http://www.schools.utah.gov/board/Meetings/Agenda.aspx>

A. Minutes of Previous Meeting Tab A

Minutes of the Utah State Board of Education meeting held April 9-10, 2015 are presented for approval.

B. Monthly Budget Report Tab B

A monthly budget report is provided to give information to the Board in meeting its fiduciary responsibilities for the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind. It is proposed that the Board receive the report.

C. Contracts Tab C

It is proposed that the Board approve the following contracts:

1. Utah Independent Living Center, \$648,913, 07/01/2015 to 06/30/2016, amendment

To provide independent living, assistive technology services, and nursing home transition services to individuals with disabilities residing in the Wasatch Front of Utah Independent Living District.

2. Ability 1st Utah, \$606,280, 07/01/2015 to 06/30/2016, amendment

To provide independent living, assistive technology services, and nursing home transition services to individuals with disabilities residing in Utah, Juab, Sanpete, and Wasatch Counties.

3. Active Re-Entry, \$609,710, 07/01/2015 to 06/30/2016, amendment

To provide independent living, assistive technology services, and nursing home transition services to individuals with disabilities residing in the Eastern Utah Independent Living Rehabilitation District.

4. OPTIONS for Independence, \$5 43,885, 09/30/2015 to 10/01/2016, amendment

To provide independent living, assistive technology services, and nursing home transition services to individuals with disabilities residing in the Northern Utah Independent Living Rehabilitation District.

5. Red Rock Center for Independence, \$606,637, 07/01/2015 to 06/30/2016, amendment

To provide independent living, assistive technology services, and nursing home transition services to individuals with disabilities residing in the Southern Utah Independent Living Rehabilitation District.

6. American Institutes for Research, \$6,301,086.80, 05/15/2015 to 01/31/2018, amendment

To add to the scope of work specified in the original contract and amendments between the Utah State Office of Education and American Institutes for Research (AIR) regarding, specifically, the addition and modification of: 1) additional hand scoring due to prompt pair changes; 2) dictionaries (English and Spanish-to-English); 3) additional Content/Bias meeting costs for using AIRCore items in the SAGE summative banks; 4) additional Data Review meeting costs for using AIRCore items in the SAGE summative banks; 5) rubric validation for AIRCore items; 6) item development for 2016 field testing; 7) item development for 2017 field testing.

7. Waterford Institute, Inc., \$950,000, 07/01/2015 to 07/31/2019, amendment

Pilot program for a home-based education technology program to develop school readiness skills of preschool children (UPSTART).

D. Contract Reports

Tab D

It is proposed that the Board receive the following reports: *Contracts approved by State Superintendent or USOR Director (less than \$100,000) and USOE/USOR Expiring Contracts with Renewals.*

E. Operating and Maintenance Agreement

Tab E

It is proposed that the Board approve the State Office of Education entering into a renewal agreement with the Division of Facilities Construction and

Management (DFCM) for operating and maintenance of the Board of Education Building for FY 2016.

F. R277-490 Beverley Taylor Sorenson Arts Learning Program Tab F

In its April 10, 2015 meeting, the Board approved amendments to R277-490 on second reading. The amendments reflect changes made in legislation to allow LEAs more flexibility in use of grant money as well as defining roles of the USOE and Beverley Taylor Sorenson endowed universities. No substantive changes have been made since that time.

It is proposed that the Board approve R277-490 *Beverley Taylor Sorenson Arts Learning Program*, as amended, on third and final reading.

G. R277-502 Educator Licensing and Data Retention Tab G

In its April 10, 2015 meeting, the Board approved amendments to R277-502. The rule was amended to more explicitly link STEM endorsement courses to local education agency salary schedules. No substantive changes have been made since that time.

It is proposed that the Board approve R277-502 *Educator Licensing and Data Retention*, as amended, on third and final reading.

H. R277-520 Appropriate Licensing and Assignment of Teachers Tab H

In its April 10, 2015 meeting, the Board approved amendments to R277-520, and continuation of the rule, on second reading. The rule was amended to define the licensure requirements for non-teaching positions and provide consistency with other licensure rules. No substantive changes have been made since that time.

It is proposed that the Board approve R277-520 *Appropriate Licensing and Assignment of Teachers*, as amended, and continuation of the rule, on third and final reading.

I. Requests for Temporary Authorizations Tab I

It is proposed that the Board approve temporary authorizations for licenses as submitted by school districts and charter schools.

J. List of Educator Licenses Processed Tab J

A summary of the total number of educator licenses and license areas processed in April 2015 is provided for Board information. It is proposed that the Board receive the report.

DRAFT

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

April 9-10, 2015

BOARD STUDY SESSION, APRIL 9, 2015

The Utah State Board of Education held a study session on April 9, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. First Vice Chair David Thomas called the meeting to order at 3:05 p.m.

Board members present included Members Laura Belnap, Leslie Castle, Freddie Cooper (by phone), Barbara Corry, David Crandall, Brittany Cummins, Linda Hansen, Mark Huntsman, Jennifer Johnson, Mark Openshaw, Spencer Stokes, Teresa Theurer, David Thomas, and Terryl Warner. Board and USOE staff present included Brad Smith, Sydnee Dickson, Bruce Williams, Angela Stallings, Lorraine Austin, Emilie Wheeler, Debbie Davis, Kevin John, Nicole Call and Jennifer Throndsen. Others present included German Lopez, American Academy of Innovation; Frank Strickland, H. Tech; Lydia Nuttall, parent; and Debby Llewelyn, UAPCS.

Associate Superintendent Bruce Williams conducted a training on the Utah State Office of Education online management budget report.

Carrie Dickson, Professional Registered Parliamentarian, was welcomed to the meeting. She provided training on parliamentary procedures.

The meeting adjourned at 5:00 p.m.

Following the training sessions, the Finance, Law and Licensing, and Standards and Assessment Committees met.

DRAFT

BOARD MEETING, APRIL 10, 2015

A regular meeting of the Utah State Board of Education was held April 10, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 8:04 a.m.

Board Members Present:

Chair David L. Crandall
1st Vice Chair David L. Thomas
2nd Vice Chair Jennifer A. Johnson
Member Laura Belnap
Member Leslie B. Castle
Member Barbara W. Corry
Member Brittney Cummins
Member Kristin Elinkowski (non-voting)
Member Linda B. Hansen

Member Mark Huntsman
Member Marlin K. Jensen (non-voting)
Member Steven R. Moore (non-voting)
Member C. Mark Openshaw
Member Spencer F. Stokes
Member Teresa L. Theurer (non-voting)
Member Terryl Warner
Member Joel Wright (by phone)

Board Members Excused:

Member Dixie L. Allen
Member Freddie Cooper (non-voting)
Member Jefferson Moss
Member Nancy Tingey (non-voting)

Executive and Board Staff Present:

Brad Smith, State Superintendent
Sydnee Dickson, Deputy Supt.
Judy Park, Associate Supt.
Bruce Williams, Associate Supt.
Angela Stallings, Associate Supt.
Joel Coleman, USDB Superintendent
Scott Jones, Interim USOE Exec. Director

Lorraine Austin, Board Secretary
Emilie Wheeler, Board Communications Specialist
Debbie Davis, Board Internal Auditor
Chris Lacombe, Assistant A.G.
Nicole Call, Assistant A.G.

Others Present:

Dawn Monson, Utah Math Teachers Association; Jay Blain, Lisa Nentl-Bloom, Chase Clyde - Utah Education Association; Lydia Nuttall, parent; Kathleen Ware, Reuels Art and Frame; Darrin Johansen, Rich Brotherson, and Sam Ray - North Sanpete School District; Elizabeth Weight, AFT Utah; Joylin Lincoln; Tami Pyfer, Governor's Office; Kris Fawson, Utah Statewide Independent Living Center/LLCPD; Debby Llewelyn, UAPCS; Emily Thurberg, Wasatch Waldorf Charter School; Anthony Sudweeks, Wallace Stegner Academy; German Lopez, American Academy of Innovation; Nicole Coombs, Athlos Academy; Janel Vanderberghe; Frank Strickland; Toby Dillon, parent.

Opening Business

DRAFT

Chair David Crandall called the meeting to order at 8:04 a.m. Vice Chair David Thomas led those present in the Pledge of Allegiance.

Members Dixie Allen, Jefferson Moss, Nancy Tingey, Freddie Cooper, and Joel Wright were excused. It was noted that Joel Wright and Freddie Cooper may join later by phone.

Board Member Message

Member Dixie Allen submitted a written message, *Discovering What Parents, Business Leaders, and Teachers Want from a School,* from The Leader in Me, by Stephen R. Covey.

Introduction of New Employees

H.R. Director Dave Rodemack introduced new Utah State Office of Education (USOE) employees Angela Stallings and Mary Ann Durant.

Acknowledgment of Student Artwork

Cathy Jensen, USOE Fine Arts Specialist, recognized the art work hung in the room by students from Hawthorne Academy.

Recognition of Reuel's Art and Frame

Deputy Superintendent Sydnee Dickson informed the Board that Reuel's Art and Frame recently closed, and donated \$1.5 million in art materials and supplies to schools—over 18,000 items. The art supplies will be distributed to districts and charter schools throughout the state.

Kathleen Ware, granddaughter of Reuel and Dorothy Ware, was present to represent the Reuel family. She is currently a special education teacher. The Board acknowledged the donation and Chair Crandall presented her with a certificate of recognition.

Public Participation

Lisa Nentl-Bloom, Utah Education Association Executive Director - commented that UEA is watching with great interest the Board's rulemaking process. They are also watching the work

DRAFT

in the U.S. Senate on the reauthorization of the Elementary and Secondary Education Act, and believe there are some encouraging elements. Ms. Nentl-Bloom also expressed UEA's gratification for the recent findings on Sex Offender Access to Vulnerable Populations audit.

Dawn Monson, President-elect, Utah Science Teachers Association - requested that the Board release the revised Utah Science and Engineering Standards for public comment. In the last fifteen years there have been multiple changes to science, such as GPS, texting, human genome, dark matter, and information from the Hubble telescope and Voyager 1 , and teaching needs to be done differently.

Janel Vanderberghe - referred to a study by the American Academy of Pediatrics (AAP) done in August 2014 stating that "adolescents who don't get enough sleep often suffer physical and mental health problems, an increased risk of automobile accidents and a decline in academic performance." The report also stated that youth's natural sleep cycles begin to shift two hours later as they get older, and they are unable to fall asleep before 11:00 p.m. She asked the Board to consider delaying school start times to 8:30 a.m. or later, indicating it is comparable to decreasing class size by one third. She distributed information from the AAP.

Frank Strickland - scientist - stated that the new science standards for Utah that are before the Board today are 100 percent cut and paste from the Next Generation national standards, put out by the same people that wrote the Common Core, and there has been no local Utah input. He asked the Board to add a section that would allow students to be able to challenge theories using scientific research, to discuss various controversial subjects from both sides, and to allow students to come to their own conclusions.

Toby Dillon, Science Standards Parent Review Committee - refuted Mr. Strickland's statement that there was not local input into the Utah Science Standards. He was on the committee that reviewed the standards, along with Mr. Strickland, and committee members did find areas on which they disagreed. He believes using the existing Next Generation Science Standards is wise. He urged the Board to put the standards out for public review.

DRAFT

Appointments to the Utah State Office of Rehabilitation (USOR)

MOTION was made by Vice Chair Johnson and seconded by Member Openshaw that the Board ratify the appointments made by Superintendent Brad Smith of Scott Jones as the Interim Executive Director of the Utah State Office of Rehabilitation and Joel Coleman as the Interim Director of the USOR Division of Services for the Blind and the Visually Impaired.

Motion carried unanimously.

MOTION was made by Vice Chair Johnson and seconded by Member Openshaw that the Board ratify the appointments made by Executive Director Scott Jones of Jennifer Roth as the USOR Finance Director and Aaron Thompson as the USOR Director of Vocational Rehabilitation.

Motion carried unanimously.

General Consent Calendar

MOTION was made by Member Openshaw and seconded by Member Huntsman that the Board approve the General Consent Calendar.

Motion carried unanimously.

A. Minutes of Previous Meeting

Minutes of the Utah State Board of Education meetings held January 29, 2015, February 12, 2015, February 19, 2015, March 5-6, 2015 and March 19, 2015 were approved.

B. Monthly Budget Report

The financial report for February 2015 was received.

C. Contracts

The Board approved the following contracts:

1. National Staff Development Council, \$239,825, 04/01/2015 to 03/31/2020

To support the state in auditing the quality and impact of professional learning

DRAFT

experienced by educators in Utah public schools.

2. SR Plus Consulting, LLC, \$92,060.41, 04/01/2015 to 03/31/2020

To provide Individuals with Disabilities Act (IDEA) behavior support services to local education agencies and the Utah State Office of Education Special Education Section.

3. Echo Cunningham, \$229,354.67, 04/01/2015 to 03/31/2020

To provide Individuals with Disabilities Act (IDEA) behavior support services to local education agencies and the Utah State Office of Education Special Education Section.

4. iBehaveConsulting, Inc., \$283,507.85, 04/01/2015 to 03/31/2020

To provide Individuals with Disabilities Act (IDEA) behavior support services to local education agencies and the Utah State Office of Education Special Education Section.

5. USU Special Education & Rehab - Utah Behavior Clinic, \$286,693.33, 04/01/2015 to 03/31/2020

To provide Individuals with Disabilities Act (IDEA) behavior support services to local education agencies and the Utah State Office of Education Special Education Section.

6. Education Direction, \$4,061,412.55, 05/01/2015 to 04/30/2020

To work with the USOE to develop and implement professional learning experiences for schools and districts to assist them in effectively using data to improve student achievement.

D. Contract Reports

The Board receive the following reports: *Contracts approved by State Superintendent or USOR Director (less than \$100,000) and USOE/USOR Expiring Contracts with Renewals.*

DRAFT

E. R277-114 Corrective Action and Withdrawal or Reduction of Program Funds

In its March 6, 2015 meeting, the Board approved on second reading continuation of R277-114 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule.

The Board approved R277-114 *Corrective Action and Withdrawal or Reduction of Program Funds*, as amended, and continuation of the rule, on third and final reading.

F. R277-459 Teacher Supplies and Materials Appropriation

In its March 6, 2015 meeting, the Board approved on second reading continuation of R277-459 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule. The rule was amended to clarify the funding process followed in the event that the teacher supplies and materials appropriation is not sufficient to provide each teacher the full amount allowed by law. The rule title was also amended.

The Board approved R277-459 *Teacher Supplies and Materials Appropriation* as amended, and continuation of the rule, on third and final reading.

G. R277-474 School Instruction and Human Sexuality

In its March 6, 2015 meeting, the Board approved on second reading continuation of R277-474 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule. The rule was updated for language and style.

The Board approved R277-474 *School Instruction and Human Sexuality*, as amended, and continuation of the rule, on third and final reading.

H. R277-475 Patriotic, Civic and Character Education

In its March 6, 2015 meeting the Board approved on second reading continuation of R277-475 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and amendments to the rule. The rule was amended to clarify who distributes the funds.

The Board approved R277-475 *Patriotic, Civic and Character Education* on third and final reading.

DRAFT

I. R277-516-3 Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees - Licensed Public Education Employee Personal Reporting of Arrests

In its March 6, 2015 meeting the Board approved amendments to R277-516-3 on second reading. The rule was amended to expand the requirements for licensed educator self-reporting and to broaden the list of specified offenses.

The Board approved R277-516-3 *Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees - Licensed Public Education Employee Personal Reporting of Arrests*, as amended, on third and final reading.

J. R277-517-5 Board and UPPAC Disciplinary Definitions and Actions - Board Disciplinary Actions

In its March 6, 2015 meeting the Board approved amendments to R277-517-5 on second reading. The rule was amended to provide updated language for Board action against an educator for failure to respond to a complaint resulting in a default action, and an educator's failure to appear for a disciplinary hearing.

The Board approved R277-517-5 *Board and UPPAC Disciplinary Definitions and Actions - Board Disciplinary Actions*, as amended, on third and final reading.

K. R277-700-6 The Elementary and Secondary School Core Curriculum - High School Requirements

In its March 6, 2015 meeting, the Board approved amendments to R277-700-6 on second reading. The rule was amended to modify the Utah high school graduation requirements.

The Board approved R277-700-6 *The Elementary and Secondary School Core Curriculum - High School Requirements*, as amended, on third and final reading.

L. Requests for Temporary Authorizations

The Board approve temporary authorizations for licenses as submitted by school districts and charter schools.

M. List of Educator Licenses Processed

The Board received the summary of the total number of educator licenses and license areas processed in March 2015.

DRAFT

Report from North Sanpete School Board

Superintendent Brad Smith explained that North Sanpete School Board President Richard Brotherson, District Superintendent Sam Ray, and Business Administrator Darrin Johansen were directed to come before the Board to explain North Sanpete School District's financial situation as outlined in a letter from the Utah State Auditor.

Dr. Sam Ray referenced a "Back on Track" plan for the district that was distributed. He reported that he talked with the district auditor this week who is wrapping up the district audit for FY14. The auditor commented that as administrative responsibilities from state and federal overhead have expanded, along with the conversion from the state's SIS system, it has been difficult for North Sanpete's current business administrator to keep up with the work. The situation has been monitored for a year and progress has been made, however, the financial reports required by the state were still late.

Mr. Darrin Johansen reported that he takes full responsibility for underestimating the workload and the outcome of the events outlined on the Back on Track plan, and explained reasons for the situation. The district feels they have a plan in place to make sure it doesn't happen again.

Dr. Ray reported on improvements that have taken place in the district. The FY 16 budget will be completed in June and the FY 15 budget was submitted on time. The district has also adjusted their staff significantly to address the issues. He reported that the auditors that reviewed the district records indicated the books are in good shape, even though late. Three recommendations were made by the auditors: 1) to fully utilize every component of ALIO; 2) to offload the daily tasks from the business administrator to staff; and 3) to clear all liability accounts monthly so the general ledger reflects the cash on hand. He reviewed the planned monthly goals and stated they will hold themselves accountable.

Superintendent Smith questioned why, when the district recognized they were engaging in substantially greater financial obligations, the Board didn't direct the use of some of its rainy day fund to fund additional help for the business office. Board President Brotherson indicated that some of that money was spent in engaging auditors. The North

DRAFT

Sanpete Board has now directed that more help be given to the business office.

Superintendent Smith questioned the North Sanpete Board's oversight given that the situation is so serious that the State Auditor's Office is involved to its current extent and the district's access to funds has been shut off. Mr. Brotherson acknowledged that his board recognizes they are behind, and state that the board knows the district's finances are sound despite the reports being late. Superintendent Smith further questioned that premise, given that the reports were nearly a year late. He asked what the State Office of Education could do to support and assist the district. Mr. Brotherson asked for a little more patience, and expressed that his conviction that the reports will be on time this year.

Vice Chair Johnson asked for a response from Patricia Nelson from the State Auditor's Office. Ms. Nelson clarified that the State Auditor's Office is in charge of monitoring school district audits and making sure they occur on time. She has been in contact with the school district auditors and the Utah State Office of Education staff to assess the situation. The state auditors are most concerned about North Sanpete's monthly bank reconciliations that are being performed. There has been a misunderstanding as to what it means for those reconciliations to be complete, and they have not been fully complete. The district auditor also recognized that more staff was needed, and because of the amount of time it took for the business administrator to get the district's books in order, the auditor only received a working trial balance from the last fiscal year three or four weeks ago for his audit. Part of the issue is with a new computer system at the district and lack of training for that system. Ms. Nelson did note that there are no concerns with fraud, but with a lack of understanding of the system.

Vice Chair Johnson expressed an ongoing concern as this is not the first year there have been problems. She also voiced concern that board members in North Sanpete not present don't understand the implications of the delay in the financial report, both for the USOE and the Auditor's Office, and their responsibilities for the situation.

Superintendent Smith recommended that the Board invite these representatives from North Sanpete to report to the Board at its monthly meetings, in person, to update the Board on the district progress.

Member Castle questioned what affect the lack of access to new funds has had on

DRAFT

North Sanpete's students. Superintendent Smith responded that he understands the district has sufficient funds currently to continue its operation. If the situation continues, it would affect operations. Superintendent Ray informed that the report was complete on March 26 and the district auditor is finishing up his audit. He reported that the district has maintained its internal controls and has been fiscally responsible.

Member Openshaw asked what effect the district's lack of reporting has on the state's computations, especially on prior years' reports. USOE Finance Director Natalie Grange responded that the USOE initially submitted a report that was incomplete, and the office will be required to do a second reconciliation of the prior year's reports. The obligation to the state won't be finalized until then. Data from these reports are used for budgetary estimates, and the office had to use data that was two years old for North Sanpete. The Board will need to determine if the budgets of other districts will need to be adjusted.

Utah Schools for the Deaf and the Blind (USDB) Quarterly Report

USDB Superintendent Joel Coleman was welcomed to the meeting. He focused his report on three areas: 1) USDB Advisory Council activities; 2) current Memorandums of Understanding; and 3) items from the legislative session that impacted USDB.

He reported that the legislature funded most of USDB's requests, including an appropriation for a new building in Salt Lake City. It is anticipated the building will be ready in August 2016, and the Board will be invited to the groundbreaking.

Member Belnap asked how USDB teachers are paid for their work at Utah State University with pre-K children. Superintendent Coleman explained that USDB has the responsibility for children birth to age 22. Teachers serving pre-K students are funded from a legislative appropriation requested by the USDB showing case load and class size.

Chair Crandall asked Superintendent Coleman if there is anything the Board can do to facilitate their oversight over the USDB. Superintendent Coleman expressed that he appreciates the invitation to report to the Board, and welcomes the opportunity to report more often. He also extended the invitation for the Board to visit USDB and encouraged them to attend USDB graduation.

DRAFT

2015 Legislative Session Report

Deputy Superintendent Sydnee Dickson gave an overview of the 2015 Legislative Session, referencing the *Public Education Summary of the General Session of the Utah Legislature 2015*.

Legislative Appropriations Review

Associate Superintendent Bruce Williams reported on the financial aspects of the legislative session, also referencing the *Public Education Summary*. He acknowledged that the Board's priorities were well taken into account by the legislature. He also recognized the positive relationship the office has with Ben Leishman and Angelo Oh from the Legislative Fiscal Analyst's Office, and with the Governor's Office fiscal staff.

Superintendent Williams apprised the Board of an issue that will need to be dealt with regarding the voted and board local levy guarantee program. Approximately \$23 million in growth money was appropriated due to an increase in the guarantee amount based on the prior year's WPU and an escalation factor. Right now that money is unable to be allocated, even though it was appropriated, because the guarantee amount that was included in the legislation (SB 97) would only allocate \$75 million new revenue and doesn't take into account the \$23 million growth money. The Governor's office is aware of the issue and has indicated that if there is a special session, the Governor might be willing to include this item in the call. All of the local education agencies (LEAs) have been notified.

Vice Chair Thomas voiced his understanding that the legislature increased the WPU at least seven percent overall. Associate Superintendent Williams clarified that the Minimum School Program, including the WPU, will increase seven percent.

Legislative Bill Review

Deputy Superintendent Dickson reviewed a spreadsheet outlining the Board rules and required courses of action that will need to occur due to legislation. Specific bills were reviewed.

Member Theurer questioned from where the discussion came to remove the appointed

DRAFT

Board members as required in HB 360. Dr. Dickson responded that the bill sponsor suggested that a more informal process for those entities to meet with the Board might be more effective. Member Theurer expressed her feeling that further discussion is needed.

Governor's Education Advisor Tami Pyfer reported that the Governor has received requests from several constituencies for a veto of HB 360. The bill sponsor, Representative LaVar Christensen, reached out to the Governor and has indicated his willingness to make changes that the State Board requests, which could include reversing the removal of the appointed board members and the concern with the addition of national programs. Ms. Pyfer reported that if there is a special session HB 360 is on her list of legislation that may need to be addressed.

Vice Chair Thomas reiterated his concern with HB 360 regarding anything that would take away the constitutional powers of the Board, including the requirement that the Board's education plan would have to be approved by the legislature. He reminded the Board that Representative Christensen made the offer that changes could be made in the legislation during the next legislative session. If the bill comes back in special session, he assumes Representative Christensen would make the same commitment to changing the bill.

Member Jensen asked what the status of the members appointed to the Board in statute is now under HB 360. Associate Superintendent Stallings responded that as of May 13, 2015, the Board will not be required to have the appointed members stated in the bill (the Board of Regents (SBR), State Charter School Board (SCSB), and Utah College of Applied Technology (UCAT) representatives) on the Board. There is a question as to whether the Board could add them of their own initiative, as the legislation so clearly restricts it. She offered to work with the Board's attorneys to clarify the law.

Chair Crandall pointed out that the membership of the Board is outlined in statute. He reported that Board leadership will be meeting with leadership of SBR, SCSB and UCAT to discuss the relationship moving forward. Member Jensen expressed his feeling that it would be a huge step backwards to lose the membership of those entities on the Board.

Member Elinkowski questioned whether representatives from those entities would still have access to Board materials. Chair Crandall noted that the Board meeting material is

DRAFT

available online.

Member Moore echoed the same sentiment as the other appointed members leaving the Board, that the input and collaboration is valuable. He noted that there will still be a Board of Education member on the UCAT Board. Member Theurer questioned why the legislation doesn't eliminate the State Board of Education members from the SBR, UCAT and SCSC.

Vice Chair Thomas voiced that he was surprised when he saw the removal of those members that have been required in statute. He recommended that a legal review be conducted regarding whether the Board has the authority to add additional members.

Member Jensen questioned whether the Board would be willing to seek a repeal of this legislation. Chair Crandall indicated a willingness to discuss any of the legislation that passed, but suggested a conclusion would probably not be reached on this issue today.

Associate Superintendent Stallings was asked for her perspective about the legislative session as she recently left her position at the Office of Legislative Research and General Counsel to work for the State Office of Education. She expressed her feeling that there was a difference from past years in the sense that legislative staff was asked to work with USBE members and the USOE superintendency much more. Legislators were impacted by having Board members and staff so present on the Hill, and it did make a difference. This was one of the most successful years for education. Information from the Legislative Fiscal Analyst's office shows that, apart from 2007-08 when there was a great deal of one-time funding and enrollment growth, this year's session resulted in the highest amount of education funding in the last sixteen years. She noted other positives such as the Board being included in the legislative Charter School Funding Task Force, the automatic increase in the voted and board leeway, and several bills where the legislature looked to the Board for input and proposals. There are positive indications of the legislature's improving relationship with the Board.

Board Audit Committee Report

Audit Committee Chair David Thomas reported that in future Board meetings the agenda will include a section on the Board's oversight role to make clear the Board's audit functions. The Audit Committee has over the last two months released a number of audits,

DRAFT

including the year-end audit for USOE and USOR, the indirect cost pool audit, and the USOE travel expense audit. The audits are available online.

The audit rule is in the process of being rewritten, as well as the audit charter, which is used as a guiding document. Both will come to the Board for approval.

Vice Chair Thomas reported that the Audit Committee has asked Internal Auditor Debbie Davis to work with the State Auditor to begin training LEAs on the federal omni-circular in regards to accountability for federal grants. There are significant changes.

The Audit Committee has also discussed the office conversion from the BASE database system to the FINET accounting system. This change will be significant.

It was reported that three of the five open internal audit positions have been filled with performance auditors; there are still two vacant positions for financial auditors. Vice Chair Thomas encouraged Board members to call Internal Audit Director Debbie Davis with any questions about audits. It was also noted that there is a section on the USOE Website where audits are posted.

Committee Reports

FINANCE COMMITTEE

Committee Chair Jennifer Johnson reported on the following items from the Committee.

USOR Fiscal Issues Update

The Committee received a USOR Budget Summary of SFY15 and a Paid Client Services SFY15 Tracker.

It was reported that the USOR received a \$6.3 million supplemental appropriation for this fiscal year that will fund Vocational Rehabilitation paid client services through June 30, 2015 only. Interim Executive Director Scott Jones reported that it will take a minimum of two years for USOR expenses to be less than the funding it receives. Controls for spending have been initiated, and the Order of Selection is helping.

Vice Chair Johnson reviewed contributing factors to the USOR system failure including

DRAFT

poor leadership and lack of oversight, delay in going to Order of Selection, reliance on one-time funding, insufficient financial analysis, unclear agreements on levels of support by USOE, wasteful spending and lack of any inventory controls.

MOTION from Committee that the Board direct staff to include all encumbrances in the USOR budget summary provided to Board.

Motion carried unanimously.

Member Hansen voiced a need to reach out to disability groups that aren't consumers and obtain their input regarding USOR and how well it is working with clients.

Vice Chair Johnson also suggested looking at the governance of the State Rehabilitation Council.

MOTION from Committee that the Board direct Superintendent Smith to report to the Board in May what USOE resources and actions are needed to assist USOR in the resolution of its issues, and to provide electronic updates as available.

Motion carried.

USOE and Discretionary Fund Quarterly Budget Review

MOTION from Committee that the Board approve the School Children's Trust Section budget proposal for FY 2016.

Clarification was given that the changes in the budget are for salary increases, not to the Trust.

Motion carried unanimously.

Vice Chair Thomas asked whether money needs to be allocated from the Discretionary Fund for the building feasibility study. Associate Superintendent Williams informed that the state Department of Facilities, Construction and Management (DFCM) has begun the process of a study. There is no cost associated with their physical assessment of the building. They will also be asked to do space evaluations.

FY 2016 USOE/USDB Budget Process

The Committee reviewed a Budget Preparation Process for FY 2016 outline for the State

DRAFT

Office of Education. It was noted that the USOE superintendency will be holding budget meetings with all USOE section directions. Board members will be invited to those meetings.

MOTION from Committee that the Board approve the FY 16 USOE/USDB Budget Process.

Motion carried unanimously.

Status of Indirect Cost Rate Process

The indirect cost rate process is an adjustment that is being made to comply with federal directives. Vice Chair Johnson referenced a timeline distributed to the Board regarding how the rate is to be recalculated. There are three rates—one for USOR and two for USOE.

Vice Chair Thomas reported that the way the indirect cost pool funding has been done in the past is going to change, and that could have a significant impact on funding.

Taxing Entity Committee Representative

MOTION from Committee that the Board appoint Bruce Williams as its alternate representative to taxing entity committees.

Motion carried.

Pupil Accounting

Vice Chair Johnson reminded the Board that an audit was released over a year ago on distance online education. The Committee received a report on how the recommendations from the audit have been addressed. There are several issues that still need to be dealt with.

Board members were encouraged to read the information distributed.

Training on Finance and Audit Items

The Committee reviewed proposals for Board training, and recommended allowing more time for Board members to respond to a survey about the trainings.

Budget and Accounting System Conversion

The Utah State Office of Education is beginning the process of converting its budget and

DRAFT

accounting system from the current system—BASE, to FINET, the system used by the State of Utah. Information outlining the reasons for the BASE to FINET conversion was distributed.

New Board Rules and Rule Changes Needed as a Result of Legislation

The Committee reviewed a list of proposed Board rules that will be needed as a result of recent legislation. The Law and Licensing and Standards and Assessment Committees reviewed the list as well.

Finance Committee Requests for Data

No additional requests were received.

LAW AND LICENSING COMMITTEE

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

R277-490 *Beverley Taylor Sorenson Arts Learning Program*

As a result of SB 75 *Elementary Arts Learning Program Amendments*, passed in the 2015 Legislative Session, changes to Board rule R277-490 were necessary. Proposed amendments to the rule were presented to allow LEAs more flexibility in the use of grant money as well as defining roles of the USOE and Beverley Taylor Sorenson endowed universities. The Committee made further amendments, and an updated rule was distributed.

The Committee approved amendments to R277-490 on first reading.

MOTION from Committee that the Board approve R277-490 *Beverley Taylor Sorenson Arts Learning Program*, as amended, on second reading.

Motion carried; Vice Chair Johnson absent.

Procedures for Distributing New Money for the Professional Outreach Program for the Schools (POPS)

During the 2015 General Legislative Session, additional funds were allocated for POPS. The Committee reviewed the recommendations from staff for distribution of those funds, and

DRAFT

the Committee approved the allocation as presented.

MOTION from Committee that the Board direct staff to distribute funds allocated during the 2015 Legislative Session to the POPS programs as recommended.

Motion carried; Member Johnson absent.

New Charter School Applications for the 2016-2017 School Year

The State Charter School Board (SCSB) recently heard presentations from nine applicant groups seeking to open new charter schools in the 2016-2017 school year. The SCSB approved six of the nine applications and forwarded them to the Board for approval. The Committee reviewed the applications and took action as follows.

Wasatch Waldorf Charter School - the Committee approved the application unanimously.

MOTION from Committee that the Board approve the charter application for Wasatch Waldorf Charter School.

Motion carried; Vice Chair Johnson absent.

Franklin Discovery Academy - The Committee approved the application unanimously.

MOTION from Committee that the Board approve the charter application for Franklin Discovery Academy.

Motion carried; Vice Chair Johnson absent.

Wallace Stegner Academy - The Committee approved the charter application unanimously.

MOTION from Committee that the Board approve the application for Wallace Stegner Academy.

Motion carried; Vice Chair Johnson absent.

Athlos Academy of Utah - The Committee approved the application with a 3-2 vote.

MOTION from Committee that the Board approve the application for Athlos Academy.

Motion failed, with Members Castle, Crandall, Cummins, Openshaw, Stokes, Thomas and

DRAFT

Warner in favor, and Members Belnap, Corry, Hansen, and Huntsman opposed; Vice Chair Johnson absent.

Chair Crandall informed that under statute the Board is required within 60 days from the action of the State Charter School Board to approve or deny a new charter application. Board attorney Chris Lacombe suggested that if the Board cannot get enough votes to approve the application it could not move forward. Board attorney Nicole Call indicated that the Board could send the application back to the committee and reconsider it in May which would be within the 60 days.

MOTION was made by Vice Chair Thomas and seconded by Member Openshaw that the Board refer the application of Athlos Academy back to the State Charter School Board.

Motion carried; Vice Chair Johnson absent.

St. George Academy - The Committee approved the charter application with a 3-2 vote.

MOTION from Committee that the Board approve the new charter application of St. George Academy.

Member Warner informed the Board that she voted against the application in committee after receiving a letter from Washington School District clarifying that the information given by the applicant regarding the number of AP courses Washington offers and the pass rates for those courses was not accurate.

Member Castle reported that in committee the concern was voiced that at some point in the process someone associated with the school had commented that if students weren't achieving at a certain level they would be counseled out of the school.

Vice Chair Thomas noted that additional information has been received since the committee meeting last night, and he would appreciate an opportunity to look at it in detail prior to making a decision.

Member Wright joined the meeting by phone.

MOTION TO POSTPONE INDEFINITELY was made by Member Castle.

Motion failed.

Member Cummins asked whether the State Charter School Board had the same

DRAFT

information as the Board when they voted on the charter. Member Elinkowski responded that they didn't have the information to which Member Warner was referring. Member Elinkowski reported her understanding that the AP number quoted was for the prior year. She further expressed that at this point the school understands the law and it would be very unlikely to engage in the practice of counseling students out. She has talked with the chair of the governing board of the proposed school, and he has assured her that it would not happen. She asked the Board to consider sending the application back to the State Charter School Board rather than denying the application.

Member Stokes questioned whether Washington School Board authorized the letter sent from Washington School District. Member Belnap responded that the district superintendent has the authority to do so. Member Corry clarified that she was present in a meeting with the Washington District Superintendent and Washington School Board members, and the local board supported the letter.

Member Belnap also informed that she was present when the comment about counseling students out was made from a representative of the charter.

Motion to approve the application failed, with Members Crandall, Cummins, Openshaw, Stokes, Thomas and Wright in favor, and Members Castle, Corry, Hansen, Huntsman and Warner opposed; Member Belnap abstained; Vice Chair Johnson absent.

MOTION was made by Vice Chair Thomas and seconded by Member Stokes that the Board reconsider the application of St. George Academy in its May meeting and direct staff to gather more information.

Motion carried, with Member Corry opposed.

American Academy of Innovation - The Committee approved the application unanimously.

MOTION from Committee that the Board approve the new charter application for American Academy of Innovation.

Member Cummins and Huntsman expressed concerns that details of the CTE programs aren't defined. Member Elinkowski responded that the school does have a specific, concrete

DRAFT

plan in place, but will have 18 months to work out the details if the charter is approved.

Member Cummins disclosed that she has an association with the person who is bringing the charter forward, so she will not be voting.

Motion failed, with Members Castle, Crandall, Openshaw, Spencer, Thomas and Wright in favor, and Members Belnap, Corry, Cummins, Hansen, Huntsman and Warner opposed; Vice Chair Johnson absent.

MOTION was made by Member Stokes and seconded by Member Openshaw that the Board afford the same opportunity to American Academy as Athlos Academy and bring the application back to the Board in its May meeting with more information.

Member Elinkowski recommended sending the applications back to the State Charter School Board in order for them to have further discussions with the applicants. Member Hansen concurred, suggesting that if the applications are brought back to Board committee there may just be a reiteration of today's discussion, and she would like to have more input from the SCSB. Member Elinkowski reported that the SCSB will meet on May 14. The applications could then come back to the Board in its June 25-26 meetings.

MOTION TO AMEND was made by Member Belnap that the application be sent back to the State Charter School Board for review and come back to the Board in June.

Motion to amend carried.

Member Stokes acknowledged the work of the State Charter School Board in narrowing the original number of 16 applications to 6, and supports giving them the opportunity to give more input.

MOTION TO AMEND was made by Member Belnap and seconded by Member Openshaw that St. George Academy and Athlos Academy be added to the motion.

Motion to amend carried.

Amended motion to send the applications of American Academy, St. George Academy and Athlos Academy back to the State Charter Board for input, and for the applications to come before the Board in its June meeting carried.

DRAFT

USOE Chief Privacy Officer and HB 68 Student Privacy Study

Due to HB 68 *Student Privacy Study*, passed in the 2015 Legislative Session, the Board is required to develop a student privacy funding proposal and make recommendations to the legislature regarding student privacy laws. Representative Jacob Anderegg, sponsor of HB 68, discussed the legislation with the Committee. He reported that the intent of the bill is to reign in what has been allowed by vendor requests regarding what student information is gathered and how it is used.

It is anticipated that the hiring of a chief security officer, funded through the legislation, will occur after July 1.

Freedom Preparatory Academy Charter Amendment

A charter amendment request from Freedom Preparatory Academy Charter was approved and forwarded from the State Charter School Board for Board consideration. The amendment is to add a satellite campus in Alpine School District in 2016-2017 serving 720 students in grades K-5.

MOTION from Committee that the Board approve amendments to Freedom Preparatory Academy's charter.

Motion carried; Vice Chair Johnson absent.

R277-520 Appropriate Licensing and Assignment of Teachers

Rule R277-520 was reviewed consistent with the Utah Administrative Rulemaking Act five-year review requirement. Amendments were proposed to make the rule consistent with other licensure rules.

The Committee approved amendments to the rule on first reading, including the following additional amendments:

- Lines 165, 452 and 485 - add "pursuant to the Board's authority under Section 53A-1-403(3)."

MOTION from Committee that the Board approve amendments to and continuation of R277-520 on second reading.

DRAFT

Associate Superintendent Stallings reviewed additional amendments requested by the committee.

- Section 4, lines 172-173 - insert after the word “or”, “for an educator assigned to teach a class in grade 1 through grade 3, . . .”
- Section 7A, line 457 - insert after the word “has”, “successfully completed at minimum nine semester credit hours.”

Without objection, the amendments were added to the Committee motion.

Motion carried.

R277-502 Educator Licensing and Data Retention

Statute requires the Board to collaborate with the STEM Action Center to develop STEM Education endorsements and requires the Board to make rules to establish how STEM endorsements will be valued on a salary scale for educators. The Committee reviewed proposed amendments to R277-502 to fulfill the requirements.

The Committee approved amendments to R277-502 on first reading with the following additional changes:

- Section 4B(1), line 303 - change “USOE” to “Board.”
- Section 5C(1a) and (1b), lines 393 and 396 - change “USOE” to “State Superintendent of Public Instruction.”

MOTION from committee that the Board approve R277-502 *Educator Licensing and Data Retention*, as amended, on second reading.

Motion carried.

R277-410 Accreditation of Schools

Recent changes in accreditation procedures are not currently reflected in Board rule R277-410. The Committee reviewed proposed amendments, but felt clarifying language regarding next steps in the accreditation process needs to be strengthened. The Committee referred the rule back to staff for further work.

DRAFT

R277-419-6 Pupil Accounting—High School Completion Status

Each year the USOE calculates graduation rates for each of Utah's public high schools following federal and state law, board rule, and general policy. Federal reporting requirements indicate that a student may be included in only one school's graduation rate calculation; however, it does not address how to pick a school when the students attend multiple schools in their final year. In the past, the USOE has followed general policy to create a hierarchy of tie-breaking rules that allow the selection of a single school, and the proposed amendment to the rule would change the tie-breaking rules from general policy to Board rule.

The Committee approved amendments to R277-419-6 on first reading.

MOTION from Committee that the Board approve R277-419-6 *Pupil Accounting—High School Completion Status*, as amended, on second reading.

Motion carried.

Framework for R277-419-9 Pupil Accounting - Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors

Rule R277-419-9 was enacted as an emergency rule in school year 2014-2015 to provide guidance to LEAs who claim membership for students enrolled in both traditional and non-traditional schools and programs. The emergency rule will expire on May 15, 2015.

The Committee discussed splitting Section 9 and adding those sections to new rules or incorporating them into existing rules. The rule will be brought back to the Committee for further discussions and changes.

STANDARDS AND ASSESSMENT COMMITTEE

Committee Chair Laura Belnap reported on the following items from the Committee.

Standards Review Process

The Committee discussed the desire for additional changes to the standards review process. Member Cummins will recommend some changes for committee and Board

DRAFT

consideration in a future meeting.

Draft Utah Science and Engineering Education Standards (UT SEEd) for Grades 6-8

The Committee reviewed a revised draft of the Utah Core Science Standards for grades 6-8.

MOTION from Committee that the Board approve releasing the Utah Science and Engineering Education Standards for grades 6-8 for a 90-day public review, with corrections of technical errors identified by the Committee.

Vice Chair Thomas voiced that while he has concerns about the way some of the standards are written he is in favor of sending the standards out at this point.

Motion carried.

R277-404 Requirement for Assessment for Student Achievement

In its February 19, 2015 meeting, the Board discussed the issue of parents/guardians excusing students from testing. Subsequently, in its March 6, 2015 meeting, the Board unanimously approved on first reading amendments to R277-404 clarifying parental rights in opting their children out of state assessments mandated by the Board and state statute. The Board requested the rule be brought back to the April 9 meeting of the Standards and Assessment Committee for further discussion and consideration. In addition, SB 204 *Parental Rights in Public Education Amendments* passed during the 2015 legislation session. The legislation directs the Board to establish procedures and to maintain and publish a list of state assessments, state assessment systems, and software that qualify under the statute.

The Committee reviewed proposed amendments to the rule to address Board and legislative concerns. Senator Aaron Osmond, sponsor of SB 204, was present in committee for the discussion, and was thanked for his participation.

The Committee approved the proposed amendments to R277-404 on second reading, with additional amendments outlined on an updated rule.

MOTION from Committee that the Board approve R277-404, as amended, on third and final reading.

DRAFT

Member Corry questioned why the change was made on line 233 from requiring five days notice to one day notice. Member Belnap responded the change was made to afford more parental choice, but still keep the LEAs informed.

Chair Crandall asked if the Committee considered newly-required tests, such as the Civics test. Member Belnap responded that the Committee considered that test, but concluded that tests required for graduation would not be included. Senator Osmond confirmed that the intent was not for those tests.

Motion carried.

Draft Elementary Library Media Standards

The K-5 Library Media Standards are up for review and revision according to the Core Standards Review Timeline and were presented to the Committee. The K-5 standards have been aligned to the recently approved 6-12 Library Media Standards.

MOTION from Committee that the Board approve releasing the Elementary Library Media Standards for a 90-day public review.

Motion carried.

Physical Education Core Standards Revision Update

A Standards Review Committee for Physical Education was convened on October 30, 2014. That committee recommended using a focus group of elementary classroom teachers to review the core and make recommendations.

The Standards and Assessment Committee reviewed recommendations from the Standards Review Committee, which include recommendations from the focus group. The Committee directed staff to prepare draft standards for the Standards Review Committee.

MOTION from Committee that the Board accept the recommendations from the Standards Review Committee for Physical Education and ask the Standards Review Committee to review the draft standards prior to presentation to the Board.

Motion carried.

DRAFT

Secondary Social Studies Core Standards Revision Update

A Standards Review Committee for Secondary Social Studies was convened on October 7, 2014. The Standards Review Committee has made recommendations regarding the existing core standards, as well as provided recommendations regarding the initial drafts of the revisions which began before the statutory obligation for the committee was in place.

The Standards and Assessment Committee reviewed the recommendations and directed staff to prepare draft standards for the Standards Review Committee.

MOTION from Committee that the Board accept the recommendations from the Standards Review Committee for Secondary Social Studies and ask the Standards Review Committee to review the standards prior to presentation to the Board.

Motion carried.

Fine Arts Core Standards Revision Update

A Standards Review Committee for Elementary and Secondary Fine Arts was convened on October 28, 2014, and forwarded recommendation to the Board.

The Standards and Assessment Committee reviewed the recommendations and directed staff to prepare draft standards for the Standards Review Committee. It was noted that one recommendation is to add a new section on media arts.

MOTION from Committee that the Board accept the recommendations from the Standards Review Committee for Elementary and Secondary Fine Arts and ask the Standards Review Committee to review the standards prior to presentation to the Board.

Motion carried.

FFY 2013 IDEA Part B Annual Performance (APR) and State Systemic Improvement Plan (SSIP)

The Committee heard a presentation on the SSIP from the USOE Special Education Section, and received the report.

Educator Effectiveness Update

The Board has taken an active role in promoting best practices for educator evaluation.

DRAFT

In 2012, Board rule R277-531 *Public Educator Evaluation Requirements (PEER)* and SB 64 *Public Education Employment Reform* (2012 Legislative Session) were implemented, providing additional direction for USOE staff to create a model system and provide guidance to LEAs.

Deputy Superintendent Sydnee Dickson gave a presentation regarding the system. The presentation was made in preparation for action the Board will be requested to make in its May meeting to determine percentage of student growth and learning, professional practices for high quality instruction and leadership, and stakeholder input for the educator evaluation system.

Member Castle asked if teacher goals are overseen by their educational leader. Dr. Dickson responded that schools using the USOE's model evaluation system have the local control to request that every teacher to set professional goals, school goals, or team goals. The educator sets goals in tandem with a supervisor.

Member Castle further questioned whether the goals are measurable. Dr. Dickson responded that the evaluation rating is based on data points. The goals themselves are not part of the rating, drive professional development and conversations. Goals are to help teacher improve and grow, but are not rated. The goal-setting piece is part of the model but is not required in statute.

Superintendent Dickson reviewed that the Board has the responsibility to monitor and approve the educator evaluation systems.

Superintendent Dickson discussed the shift to student growth being used for evaluations, and relayed that there are concerns from the field that SAGE was not developed with teacher evaluation in mind, and that rather than being a system to gather feedback on students it will become a system to evaluate teachers. Educators are supportive of using Student Learning Objectives (SLOs) for evaluations, which are part of the instructional cycle.

Member Stokes voiced the need for stronger evaluation of principals by teachers and for a tool that gives teachers that opportunity.

Member Warner asked if chronic student absence is considered in regards to student growth. Dr. Dickson responded that teachers would not be punished for having students that are absent, but a highly effective teacher would have strategies in place to address the

DRAFT

problem.

Member Castle suggested that the model in place will result in a skew in the results. She suggested principals need to have more power and be given more time for evaluations.

Superintendent Dickson gave public acknowledgment to USOE Education Specialist Linda Alder and her team for their work on the project.

Board Chair's Report

Chair Crandall reminded the Board about the Utah School Boards Association regional meetings and encouraged them to attend.

Chair Crandall reported that role clarity, communications and a strategic plan will be discussed at the Board retreat. The retreat will take place on April 24-25.

Board Member Closing Comments

Member Corry mentioned that the National Association of State Boards of Education has put out a call for nominations for its 2016 Board of Directors. She is currently on the Board of Directors, but will be going off in October 2015. Nominations are due June 8, and anyone interested should contact Board leadership.

Executive Session

MOTION was made by Member Openshaw and seconded by Member Huntsman that the Board move into Executive Session for the purpose of discussing the character, professional competence and physical or mental health of individuals, and pending litigation.

Upon voice vote of the Board members present, the Board moved into Executive Session at 3:05 p.m.

Those present in Executive Session included Chair Crandall, Vice Chair Thomas, Members Castle, Corry, Cummins, Elinkowski, Hansen, Huntsman, Moore, Openshaw, Stokes, Warner; and staff members Sydnee Dickson, Lorraine Austin, Chris Lacombe, Nicole Call, Ben Rasmussen and Nicole Ferguson.

MOTION was made by Member Stokes and seconded by Member Corry that the Board

DRAFT

come out of Executive Session.

Motion carried. The Board reconvened in open session at 4:50 p.m.

Executive Session Items

State Instructional Materials Commission Appointments

MOTION was made by Member Stokes and seconded by Member Corry that the Board appoint Gordon Peer, Josh Vorwaller and J. Scott Handy to the State Instructional Materials Commission for four-years terms from the date of appointment.

MOTION was made by Member Hansen and seconded by Vice Chair Thomas for a division of the motion.

Motion carried, with Member Openshaw opposed.

Motion to appoint Gordon Peer as a secondary teacher representative failed, with Members Corry, Crandall, Hansen and Thomas in favor, and Members Cummins, Openshaw, Spencer and Warner opposed; Members Allen, Belnap, Castle, Johnson and Wright absent.

Motion to appoint Josh Vorwaller as a lay citizen representative carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

Motion to appoint J. Scott Handy as a lay citizen representative carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Hansen and seconded by Member Corry that the Board appoint Angela Hall to the State Instructional Materials Commission as a secondary teacher representative.

Motion failed, with Members Corry, Crandall, Cummins, Hansen, Thomas and Warner in favor, and Members Openshaw and Stokes opposed; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Hansen and seconded by Vice Chair Thomas that the Board appoint Scott Bassett, Curt Jenkins, Sandra Nielsen, Jo Ellen Shaeffer, Brenda Sabey, Shannon Delaney, Diana Suddreth and Bryce Day to the Public Educator Evaluation Requirements (PEER) Committee.

Motion carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

DRAFT

MOTION was made by Member Warner and seconded by Member Corry that the Board appoint the following to the Division of Services for the Blind and Visually Impaired Advisory Council for three-year terms: Mark Turley as the National Federation of the Blind representative; Darren Lindsay and Carolyn Lasater as at-large representatives.

Motion carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

Utah Professional Practices Advisory Commission (UPPAC) Cases

MOTION was made by Member Stokes and seconded by Member Openshaw that the Board accept the UPPAC recommendation in Case No. 10-965 and reinstate the educator's Level 2 School Psychologist License.

Motion carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Stokes and seconded by Member Huntsman that the Board accept the UPPAC recommendation in Case No. 14-1218 and suspend the educator's Level 2 School Counselor License for at least one (1) year from the date of Board action pursuant to a stipulated agreement.

Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.

Motion carried; Members Allen, Belnap, Castle, Johnson and Wright absent.

MOTION was made by Member Corry and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 12-1058 and suspend the educator's Level 2 Secondary Education License for five (5) years from the date of Board action pursuant to a stipulated agreement.

Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.

Motion failed, with Members Cummins and Thomas in favor, and Members Castle, Corry, Crandall, Hansen, Openshaw, Stokes and Warner opposed; Members Allen, Belnap, Johnson and Wright absent.

Adjournment

DRAFT

MOTION was made by Member Hansen and seconded by Member Huntsman that the meeting adjourn.

Motion carried. The meeting adjourned at 4:58 p.m.

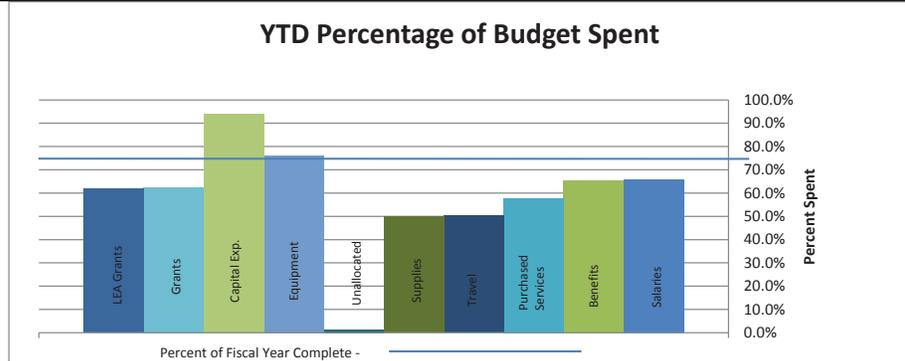
Lorraine Austin, Board Secretary
Minutes pending approval

**Utah State Board of Education Financial Report
Fiscal Year 2015
Month Ending March 31, 2015
Agency Totals**

% of FY Complete -	75%
# of FTE Staff -	1098.75

Description	Original Budget	Current Budget	Current Month Expenditures	YTD Expenditures	Encumbrance	Budget Balance	% of Budget Spent
EXPENDITURES							
Salaries	58,299,000	59,475,500	4,241,000	39,174,500	-	20,301,000	65.9%
Benefits	31,892,700	33,443,700	2,352,200	21,865,000	-	11,578,700	65.4%
Purchased Services	56,124,900	59,412,800	1,917,100	34,047,300	308,900	25,056,600	57.8%
Travel	1,731,800	1,830,800	130,200	918,400	1,900	910,500	50.3%
Supplies & Materials	14,624,200	18,592,100	614,100	8,990,300	308,600	9,293,200	50.0%
Unallocated Expenses	7,591,500	4,084,700	14,600	57,200	-	4,027,500	1.4%
Equipment	3,550,600	3,442,000	258,200	2,284,200	339,800	818,000	76.2%
Capital Expenditures	626,000	621,200	517,600	555,700	29,200	36,300	94.2%
TOTAL EXPENDITURES	174,440,700	180,902,800	10,045,000	107,892,600	988,400	72,021,800	60.2%
Grants & Transfers to Other Agencies	134,795,300	125,839,900	7,364,300	62,287,000	-	63,552,900	49.5%
Flow Through Funds to LEAs	3,182,148,300	3,715,856,800	252,586,100	2,317,394,500	-	1,398,462,300	62.4%
TOTAL EXP. & FLOW THROUGH	3,491,384,300	4,022,599,500	269,995,400	2,487,574,100	988,400	1,534,037,000	61.9%
REVENUES							
Description	Original Budget	Current Budget	Current Month Revenue	YTD Revenues	Encumbrance	Budget Balance	% Received
State Sources	2,915,381,800	3,239,596,800	228,811,300	2,165,750,000	554,600	1,073,292,200	66.9%
Federal Sources	508,585,100	708,798,700	35,769,700	285,980,100	250,100	422,568,500	40.4%
Other Sources	67,417,400	74,204,000	5,414,400	35,844,000	183,700	38,176,300	48.6%
TOTAL REVENUES & SOURCES	3,491,384,300	4,022,599,500	269,995,400	2,487,574,100	988,400	1,534,037,000	61.9%

YTD Percentage of Budget Spent

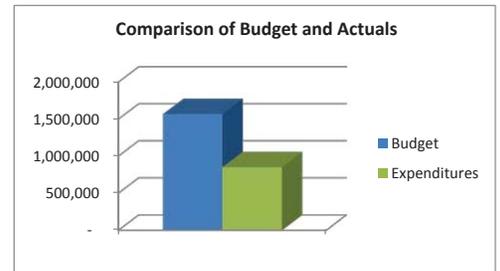


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

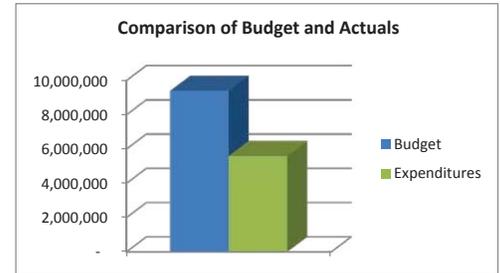
of FTE Staff - 5

Description	Original	Budget	Year-to-date		Budget	% Spent
	Budget		Expenditures	Encumbrances		
Salaries	451,500	451,200	284,500	-	166,700	63.05%
Benefits	338,700	339,000	198,000	-	141,000	58.41%
Purchased Services	24,200	56,200	55,400	200	600	98.93%
Travel	76,600	108,600	106,100	-	2,500	97.70%
Supplies & Materials	175,800	483,900	205,600	200	278,100	42.53%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	23,500	23,300	2,000	-	21,300	8.58%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	1,090,300	1,462,200	851,600	400	610,200	58.27%
Flow Through	105,800	105,800	-	-	105,800	0.00%
Total Exp. & Flow Thru	1,196,100	1,568,000	851,600	400	716,000	54.34%



of FTE Staff - 45

Description	Original	Budget	Year-to-date		Budget	% Spent
	Budget		Expenditures	Encumbrances		
Salaries	2,866,200	2,972,700	2,081,300	-	891,400	70.01%
Benefits	1,492,900	1,498,300	1,072,600	-	425,700	71.59%
Purchased Services	1,589,900	3,108,500	781,800	3,600	2,323,100	25.27%
Travel	16,600	24,900	13,400	-	11,500	53.82%
Supplies & Materials	339,100	1,076,900	1,039,500	37,400	-	100.00%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	770,300	399,000	174,500	224,500	-	100.00%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	7,075,000	9,080,300	5,163,100	265,500	3,651,700	59.78%
Flow Through	62,500	325,900	170,500	-	155,400	52.32%
Total Exp. & Flow Thru	7,137,500	9,406,200	5,333,600	265,500	3,807,100	59.53%

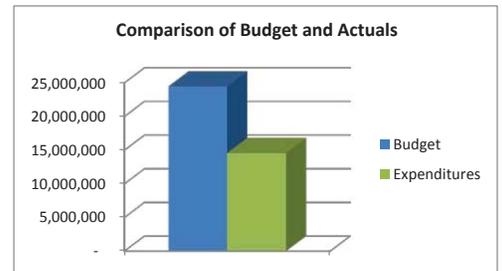


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

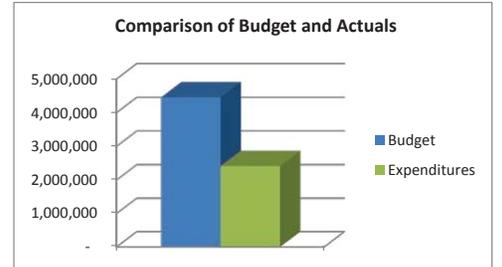
of FTE Staff - 28

Assessment and Accountability						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	1,802,600	1,834,800	1,247,900	-	586,900	68.01%
Benefits	1,019,400	1,013,700	687,600	-	326,100	67.83%
Purchased Services	16,146,500	18,974,800	11,078,600	-	7,896,200	58.39%
Travel	171,700	190,400	17,100	-	173,300	8.98%
Supplies & Materials	262,000	158,900	28,200	100	130,600	17.81%
Unallocated Expenses	-	37,500	-	-	37,500	0.00%
Equipment	35,500	70,600	25,400	4,200	41,000	41.93%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	19,437,700	22,280,700	13,084,800	4,300	9,191,600	58.75%
Flow Through	2,189,900	2,202,800	1,491,000	-	711,800	67.69%
Total Exp. & Flow Thru	21,627,600	24,483,500	14,575,800	4,300	9,903,400	59.55%



of FTE Staff - 7

Charter School Board						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	493,200	642,700	291,800	-	350,900	45.40%
Benefits	278,500	279,000	155,400	-	123,600	55.70%
Purchased Services	703,900	989,800	54,400	-	935,400	5.50%
Travel	32,400	32,400	17,700	-	14,700	54.63%
Supplies & Materials	241,300	236,900	23,100	2,400	211,400	10.76%
Unallocated Expenses	15,900	15,900	-	-	15,900	0.00%
Equipment	10,000	16,400	16,300	-	100	99.39%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	1,775,200	2,213,100	558,700	2,400	1,652,000	25.35%
Flow Through	2,243,400	2,243,400	1,857,100	-	386,300	82.78%
Total Exp. & Flow Thru	4,018,600	4,456,500	2,415,800	2,400	2,038,300	54.26%

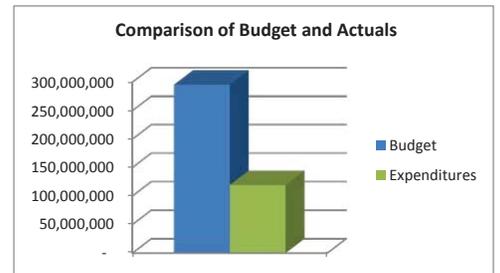


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

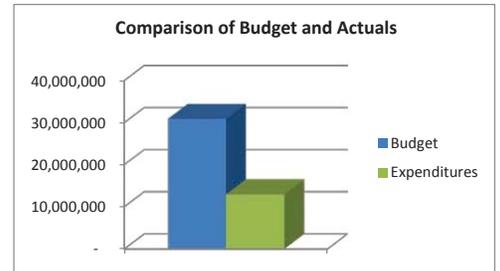
of FTE Staff - 23

Child Nutrition Programs						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	1,330,300	1,849,200	797,900	-	1,051,300	43.15%
Benefits	701,600	961,800	458,000	-	503,800	47.62%
Purchased Services	216,700	805,200	297,800	-	507,400	36.98%
Travel	74,400	110,800	43,800	-	67,000	39.53%
Supplies & Materials	257,200	283,400	221,700	8,800	52,900	81.33%
Unallocated Expenses	94,900	93,900	-	-	93,900	0.00%
Equipment	40,000	87,400	55,200	31,300	900	98.97%
Capital Expenditures	-	1,400	-	1,300	100	92.86%
TOTAL EXPENDITURES	2,715,100	4,193,100	1,874,400	41,400	2,277,300	45.69%
Flow Through	194,555,100	291,582,500	117,493,200	-	174,089,300	40.30%
Total Exp. & Flow Thru	197,270,200	295,775,600	119,367,600	41,400	176,366,600	40.37%



of FTE Staff - 41.1

Career and Technology Education						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	2,433,800	3,079,700	1,710,000	-	1,369,700	55.52%
Benefits	1,344,000	1,590,500	937,200	-	653,300	58.92%
Purchased Services	151,200	155,700	93,200	-	62,500	59.86%
Travel	127,100	107,400	66,200	-	41,200	61.64%
Supplies & Materials	985,200	901,300	279,300	1,100	620,900	31.11%
Unallocated Expenses	44,500	553,200	-	-	553,200	0.00%
Equipment	20,600	24,500	20,700	500	3,300	86.53%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	5,106,400	6,412,300	3,106,600	1,600	3,304,100	48.47%
Flow Through	23,241,700	24,492,600	9,838,500	-	14,654,100	40.17%
Total Exp. & Flow Thru	28,348,100	30,904,900	12,945,100	1,600	17,958,200	41.89%

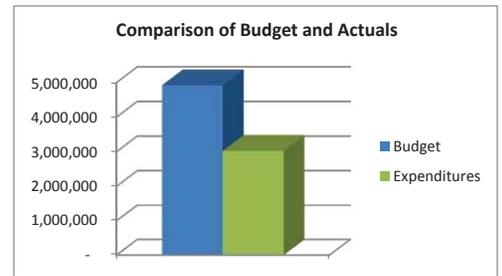


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

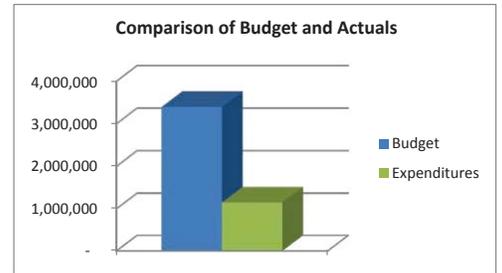
of FTE Staff - 37

District Computer Services						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	2,384,900	2,171,900	1,564,600	-	607,300	72.04%
Benefits	1,363,500	1,411,800	859,300	-	552,500	60.87%
Purchased Services	29,000	29,000	2,800	700	25,500	12.07%
Travel	5,500	5,500	800	-	4,700	14.55%
Supplies & Materials	233,500	530,100	397,700	12,800	119,600	77.44%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	186,300	318,500	166,800	14,000	137,700	56.77%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	4,202,700	4,466,800	2,992,000	27,500	1,447,300	67.60%
Flow Through	479,700	457,100	7,100	-	450,000	1.55%
Total Exp. & Flow Thru	4,682,400	4,923,900	2,999,100	27,500	1,897,300	61.47%



of FTE Staff - 0

Educational Contracts						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	-	-	-	-	-	0.00%
Benefits	-	-	-	-	-	0.00%
Purchased Services	-	-	-	-	-	0.00%
Travel	-	-	-	-	-	0.00%
Supplies & Materials	-	-	-	-	-	0.00%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	-	-	-	-	-	0.00%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	-	-	-	-	-	0.00%
Flow Through	3,137,800	3,396,000	1,149,400	-	2,246,600	33.85%
Total Exp. & Flow Thru	3,137,800	3,396,000	1,149,400	-	2,246,600	33.85%

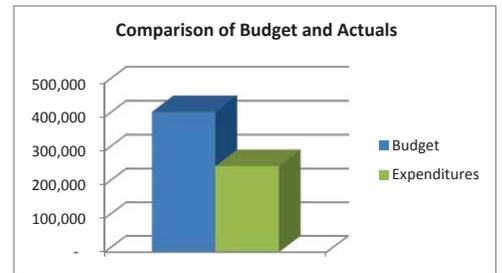


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

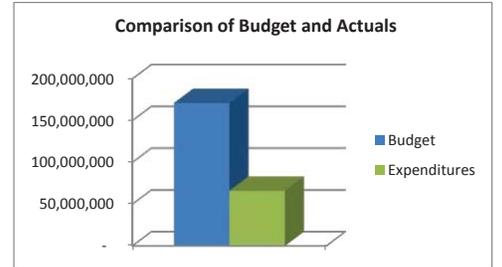
of FTE Staff - 3

Educational Equity						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	196,700	193,700	136,000	-	57,700	70.21%
Benefits	111,600	112,700	78,600	-	34,100	69.74%
Purchased Services	6,600	11,700	4,100	-	7,600	35.04%
Travel	3,400	2,900	2,000	-	900	68.97%
Supplies & Materials	25,600	52,500	16,000	400	36,100	31.24%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	2,700	700	300	100	300	57.14%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	346,600	374,200	237,000	500	136,700	63.47%
Flow Through	41,300	41,500	17,900	-	23,600	43.13%
Total Exp. & Flow Thru	387,900	415,700	254,900	500	160,300	61.44%



of FTE Staff - 18.25

ESEA and Special Programs						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	1,604,000	1,068,800	699,100	-	369,700	65.41%
Benefits	16,400	551,000	396,900	-	154,100	72.03%
Purchased Services	322,000	370,100	169,000	10,400	190,700	48.47%
Travel	61,700	100,200	32,200	-	68,000	32.14%
Supplies & Materials	477,500	641,100	190,700	100	450,300	29.76%
Unallocated Expenses	1,900,200	1,256,800	-	-	1,256,800	0.00%
Equipment	20,300	76,900	24,300	15,200	37,400	51.37%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	4,402,100	4,064,900	1,512,200	25,700	2,527,000	37.83%
Flow Through	79,649,300	167,098,500	64,569,600	-	102,528,900	38.64%
Total Exp. & Flow Thru	84,051,400	171,163,400	66,081,800	25,700	105,055,900	38.62%

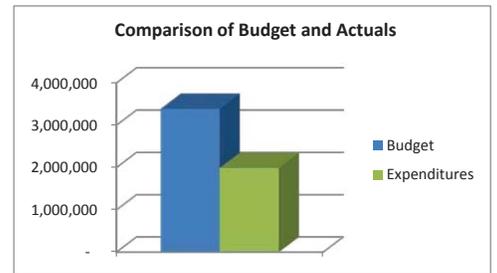


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

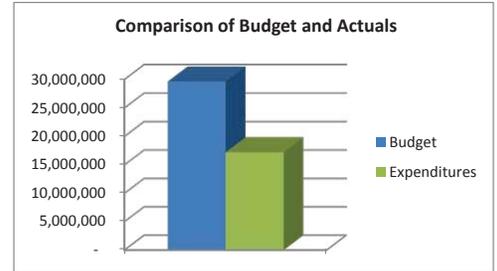
of FTE Staff - 0

Fine Arts (POPS)						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	-	-	-	-	-	0.00%
Benefits	-	-	-	-	-	0.00%
Purchased Services	-	-	-	-	-	0.00%
Travel	-	-	-	-	-	0.00%
Supplies & Materials	-	-	-	-	-	0.00%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	-	-	-	-	-	0.00%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	-	-	-	-	-	0.00%
Flow Through	3,325,000	3,390,900	1,991,300	-	1,399,600	58.72%
Total Exp. & Flow Thru	3,325,000	3,390,900	1,991,300	-	1,399,600	58.72%



of FTE Staff - 4.4

Grants and Contracts						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	231,600	341,600	127,400	-	214,200	37.30%
Benefits	101,400	154,800	58,100	-	96,700	37.53%
Purchased Services	21,929,700	21,361,700	13,095,700	167,500	8,098,500	62.09%
Travel	15,300	15,000	500	-	14,500	3.33%
Supplies & Materials	4,224,200	5,103,500	2,853,000	-	2,250,500	55.90%
Unallocated Expenses	257,700	284,000	2,500	-	281,500	0.88%
Equipment	328,300	328,200	299,800	-	28,400	91.35%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	27,088,200	27,588,800	16,437,000	167,500	10,984,300	60.19%
Flow Through	1,440,200	2,063,700	635,500	-	1,428,200	30.79%
Total Exp. & Flow Thru	28,528,400	29,652,500	17,072,500	167,500	12,412,500	58.14%

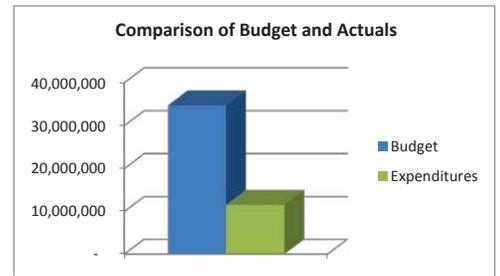


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

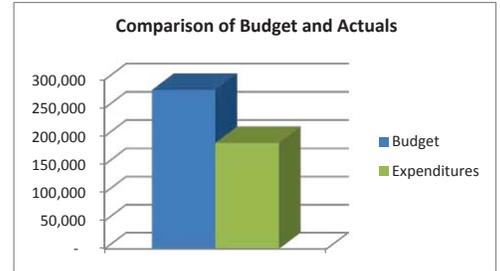
of FTE Staff - 36.5

Instructional Services-Teaching and Learning						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	1,908,800	1,741,600	1,170,800	-	570,800	67.23%
Benefits	974,900	867,800	628,300	-	239,500	72.40%
Purchased Services	758,100	1,064,000	393,500	900	669,600	37.07%
Travel	70,900	66,000	50,800	-	15,200	76.97%
Supplies & Materials	1,838,800	2,176,700	433,300	-	1,743,400	19.91%
Unallocated Expenses	500,000	150,600	-	-	150,600	0.00%
Equipment	7,700	9,100	4,100	1,800	3,200	64.84%
Capital Expenditures	-	28,000	-	27,900	100	99.64%
TOTAL EXPENDITURES	6,059,200	6,103,800	2,680,800	30,600	3,392,400	44.42%
Flow Through	32,072,700	28,651,400	8,868,700	-	19,782,700	30.95%
Total Exp. & Flow Thru	38,131,900	34,755,200	11,549,500	30,600	23,175,100	33.32%



of FTE Staff - 2

Law and Legislation						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	150,400	150,300	108,400	-	41,900	72.12%
Benefits	79,100	78,800	59,000	-	19,800	74.87%
Purchased Services	7,900	7,300	1,300	-	6,000	17.81%
Travel	4,200	3,900	1,500	-	2,400	38.46%
Supplies & Materials	7,700	8,900	4,500	200	4,200	52.81%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	2,400	2,200	-	-	2,200	0.00%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	251,700	251,400	174,700	200	76,500	69.57%
Flow Through	30,800	31,100	13,600	-	17,500	43.73%
Total Exp. & Flow Thru	282,500	282,500	188,300	200	94,000	66.73%

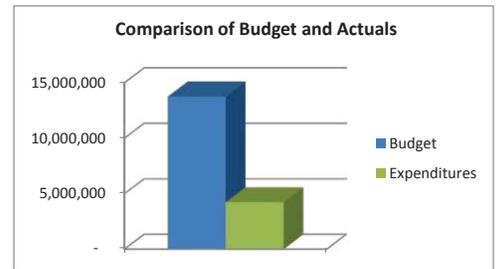


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

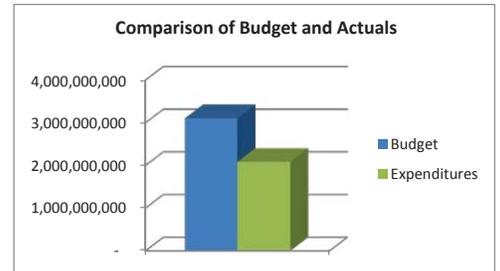
of FTE Staff - 17.2

Licensing and UPPAC						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	845,300	1,028,500	568,500	-	460,000	55.27%
Benefits	515,900	486,400	320,400	-	166,000	65.87%
Purchased Services	832,600	744,800	340,700	41,100	363,000	51.26%
Travel	12,700	12,400	4,800	-	7,600	38.71%
Supplies & Materials	180,200	408,900	162,900	6,600	239,400	41.45%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	2,000	19,700	18,900	800	-	100.00%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	2,388,700	2,700,700	1,416,200	48,500	1,236,000	54.23%
Flow Through	6,206,900	11,055,200	2,766,200	-	8,289,000	25.02%
Total Exp. & Flow Thru	8,595,600	13,755,900	4,182,400	48,500	9,525,000	30.76%



of FTE Staff - 0

Minimum School Program						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	-	-	-	-	-	0.00%
Benefits	-	-	-	-	-	0.00%
Purchased Services	-	-	-	-	-	0.00%
Travel	-	-	-	-	-	0.00%
Supplies & Materials	-	-	-	-	-	0.00%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	-	-	-	-	-	0.00%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	-	-	-	-	-	0.00%
Flow Through	2,788,612,900	3,108,201,100	2,088,079,900	-	1,020,121,200	67.18%
Total Exp. & Flow Thru	2,788,612,900	3,108,201,100	2,088,079,900	-	1,020,121,200	67.18%

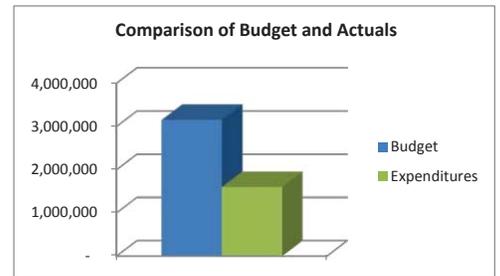


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

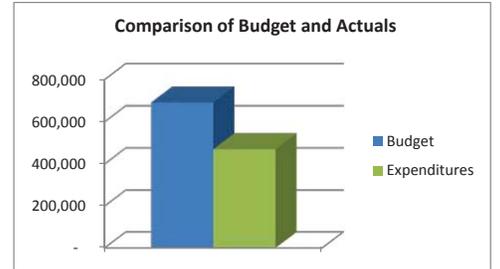
of FTE Staff - 16

Description	Original	Budget	Year-to-date		Budget	% Spent
	Budget		Expenditures	Encumbrances		
Salaries	1,033,300	1,021,800	711,000	-	310,800	69.58%
Benefits	584,900	589,000	406,200	-	182,800	68.96%
Purchased Services	276,900	465,300	4,400	-	460,900	0.95%
Travel	47,600	50,800	17,900	-	32,900	35.24%
Supplies & Materials	64,400	65,500	12,200	100	53,200	18.78%
Unallocated Expenses	13,700	-	-	-	-	0.00%
Equipment	15,200	13,000	3,100	700	9,200	29.23%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	2,036,000	2,205,400	1,154,800	800	1,049,800	52.40%
Flow Through	733,800	946,700	444,000	-	502,700	46.90%
Total Exp. & Flow Thru	2,769,800	3,152,100	1,598,800	800	1,552,500	50.75%



of FTE Staff - 4

Description	Original	Budget	Year-to-date		Budget	% Spent
	Budget		Expenditures	Encumbrances		
Salaries	280,500	283,300	199,400	-	83,900	70.38%
Benefits	152,800	157,400	110,700	-	46,700	70.33%
Purchased Services	68,600	66,100	38,500	500	27,100	59.00%
Travel	12,000	18,800	12,400	-	6,400	65.96%
Supplies & Materials	39,100	28,200	6,800	-	21,400	24.11%
Unallocated Expenses	15,000	-	-	-	-	0.00%
Equipment	2,300	4,000	1,400	-	2,600	35.00%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	570,300	557,800	369,200	500	188,100	66.28%
Flow Through	138,100	134,000	100,300	-	33,700	74.85%
Total Exp. & Flow Thru	708,400	691,800	469,500	500	221,800	67.94%

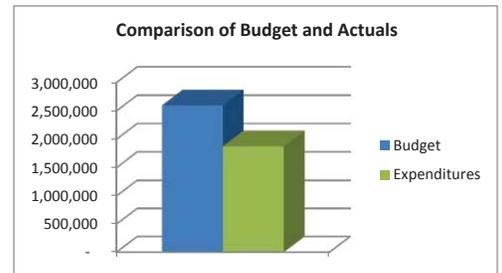


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

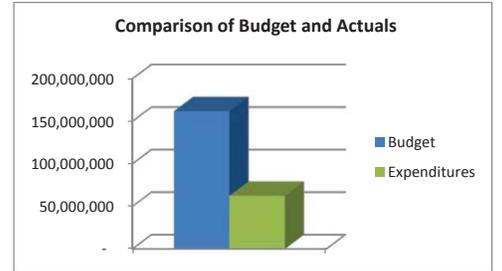
of FTE Staff - 0

Science (Isee)						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	-	-	-	-	-	0.00%
Benefits	-	-	-	-	-	0.00%
Purchased Services	-	-	-	-	-	0.00%
Travel	-	-	-	-	-	0.00%
Supplies & Materials	-	-	-	-	-	0.00%
Unallocated Expenses	-	-	-	-	-	0.00%
Equipment	-	-	-	-	-	0.00%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	-	-	-	-	-	0.00%
Flow Through	2,600,000	2,600,000	1,875,400	-	724,600	72.13%
Total Exp. & Flow Thru	2,600,000	2,600,000	1,875,400	-	724,600	72.13%



of FTE Staff - 22.6

Special Education						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	1,822,300	1,516,700	1,047,200	-	469,500	69.04%
Benefits	846,400	830,000	563,200	-	266,800	67.86%
Purchased Services	5,215,200	2,482,000	1,082,300	-	1,399,700	43.61%
Travel	163,800	151,300	62,900	-	88,400	41.57%
Supplies & Materials	282,000	563,800	268,500	8,200	287,100	49.08%
Unallocated Expenses	4,318,400	1,116,500	-	-	1,116,500	0.00%
Equipment	41,700	116,500	88,800	2,700	25,000	78.54%
Capital Expenditures	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	12,689,800	6,776,800	3,112,900	10,900	3,653,000	46.10%
Flow Through	132,975,300	155,201,900	59,357,200	-	95,844,700	38.25%
Total Exp. & Flow Thru	145,665,100	161,978,700	62,470,100	10,900	99,497,700	38.57%

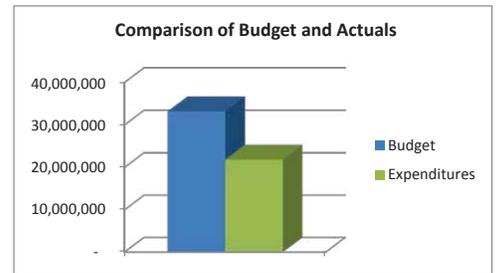


**Department Budget & Expenditures Breakdown
Fiscal Year 2015
Month Ending March 31, 2015**

% of FY Complete - 75%

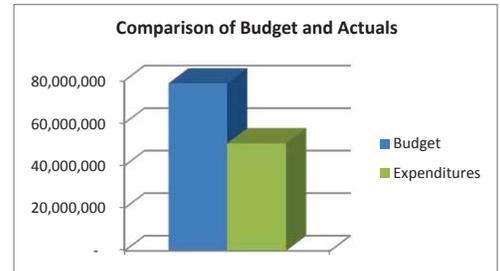
of FTE Staff - 332

Schools for Deaf and Blind						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	15,473,700	15,480,400	10,513,600	-	4,966,800	67.92%
Benefits	8,717,100	8,726,400	5,869,800	-	2,856,600	67.26%
Purchased Services	4,899,500	5,011,500	3,675,600	12,300	1,323,600	73.59%
Travel	462,300	455,300	304,000	1,900	149,400	67.19%
Supplies & Materials	2,197,700	2,796,700	956,200	62,700	1,777,800	36.43%
Unallocated Expenses	-	250,000	1,100	-	248,900	0.44%
Equipment	238,700	476,500	451,200	24,900	400	99.92%
Capital Expenditures	26,000	30,800	-	-	30,800	0.00%
TOTAL EXPENDITURES	32,015,000	33,227,600	21,771,500	101,800	11,354,300	65.83%
Flow Through	-	-	-	-	-	0.00%
Total Exp. & Flow Thru	32,015,000	33,227,600	21,771,500	101,800	11,354,300	65.83%



of FTE Staff - 461.7

State Office of Rehabilitation						
Description	Original Budget	Budget	Year-to-date Expenditures	Encumbrances	Budget Balance	% Spent
Salaries	22,989,900	23,646,600	15,915,100	-	7,731,500	67.30%
Benefits	13,253,800	13,795,300	9,005,700	-	4,789,600	65.28%
Purchased Services	2,946,200	3,709,000	2,878,100	71,700	759,200	79.53%
Travel	373,700	374,100	164,200	-	209,900	43.89%
Supplies & Materials	2,792,800	3,074,900	1,891,000	167,500	1,016,400	66.95%
Unallocated Expenses	431,300	326,200	53,600	-	272,600	16.43%
Equipment	1,803,200	1,455,500	931,500	19,000	505,000	65.30%
Capital Expenditures	600,000	561,000	555,700	-	5,300	99.06%
TOTAL EXPENDITURES	45,190,900	46,942,600	31,394,900	258,200	15,289,500	67.43%
Flow Through	37,901,400	31,850,400	18,921,200	-	12,929,200	59.41%
Total Exp. & Flow Thru	83,092,300	78,793,000	50,316,100	258,200	28,218,700	64.19%



11/18/15 C-3

AMENDMENT #2

UTAH STATE OFFICE OF EDUCATION/UTAH OFFICE OF REHABILITATION

Contract INFORMATION

State No.	136342
Agency No.	5199

Contractor and Address	Utah Independent Living Center 3445 South Main Street Salt Lake City, UT 84115-4453	Vendor Number	38378F
		Commodity Code	96102000000

Agency Monitor	R. Thomas England	Amount \$	648,913.00	From	07/01/2015	To	06/30/2016
----------------	-------------------	-----------	------------	------	------------	----	------------

Schedule of Payments: Payments will be made by monthly reimbursement	
Original amount	\$596,041.00
Amendment #1	\$643,173.00
Amendment #2	\$648,913.00
Total contract amount	\$1,888,127.00

Purpose of Contract:
To provide Independent Living, Assistive Technology services, and Nursing Home Transition services to individuals with disabilities residing in the Wasatch Front of Utah Independent Living District.

Correlation with Board Goals:

		Yes	No
Greater Than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		x
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.	x	
Less than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.		
General Information	The contract was awarded using appropriate policy and procedures.	x	
	The employment goals of the affirmative action program were followed.	x	
	A conflict of interest involving USOR/USOR staff exists.		x
	The contract uses federal funds.	x	

Agency approval certifies that all parties herein receiving fees, stipends, or other payment in excess of approved travel and per diem reimbursement will receive no remuneration from another state agency, state institution, school district, or other political subdivision (unless so stated in the parties' annual employment contract) for the time and service that they claim payment from the USOE in relation to this request.

Fund	Agency	Organ	Approp	Object	Activity	Rep Cat	Project
SEE ATTACHED							

Division Superintendent or Designee _____ Date _____

Accounting _____ Date _____

Superintendent/Executive Director or Designee _____ Date _____

Upon final approval by State Finance:
Original: attach to documents
Duplicate: division accountant
Triplicate: division/unit
Quadruplicate: Board agenda

May C-3

State No.	136344
Agency No.	5198

Contract INFORMATION

Contractor and Address Ability 1st Utah 491 North Freedom Blvd Provo, UT 84097-0475	Vendor Number	64890 1
	Commodity Code	96102000000

Agency Monitor	R. Thomas England	Amount \$	606,280.00	From	07/01/2015	To	06/30/2016
----------------	-------------------	-----------	------------	------	------------	----	------------

Schedule of Payments: Payments will be made by monthly reimbursement

Original amount	\$563,279.00
#1 Amendment	\$602,087.00
#2 Amendment	\$606,280.00
Total contract amount	\$1,771,646.00

Purpose of Contract:
To provide Independent Living, Assistive Technology services, and Nursing Home Transition services to individuals with disabilities residing in the Utah, Juab, San Pete, and Wasatch counties.

Correlation with Board Goals:

		Yes	No
Greater Than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		x
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.	x	
Less than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.		
General Information	The contract was awarded using appropriate policy and procedures.	x	
	The employment goals of the affirmative action program were followed.	x	
	A conflict of interest involving USOR/USOR staff exists.		x
	The contract uses federal funds.	x	

Agency approval certifies that all parties herein receiving fees, stipends, or other payment in excess of approved travel and per diem reimbursement will receive no remuneration from another state agency, state institution, school district, or other political subdivision (unless so stated in the parties' annual employment contract) for the time and service that they claim payment from the USOE in relation to this request.

Fund	Agency	Organ	Approp	Object	Activity	Rep Cat	Project
SEE ATTACHED							

Upon final approval by State Finance:
Original: attach to documents
Duplicate: division accountant
Triplicate: division/unit
Quadruplicate: Board agenda

Division Superintendent or Designee	Date
Accounting	Date
Superintendent/Executive Director or Designee	Date

11/07 C-3

AMENDMENT #2

UTAH STATE OFFICE OF EDUCATION/UTAH OFFICE OF REHABILITATION

State No.	136345
Agency No.	5197

Contract INFORMATION

Contractor and Address Active Re-Entry 10 South Fairgrounds Road Price, UT 84501	Vendor Number	39235 G
	Commodity Code	96102000000

Agency Monitor	R. Thomas England	Amount \$	609,710.00	From	07/01/2015	To	06/30/2016
----------------	-------------------	-----------	------------	------	------------	----	------------

Schedule of Payments: Payments will be made by monthly reimbursement

Original amount	\$576,489.00
Amendment #1	\$605,796.00
Amendment #2	\$609,710.00
Total contract amount	\$1,791,995.00

Purpose of Contract:
To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition services to individuals with disabilities residing in the Eastern Utah Independent Living Rehabilitation District.

Correlation with Board Goals:

		Yes	No
Greater Than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		x
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.	x	
Less than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.		
General Information	The contract was awarded using appropriate policy and procedures.	x	
	The employment goals of the affirmative action program were followed.	x	
	A conflict of interest involving USOR/USOR staff exists.		x
	The contract uses federal funds.	x	

Agency approval certifies that all parties herein receiving fees, stipends, or other payment in excess of approved travel and per diem reimbursement will receive no remuneration from another state agency, state institution, school district, or other political subdivision (unless so stated in the parties' annual employment contract) for the time and service that they claim payment from the USOE in relation to this request.

Fund	Agency	Organ	Approp	Object	Activity	Rep Cat	Project
SEE ATTACHED							

Upon final approval by State Finance:
Original: attach to documents
Duplicate: division accountant
Triplicate: division/unit
Quadruplicate: Board agenda

Division Superintendent or Designee	Date
Accounting	Date
Superintendent/Executive Director or Designee	Date

11/19/15 C-3

AMENDMENT #2

UTAH STATE OFFICE OF EDUCATION/UTAH OFFICE OF REHABILITATION

Contract INFORMATION

State No.	136357
Agency No.	5196

Contractor and Address	OPTIONS for Independence 106 East 1120 North Logan, UT 84341-7563	Vendor Number	31656 B
		Commodity Code	96102000000

Agency Monitor	R. Thomas England	Amount \$	543,885.00	From	09/30/2015	To	10/01/2016
----------------	-------------------	-----------	------------	------	------------	----	------------

Schedule of Payments: Payments will be made by monthly reimbursement

Original amount	\$518,914.00
Amendment #1	\$540,803.00
Amendment #2	\$543,885.00
Total contract amount	\$1,603,602.00

Purpose of Contract:
To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition services to individuals with disabilities residing in the Northern Utah Independent Living Rehabilitation District.

Correlation with Board Goals:

Greater Than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).	Yes	No x
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.	x	
Less than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.		
General Information	The contract was awarded using appropriate policy and procedures.	x	
	The employment goals of the affirmative action program were followed.	x	
	A conflict of interest involving USOR/USOR staff exists.		x
	The contract uses federal funds.	x	

Agency approval certifies that all parties herein receiving fees, stipends, or other payment in excess of approved travel and per diem reimbursement will receive no remuneration from another state agency, state institution, school district, or other political subdivision (unless so stated in the parties' annual employment contract) for the time and service that they claim payment from the USOE in relation to this request.

Fund	Agency	Organ	Approp	Object	Activity	Rep Cat	Project
SEE ATTACHED							

Division Superintendent or Designee _____ Date _____

Upon final approval by State Finance:
Original: attach to documents
Duplicate: division accountant
Triplicate: division/unit
Quadruplicate: Board agenda

Accounting _____ Date _____

Superintendent/Executive Director or Designee _____ Date _____

State No.	136356
Agency No.	5195

Contract INFORMATION

Contractor and Address		Red Rock Center for Independence 168 North 100 East, Suite 101 St. George, UT 84770	Vendor Number	41288 B	
Agency Monitor		R. Thomas England	Commodity Code	96102000000	
Amount \$	606,637.00	From	07/01/2015	To	06/30/2016

Schedule of Payments: Payments will be made by monthly reimbursement

Original amount	\$567,302.00
Amendment #1	\$602,208.00
Amendment #2	\$606,637.00
Total contract amount	\$1,776,147.00

Purpose of Contract:
To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition services to individuals with disabilities residing in the Southern Utah Independent Living Rehabilitation District.

Correlation with Board Goals:

Greater Than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).	Yes	No x
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.	x	
Less than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		
	The proposals were reviewed by an in-agency committee, and the least-Costly and best-performance proposal was selected.		
General Information	The contract was awarded using appropriate policy and procedures.	x	
	The employment goals of the affirmative action program were followed.	x	
	A conflict of interest involving USOR/USOR staff exists.		x
	The contract uses federal funds.	x	

Agency approval certifies that all parties herein receiving fees, stipends, or other payment in excess of approved travel and per diem reimbursement will receive no remuneration from another state agency, state institution, school district, or other political subdivision (unless so stated in the parties' annual employment contract) for the time and service that they claim payment from the USOE in relation to this request.

Fund	Agency	Organ	Approp	Object	Activity	Rep Cat	Project
SEE ATTACHED							

Division Superintendent or Designee _____ Date _____

Accounting _____ Date _____

Superintendent/Executive Director or Designee _____ Date _____

Upon final approval by State Finance:
Original: attach to documents
Duplicate: division accountant
Triplicate: division/unit
Quadruplicate: Board agenda

Aug. 95

UTAH STATE OFFICE OF EDUCATION/UTAH STATE OFFICE OF REHABILITATION

Contract Information Amendment #4

State No. <i>136199</i>
Agency No. For Office Use Only <i>5193</i>

Contractor and Address American Institutes for Research 1000 Thomas Jefferson Street NW Washington, DC 20007	Vendor No 113374A
	Commodity Code 91838

Agency Monitor Jo Ellen Shaeffer, Joseph Borrack	Amount \$ 6,301,086.80	From 5/15/2015	To 01/31/2018
--	------------------------	----------------	---------------

Schedule of Payments:

Original amount of contract	\$ 39,303,646.00
Amend #1	\$ 706,947.00
Amend #2	\$ 0.00
Amend #3	\$ 4,664,919.00
Amend #4	\$ 6,301,086.80
Total amount	\$ 54,146,901.80

Purpose of Contract:
The purpose of this contract amendment is to add to the scope of work specified in the original contract and amendments between the Utah State Office of Education (USOE) and American Institutes for Research (AIR) regarding, specifically, the addition or modification of: 1. Additional handscoring due to prompt pair changes 2. Dictionaries (English and Spanish-to-English) 3. Additional Content/Bias meeting costs for using AIRCore items in the SAGE summative banks 4. Additional Data Review meeting costs for using AIRCore items AIRCore Items in the SAGE summative banks 5. Rubric Validation for AIRCore items 6. Item Development for 2016 Field Testing 7. Item Development for 2017 Field Testing

Correlation with Board Goals:

		Yes	No
Greater than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed)	XX	
	The proposals were reviewed by an in-agency committee and the least-costly and best-performance proposal was selected.	XX	
Less than \$5,000	This contract was entered into as a result of the state-level bidding process (RX was processed).		
	The proposals were reviewed by an in-agency committee and the least-costly and best-performance proposal was selected.		
General Information	The contract was awarded using appropriate policy and procedures.	XX	
	The employment goals of the affirmative action program were followed.	XX	
	A conflict of interest involving USOE/USOR staff exists.		XX
	The contract uses federal funds.	XX	

Agency approval certifies that all parties herein receiving fees, stipends or other payment in excess of approved travel and per diem reimbursement will receive no remuneration from another state agency, state institution, school district, or other political sub-division (unless so stated in the parties' annual employment contract) for the time and service that they claim payment from the USOE in relation to this request.

Fund	Agency	Organ	Approp	Object	Activity	Project	Phase
2480	400	0760	PAJ	6137	T015	76030	000
2480	400	0760	PAJ	6137	T765	76030	000

Upon final approval by State Finance:
Original: attach to documents
Duplicate: division accountant
Triplicate: division/unit
Quadruplicate: Board agenda

Division Superintendent or Designee _____ Date _____

Prepared by: Noralee Green 538-7815

Accounting _____ Date _____

Superintendent/Executive Director or Designee _____ Date _____

Contracts approved by State Superintendent or USOR Director (less than \$100,000)

Agency Contract #	Vendor	Original Contract	Previous Amendment Amount	Current Amendment Amount	Total Contract Amount	Expiration Contract Dates	Contract Purpose
156040	Megann Bench	41,932.80		\$49,904.40	91,837.20	06/30/15	EHS
156036	Ashley Hedin	48,921.60		\$42,775.20	91,696.80	06/30/15	EHS
156011	Kami Elison	55,910.40		\$57,252.96	113,163.36	06/30/15	EHS
156041	Leslie Phillips	41,932.80		\$42,775.20	84,708.00	06/30/15	EHS
156048	Teresa Hislop	142,572.00		\$0.00	142,572.00	06/30/15	EHS
156059	Craig Cunningham	55,910.40		\$57,252.96	113,163.36	06/30/15	EHS
156004	Sarah Gilbert	55,910.40		\$57,252.96	113,163.36	06/30/15	EHS
156034	Jennifer Mortensen	41,923.80		\$42,775.20	84,699.00	06/30/15	EHS
156039	Sarah Pecht	22,880.00		\$23,427.36	46,307.36	06/30/15	EHS
156009	Judith Sepulveda	22,880.00		\$23,427.36	46,307.36	06/30/15	EHS
156035	Ellen Walker	39,000.00		\$39,780.00	78,780.00	06/30/15	EHS
156010	Julie Rasmussen	27,955.20		\$28,626.48	56,581.68	06/30/15	EHS
156007	Vicky Dahn	31,449.60		\$32,081.40	63,531.00	06/30/15	EHS
156012	Katherine Pickett	34,960.00		\$25,557.12	60,517.12	06/30/15	EHS
156037	Kim Murphy	37,995.20		\$28,626.48	66,621.68	06/30/15	EHS
156003	Shannon Lott	34,944.00		\$35,646.00	70,590.00	06/30/15	EHS
156005	Megan Hennessy	30,888.00		\$34,320.00	65,208.00	06/30/15	EHS
156008	Carey Stratford	31,449.60		\$32,081.40	63,531.00	06/30/15	EHS
156013	Kaydee Phillips	27,955.20		\$28,626.48	56,581.68	06/30/15	EHS
156014	Rebecca Evans	24,024.00		\$24,607.08	48,631.08	06/30/15	EHS
156049	Utah Interactive	\$60,000.00		\$60,000.00	120,000.00	06/30/15	Trustlands

USOE/USORAgency Contracts w/Renewals

Contract Number	Vendor Name	Section	Contract Monitor	Contract Begin Date	Contract End Date	Status	Comments
146121	ACT Inc	Assessment	JoEllen Shaffer	9/1/2013	8/31/2015	section working on amendment	
146144	Ohio State University	SARS	Carol Anderson	10/1/2013	9/30/2015	section notified	



State of Utah

GARY R. HERBERT
Governor

SPENCER J COX
Lieutenant Governor

Department of Administrative Services

KIMBERLY K. HOOD
Executive Director

Division of Facilities Construction and Management

BRUCE WHITTINGTON
Interim Director

April 10, 2015

Brad C. Smith, Superintendent
Office of Education
250 East 500 South
Salt Lake City, Utah 84111

Reference: Operating and Maintenance Agreement

Subject: Amendment for Your Signature

Dear Mr. Smith:

DFCM submits three copies of the following enclosed Operating and Maintenance Agreement Amendments for your review and signature approval. These amendments are for the period July 1, 2015 through June 30, 2016. Please sign and return all copies at your earliest convenience. We need to have these returned to us before May 1, 2015 so they can go through the signature process and be returned to you before July 1, 2015.

<u>Agreement/ Amendment</u>	<u>Location</u>	<u>Amount</u>
102452 #5	Office of Education/250 East 500 South	\$410,669.00

We appreciate the opportunity to service this building and look forward to a continued good working relationship.

Sincerely,

Joanna Reese
Contracts Coordinator

Enclosures

OPERATING AND MAINTENANCE AGREEMENT
Agreement #102452 Amendment #5

Utah State Office of Education
250 East 500 South
Salt Lake City, Utah 84111

TO BE ATTACHED AND MADE A PART OF the original Operating and Maintenance Agreement, by and between the DEPARTMENT OF ADMINISTRATIVE SERVICES, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT (DFCM) and the UTAH STATE OFFICE OF EDUCATION (USOE).

WITNESSETH

WHEREAS, DFCM and USOE have heretofore entered into an Operating and Maintenance Agreement for the Board of Education Building that occupies 82,517 sq. ft., and commenced on July 1, 2010, and continues until June 30, 2011, and is renewable on a yearly basis and having entered into renewal option periods; and

WHEREAS, said parties are mutually desirous of amending said Agreement pursuant to the terms and conditions as are herein set forth;

NOW THEREFORE, for consideration of the mutual covenants, conditions and Agreements by and between the parties hereto, DFCM and USOE agree to amend said Agreement as follows:

1. This amendment's exercise renewal period of the agreement is to commence on July 1, 2015 and expire on June 30, 2016.
2. The cost for operations and maintenance shall be the sum of Four Hundred Ten Thousand Six Hundred Sixty-Nine Dollars (\$410,669.00) per year for maintenance. This cost reflects that the facility is 82,517 sq. ft. at the rate of \$4.98 per square foot. Any reference to a price per square foot is an approximate reference based on rounding. The sum stated is the contractual amount due.

All other terms and conditions of the original Agreement, as amended, shall remain the same.

IN WITNESS WHEREOF, the parties hereto sign and cause this Amendment to be executed.

**DIVISION OF FACILITIES CONSTRUCTION
AND MANAGEMENT**

UTAH STATE OFFICE OF EDUCATION

Jake Jacobson Date
Managing Facilities Coordinator

Brad C. Smith Date
Superintendent

R277. Education, Administration.

R277-490. Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP).

R277-490-1. Definitions.

A. "Arts equipment and supplies" means musical instruments, recording and play-back devices, cameras, projectors, computers to be used in the program, CDs, DVDs, teacher reference books, and art-making supplies. This list is not exhaustive.

B. "Arts Program coordinators (coordinator)" means individuals, employed full-time, who are responsible to coordinate arts programs for the LEA (as defined in R277-490-1G) or consortium, inform arts teachers, organize arts professional development (including organizing arts local learning communities), oversee/guide/organize the gathering of assessment data, represent the LEA or consortium arts program, and provide general leadership for arts education throughout the LEA or consortium.

C. "Beverley Taylor Sorenson Elementary Arts Learning Program model," "BTSALP model," or "Program" means a Program in grades K-6 with the following components:

(1) a qualified arts specialist to work collaboratively with the regular classroom teacher to deliver quality, sequential, and developmental arts instruction in alignment with the state Fine Arts Core Curriculum;

(2) regular collaboration between the classroom teacher and arts specialist in planning arts integrated instruction; and

(3) other activities that may be proposed by an LEA on a grant application and approved by the Board.

D. "Board" means the Utah State Board of Education.

E. "Endowed university" means an institution of higher education in the state as defined in Section 53A-17a-162(1)(b).

F. "Highly qualified school arts program specialist (arts specialist)" means:

(1) an educator with a current educator license and a Level 2 or K-12 specialist endorsement in the art form;

(2) an elementary classroom teacher with a current educator license who is currently enrolled in a Level 2 specialist endorsement program in the art form;

(3) a professional artist employed by a public school and accepted into the Board Alternative Routes to License (ARL) program under R277-503 to complete a K-12 endorsement in the art form, which includes the Praxis exam in the case of art, music, or theatre; or

(4) an individual who qualifies for an educator license under Board rule that qualifies the individual for the position provided that:

(a) an LEA provides an affidavit verifying that a reasonable search was conducted for an individual who would qualify for an educator license through other means; and

(b) the LEA reopens the position and conducts a new search

every two years.

(5) In addition to required licensure and endorsements, prospective teachers should provide evidence of facilitating elementary Core learning in at least one art form.

G. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and for purposes of this rule, the Utah Schools for the Deaf and the Blind.

H. "Matching funds," for purposes of this rule and the Program, means funds that equal 20 percent of the total costs for salary plus benefits incurred by an LEA/consortium to fund an LEA/consortium's arts specialist in Section R277-490-1F.

I. "USOE" means the Utah State Office of Education.

R277-490-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Section 53A-17a-162 which directs the Board to establish a grant program for LEAs to hire qualified arts professionals to encourage student participation in the arts in Utah public schools and embrace student learning in Core subject areas.

B. The purpose of this rule is:

(1) to implement the BTSALP model in public schools through LEAs and consortia that submit grant applications to hire arts specialists as defined in R277-490-1F and paid on the licensed teacher salary schedule;

(2) to distribute funds to LEAs to purchase supplies and equipment as provided for in Section 53A-17a-162(4) and (6);

(3) to fund activities at endowed universities as defined in Section 53A-17a-162 to provide pre-service training, professional development, research and leadership for arts educators and arts education in Utah public schools; and

(4) to appropriately monitor, evaluate and report programs and program results.

R277-490-3. Arts Specialist Grant Program.

A. LEAs or consortia of LEAs may submit grant requests consistent with time lines provided in this rule.

B. LEA consortia:

(1) LEAs may form consortia to employ arts specialists appropriate for the number of students served.

(2) The LEA shall develop its proposal consistent with the BTSALP model outlined under R277-490-1C.

(3) The LEA grant shall explain the necessity or greater efficiency and benefit of an arts specialist serving several elementary schools within a consortium of LEAs.

(4) The LEA grant shall explain a schedule for the specialist(s) to serve the group of schools within several LEAs similarly to an arts specialist in a single school.

(5) A consortium grant shall provide information for a consortium arts specialist's schedule that minimizes the arts specialist's travel and allows the arts specialist to be well integrated into several schools.

C. LEA grant requirements:

(1) An LEA shall develop and submit a grant program to the Board that is consistent with the BTSALP model described in R277-490-1C.

(2) An LEA's grant application shall include the collaborative development of the application with the partner endowed university and School Community Council if match comes from School LAND Trust Funds.

D. Program timelines:

(1) Program grant applications shall be completed annually. Grant renewals shall receive funding priority.

(2) LEAs shall submit completed applications requesting funding to the USOE by May 1 annually.

(3) The Board shall designate LEAs/consortia for funding no later than June 1 annually.

E. Distribution of funds for arts specialists

(1) Program LEAs shall submit complete information of salaries (including benefits) of all Program specialists employed by the LEA no later than September 30 annually.

(2) If a Program LEA provides the matching funds described in R277-490-3E(3), the USOE shall distribute funds to Program LEAs annually equal to 80 percent of the salaries plus benefits for approved hires in this program, consistent with Sections 53A-17a-162(5) and(6). An individual specialist grant amount may not exceed \$70,000.

(3) A Program LEA shall provide matching funds for each specialist funded through the Program.

R277-490-4. Distribution of Funds for Arts Specialist Supplies.

A. The Board shall distribute funds for arts specialist supplies to LEAs/consortia as available.

B. LEAs shall distribute funds to participating schools as provided in the approved LEA/consortia grant and consistent with LEA procurement policies.

C. LEAs/consortia shall require arts specialists to provide adequate documentation of arts supplies purchased consistent with the school/consortium plan, this rule and the law.

D. Summary information about effective supplies and equipment shall be provided in the school/consortium evaluation of the Program.

R277-490-5. LEA/Consortia Employment of LEA/Consortia Arts Coordinators.

A. LEAs/consortia may apply for funds to employ arts coordinators in their LEAs/consortium. These are intended as small grants to rural districts to help support arts education and the

implementation of BTSALP.

B. Applicants shall explain how arts coordinators will be used consistent with the BTSALP model, what requirements arts coordinators must meet, and what training will be provided by whom.

C. Applicants shall provide documentation of committed matching funds that equal 20 percent of the grant request.

D. The USOE shall notify an LEA that receives a grant award no later than June 1 annually.

R277-490-6. Endowed University Participation in the BTSALP.

A. The Board may consult with endowed chairs and integrated arts advocates regarding program development and guidelines.

B. Endowed university grants:

(1) Endowed universities may apply for grant funds to fulfill the purposes of this program which include:

(a) delivery of high quality professional development to participating LEAs;

(b) the design and completion of research related to the program;

(c) providing the public with elementary arts education resources; and

(d) other program related activities as may be included in a grant application and approved by the Board.

(2) Endowed university grant applications shall include documentation of collaborative development of a plan for delivery of high quality professional development to participating LEAs. The Board shall determine the LEAs assigned to each endowed university.

(3) The Board may award no more than 10 percent of the total legislative appropriation to grants to endowed universities.

(4) The USOE shall monitor the activities of the grantees to ensure compliance with grant rules, fulfillment of grant application commitments and appropriate fiscal procedures. Endowed universities shall cooperate with the USOE in the monitoring of their grants.

(5) Endowed universities that receive grant funds shall consult, as requested by the Board, in the development and presentation of an annual written program report as required in statute.

R277-490-7. LEAs Cooperation with USOE for BTSALP.

A. USOE BTSALP staff may visit schools receiving grants to observe implementation of the grants.

B. BTSALP schools shall cooperate with the USOE to allow visits of members of the Board, legislators, and other invested partners to promote elementary arts integration.

C. LEAs shall accurately report the numbers of students impacted by the Program grant and report on the delivery systems to those students as requested by the USOE.

D. LEAs found to be out of compliance with the terms of the grant will be notified within 30 days of the discovery of such

non-compliance.

(1) LEAs found to be in non-compliance will be given 30 days to correct the issues.

(2) If non-compliance is not resolved within that time frame, LEAs are subject to losing the grant funds for the school or schools found to be non-compliant.

R277-490-8. Program Reporting.

The Board shall report annually to the Education Interim Committee as provided in Section 53A-17a-162(8).

KEY: arts program, grants, public schools

Date of Enactment or Last Substantive Amendment: 2015

Notice of Continuation: June 10, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-162

R277. Education, Administration.

R277-502. Educator Licensing and Data Retention.

R277-502-1. Definitions.

A. "Accredited" means a Board-approved educator preparation program accredited by the National Council for Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC) or the Council for Accreditation of Educator Preparation (CAEP).

B. "Accredited school" for purposes of this rule, means a public or private school that meets standards essential for the operation of a quality school program and has received formal approval through a regional accrediting association.

C. "Authorized staff" for purposes of this rule means an individual designated by the USOE or an LEA and approved by the USOE and who has completed CACTUS training.

D. "Board" means the Utah State Board of Education.

E. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators. The file includes information such as:

(1) personal directory information;

(2) educational background;

(3) endorsements;

(4) employment history; and

(5) a record of disciplinary action taken against the educator.

F. "ESEA subject" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA).

G. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

H. "Letter of Authorization" means a designation given to an individual for one year, such as an out-of-state candidate or individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements and who is employed by an LEA.

I. "Level 1 license" means a Utah professional educator license issued upon completion of a Board-approved educator preparation program or an alternative preparation program, or to an applicant that holds an educator license issued by another state or country that has met all ancillary requirements established by law or rule.

J. "Level 2 license" means a Utah professional educator license issued after satisfaction of all requirements for a Level 1 license and:

(1) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public LEA or accredited private school;

(2) at least three years of successful education experience in a Utah public LEA or accredited private school or one year of successful education experience in a Utah public LEA or accredited private school and at least three years of successful education experience in a public LEA or accredited private school outside of Utah;

(3) additional requirements established by law or rule.

K. "Level 3 license" means a Utah professional educator license issued to an educator who holds a current Utah Level 2 license and has also received National Board Certification or a doctorate in education or in a field related to a content area in a unit of the public education system or an accredited private school, or holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language hearing Association (ASHA) certification.

L. "License areas of concentration" means designations to licenses obtained by completing a Board-approved educator preparation program or an alternative preparation program in a specific area of educational studies to include the following: Early Childhood (K-3), Elementary (K-6), Elementary (1-8), Middle (still valid, but not issued after 1988, 5-9), Secondary (6-12), Administrative/Supervisory (K-12), Career and Technical Education, School Counselor, School Psychologist, School Social Worker, Special Education (K-12), Preschool Special Education (Birth-Age 5), Communication Disorders, Speech-Language Pathologist, Speech-Language Technician. License areas of concentration may also bear endorsements relating to subjects or specific assignments.

M. "License endorsement (endorsement)" means a specialty field or area earned through completing required course work established by the USOE or through demonstrated competency approved by the USOE; the endorsement shall be listed on the professional educator license indicating the specific qualification(s) of the holder.

N. "Professional learning plan" means a plan developed by an educator in collaboration with the educator's supervisor consistent with R277-500 detailing appropriate professional learning activities for the purpose of renewing the educator's license.

O. "Renewal" means reissuing or extending the length of a license consistent with R277-500.

P. "State Approved Endorsement Program (SAEP)" means a plan in place developed between the USOE and a licensed educator to direct the completion of endorsement requirements by the educator consistent with R277-520-11.

Q. "USOE" means the Utah State Office of Education.

R277-502-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board, by Section 53A-6-104 which gives the

Board power to issue licenses, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. This rule specifies the types of license levels and license areas of concentration available and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah. The rule provides a process and criteria for educators whose licenses have lapsed and return to the teaching profession. All licensed educators employed in the Utah public schools shall be licensed consistent with this rule in order for the district to receive full funding under Section 53A-17a-107(2).

R277-502-3. Program Approval and Requirements.

A. The Board may accept educator license recommendations from educator preparation programs that have applied for Board approval and have met the requirements described in this rule and the Standards for Program Approval established by the Board in R277-504, R277-505, or R277-506 as determined by USOE.

B. The Board, or its designee, may establish deadlines and uniform forms and procedures for all aspects of licensing.

C. To be approved for license recommendation the educator preparation program shall:

- (1) be accredited by NCATE or TEAC; or
- (2) be accredited by CAEP using the CAEP Program Review with National Recognition or CAEP Program Review with feedback options; and
- (3) have a physical location in Utah where students attend classes or if the program provides only online instruction:
 - (a) the program's primary headquarters shall be located in Utah and
 - (b) the program shall be licensed to do business in Utah through the Utah Department of Commerce;
- (4) include coursework designed to ensure that the educator is able to meet the Utah Effective Teaching Standards and Educational Leadership Standards established in R277-530;
- (5) in the case of content endorsements, include coursework that is, at minimum, equivalent to the course requirements for the endorsement as established by USOE;
- (6) establish entry requirements designed to ensure that only high quality individuals enter the licensure program; requirements shall include the following minimum components, beginning August 1, 2014:
 - (a) a minimum high school/college GPA of 3.0; and
 - (b) a USOE-cleared fingerprint background check; and
 - (c) a passing score on a Board-approved basic skills test; or
 - (d) an ACT composite score of 21 with a verbal/English score no less than 20 and a mathematics/quantitative score of no less than 19; or
 - (e) a combined SAT score of 1000 with neither mathematics nor

verbal below 450.

(7) include a student teaching or intern experience that meets the requirements detailed in R277-504, R277-505, and R277-506.

D. An institution may waive any of the entrance requirements provided in R277-502-3C(6) based on program established guidelines for no more than 10 percent of an entrance cohort.

E. USOE representatives shall be a part of the accrediting team for any Board-approved educator preparation program seeking to maintain or receive program approval. USOE representatives shall be responsible for:

- (1) observing and monitoring the accreditation process;
- (2) reviewing subject specific programs to determine if the program meets state standards for licensure in specific areas;
- (3) reviewing program procedures to ensure that Board requirements for licensure are followed;
- (4) reviewing licensure candidate files to determine if Board requirements for licensure are followed by the program.

F. After completion of the accreditation site visit, a Board-approved educator preparation program, working with the USOE, shall prepare and submit a program approval request for consideration by the Board that includes:

- (1) program summary;
- (2) accreditation findings;
- (3) program areas of distinction;
- (4) program enrollment;
- (5) program goals and direction.

G. If the program approval request is approved by the Board, the program shall be considered Board-approved until the next scheduled accreditation visit unless the program is placed on probation by the USOE for failure to meet program requirements detailed in applicable Board rules and program approval is revoked by the Board under R277-502-30.

H. New educator preparation programs that seek Board approval or previously Board-approved educator preparation programs that seek approval for additional license area preparation and endorsements shall submit applications to USOE including:

- (1) information detailing the exact license areas of concentration and endorsements that the program intends to award;
- (2) detailed course information, including required course lists, course descriptions, and course syllabi for all courses that will be required as part of a program;
- (3) detailed information showing how the required coursework will ensure that the educator satisfies all standards in the Utah Effective Teaching Standards and Educational Leadership Standards established in R277-530 and Professional Educator Standards established in R277-515;
- (4) information about program timelines and anticipated enrollment.

I. Applications for new educator preparation programs shall be approved by the Board.

J. Applications for previously Board-approved educator preparation programs desiring Board approval for additional license areas and endorsements:

(1) shall be reviewed and approved by USOE;

(2) may receive preliminary approval pending Utah State Board of Regents approval of the new program if the program is within a public institution.

K. An educator preparation program seeking accreditation may apply to the Board for probationary approval for a maximum of three years contingent on the completion of the accreditation process.

L. A previously Board-approved educator preparation program shall submit an annual report to the USOE by July 1 of each year. The report shall summarize the institution's annual accreditation report and shall include the following:

(1) student enrollment counts designated by anticipated license area of concentration and endorsement and disaggregated by gender and ethnicity;

(2) information explaining any significant changes to course requirements or course content;

(3) the program's response to USOE-identified areas of concern or areas of focus;

(4) information regarding any program-determined areas of concern or areas of focus and the program's planned response;

(5) a summary explanation of students admitted under the waiver identified in R277-502-3D and an explanation of the waiver.

M. The USOE shall provide reporting criteria to Board-approved educator preparation programs regarding the annual report and USOE-designated areas of concern or focus by January 31 annually.

N. Educator preparation programs that submit inadequate or incomplete information to the USOE may be placed on a probationary status by USOE.

O. Board-approved educator preparation programs on probationary status that continue to fail to meet requirements may have their license recommendation status revoked in full or in part by the Board with at least one year notice.

P. An individual that completes a Board-approved educator preparation program may be recommended for licensure within five years of program completion if the individual meets current licensing requirements.

Q. If five years have passed since an individual completed a Board-approved preparation program, the individual may be recommended for licensure following review by the individual program. The preparation program officials shall determine whether any content or pedagogy coursework previously completed meets current program standards and if additional coursework, hours or other activities are necessary. The individual shall complete all work required by the program officials before receiving a license recommendation.

R277-502-4. License Levels, Procedures, and Periods of Validity.

A. Level 1 License Requirements

(1) An initial license, the Level 1 license, is issued to an individual who is recommended by a Board-approved educator preparation program or approved alternative preparation program, or an educator with a professional educator license from another state.

(a) LEAs and Board-approved educator preparation programs shall cooperate in preparing candidates for the educator Level 1 license. The resources of both may be used to assist candidates in preparation for licensing.

(b) The recommendation indicates that the individual has satisfactorily completed the programs of study required for the preparation of educators and has met licensing standards in the license areas of concentration for which the individual is recommended.

(2) The Level 1 license is issued for three years.

(3) A Level 1 license holder shall satisfy all requirements of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.

(4) An educator qualified to teach any ESEA subject shall be considered Highly Qualified in at least one ESEA subject prior to moving from Level 1 to Level 2.

(5) A license applicant who has received or completed license preparation activities or coursework inconsistent with this rule may present compelling information and documentation for review and approval by the USOE to satisfy the licensing requirements.

(6) If an educator has taught for three years in a K-12 public education system in Utah, a Level 1 license may only be renewed if:

(a) the employing LEA has requested a one year extension consistent with R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers; or

(b) the individual has continuous experience as a speech language pathologist in a clinical setting.

B. Level 2 License Requirements

(1) A Level 2 license may be issued by the Board to a Level 1 license holder upon satisfaction of all Board requirements for the Level 2 license and upon the recommendation of the employing LEA.

(2) The recommendation shall be made following the completion of three years of successful, professional growth and educator experience, satisfaction of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers, any additional requirements imposed by the employing LEA, and before the Level 1 license expires.

(3) A Level 2 license shall be issued for five years and shall be valid unless suspended or revoked for cause by the Board.

(4) The Level 2 license may be renewed for successive five year periods consistent with R277-500, Educator Licensing Renewal.

C. Level 3 License Requirements

(1) A Level 3 license may be issued by the Board to a Level 2 license holder who:

- (a) has achieved National Board Certification; or
 - (b) has a doctorate in education in a field related to a content area in a unit of the public education system or an accredited private school; or
 - (c) holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language Hearing Association (ASHA) certification.
- (2) A Level 3 license is valid for seven years unless suspended or revoked for cause by the Board.
- (3) The Level 3 license may be renewed for successive seven year periods consistent with R277-500.
- (4) A Level 3 license shall revert to a Level 2 license if the holder fails to maintain National Board Certification status or fails to maintain a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association.

D. License Renewal Timeline

Licenses expire on June 30 of the year of expiration recorded on CACTUS and may be renewed any time after January of the same year. Responsibility for license renewal rests solely with the holder.

R277-502-5. Professional Educator License Areas of Concentration, and Endorsements and Under-Qualified Employees.

A. Unless excepted under rules of the Board, to be employed in the public schools in a capacity covered by the following license areas of concentration, a person shall hold a valid license issued by the Board in the respective license areas of concentration:

- (1) Early Childhood (K-3);
- (2) Elementary (1-8);
- (3) Elementary (K-6);
- (4) Middle (still valid, and issued before 1988, 5-9);
- (5) Secondary (6-12);
- (6) Administrative/Supervisory (K-12);
- (7) Career and Technical Education;
- (8) School Counselor;
- (9) School Psychologist;
- (10) School Social Worker;
- (11) Special Education (K-12);
- (12) Preschool Special Education (Birth-Age 5);
- (13) Communication Disorders;
- (14) Speech-Language Pathologist;
- (15) Speech-Language Technician.

B. Under-qualified educators:

(1) Educators who are licensed and hold the appropriate license area of concentration but who are working out of their endorsement area(s) shall request and prepare an SAEP to complete the requirements of an endorsement with a USOE education specialist; or

- (2) LEAs may request Letters of Authorization from the Board

for educators employed by LEAs if educators have not completed requirements for areas of concentration or endorsements.

(a) An approved Letter of Authorization is valid for one year.

(b) Educators may be approved for no more than three Letters of Authorization throughout their employment in Utah schools. The State Superintendent of Public Instruction or designee may grant exceptions to the three Letters of Authorization limitation on a case by case basis following specific approval of the request by the LEA governing board. Letters of Authorization approved prior to the 2000-2001 school year shall not be counted in this limit.

(c) If an education employee's Letter of Authorization expires before the individual is approved for licensing, the employee falls into under-qualified status.

C. License areas of concentration may be endorsed to indicate qualification in a subject or content area.

(1) A STEM endorsement shall be recognized as a minimum of 16 semester hours of university credit toward lane change on an LEA salary schedule.

(a) The State Superintendent of Public Instruction or designee shall determine the mathematics-, engineering-, science-, and technology-related courses and experiences necessary for STEM endorsements.

(b) The State Superintendent of Public Instruction or designee shall determine which content area endorsements qualify as STEM endorsements.

(2) An endorsement is not valid for employment purposes without a current license and license area of concentration.

R277-502-6. Returning Educator Relicensure.

A. A previously licensed educator with an expired license may renew an expired license upon satisfaction of the following:

(1) Completion of criminal background check including review of any criminal offenses and clearance by the Utah Professional Practices Advisory Commission;

(2) Employment by an LEA;

(3) Completion of a one-year professional learning plan developed jointly by the school principal or charter school director and the returning educator consistent with R277-500 that also considers the following:

(a) previous successful public school teaching experience;

(b) formal educational preparation;

(c) period of time between last public teaching experience and the present;

(d) school goals for student achievement within the employing school and the educator's role in accomplishing those goals;

(e) returning educator's professional abilities, as determined by a formal discussion and observation process completed within the first 30 days of employment; and

(f) completion of additional necessary professional

development for the educator, as determined jointly by the principal/school and educator.

(4) Filing of the professional development plan within 30 days of hire;

(5) Successful completion of required Board-approved exams for licensure;

(6) Satisfactory experience as determined by the LEA with a trained mentor; and

(7) Submission to the USOE of the completed and signed Return to Original License Level Application, available on the USOE website prior to June 30 of the school year in which the educator seeks to return.

B. The Professional Learning Plan is independent of the License Renewal Point requirements in R277-500-3C.

C. Returning educators who previously held a Level 2 or Level 3 license shall be issued a Level 1 license during the first year of employment. Upon completion of the requirements listed in R277-502-6A and a satisfactory LEA evaluation, the employing LEA may recommend the educator's return to Level 2 or Level 3 licensure.

D. Returning educators who taught less than three consecutive years in a public or accredited private school shall complete the Early Years Enhancement requirements before moving from Level 1 to Level 2 licensure.

R277-502-7. Professional Educator License Reciprocity.

A. Utah is a member of the Compact for Interstate Qualification of Educational Personnel under Section 53A-6-201.

B. A Level 1 license may be issued to an individual holding a professional educator license in another state who has completed preparation equivalent to Board-approved standards and who has completed Board-approved testing, as required by R277-503-3.

(1) If the applicant has three or more continuous years of previous educator experience in a public or accredited private school, a Level 2 license may be issued upon the recommendation of the employing Utah LEA after at least one year.

(2) If the applicant has less than three years of previous educator experience in a public or accredited private school, a Level 2 license may be issued following satisfaction of the requirements of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.

R277-502-8. Professional Educator License Fees.

A. The Board may establish a fee schedule for the issuance and renewal of licenses and endorsements consistent with 53A-6-105. All endorsements to which the applicant is entitled may be issued or renewed with the same expiration date for one licensing fee.

B. A fee may be charged for a valid license to be reprinted or for an endorsement to be added.

C. All costs for testing, evaluation, and course work shall be borne by the applicant unless other arrangements are agreed to in

advance by the employing LEA.

D. Costs to review nonresident educator applications may exceed the cost to review resident applications due to the following:

(1) The review is necessary to ensure that nonresident applicants' training satisfies Utah's course and curriculum standards.

(2) The review of nonresident licensing applications is time consuming and potentially labor intensive.

E. Differentiated fees may be set consistent with the time and resources required to adequately review all applicants for educator licenses.

KEY: professional competency, educator licensing

Date of Enactment or Last Substantive Amendment: 2015

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104; 53A-1-401(3)

R277. Education, Administration.

R277-520. Appropriate Licensing and Assignment of Teachers.

R277-520-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Content specialist" means a licensed educator who provides instruction or specialized support for students and teachers in a school setting.

C. "Core academic subjects or areas" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), Title IX, Part A, 20 U.S.C. 7801, Section 9101(11).

D. "Demonstrated competency" means that a teacher shall demonstrate current expertise to teach a specific class or course through the use of lines of evidence which may include completed USOE-approved course work, content test(s), or years of successful experience including evidence of student performance.

E. "Eminence" means distinguished ability in rank, in attainment of superior knowledge and skill in comparison with the generally accepted standards and achievements in the area in which the authorization is sought as provided in R277-520-5.

F. "LEA" means a school district or charter school.

G. "Letter of authorization" means a designation given to an individual for one year, such as an out-of-state candidate or individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements and who is employed by an LEA.

H. "Level 1 license" means a Utah professional educator license issued upon completion of an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Agreement, to candidates who have also met all ancillary requirements established by law or rule.

I. "Level 2 license" means a Utah professional educator license issued after satisfaction of all requirements for a Level 1 license and:

(1) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public LEA or accredited private school;

(2) at least three years of successful education experience in a Utah public LEA or accredited private school or one year of successful education experience in a Utah public LEA or accredited private school and at least three years of successful education experience in a public LEA or accredited private school outside of Utah;

(3) additional requirements established by law or rule.

J. "Level 3 license" means a Utah professional educator license issued to an educator who holds a current Utah Level 2 license and has also received National Board certification or a

doctorate in education or in a field related to a content area in a unit of the public education system or an accredited private school from an accredited institution, or holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language Hearing Association (ASHA) certification.

K. "License areas of concentration" means designations to licenses obtained by completing an approved preparation program or an alternative preparation program in a specific area of educational studies such as Early Childhood (K-3), Elementary (K-6), Elementary 1-8, Middle (still valid, but not issued after 1988, 5-9), Secondary (6-12), Administrative/Supervisory (K-12), Career and Technical Education, School Counselor, School Psychologist, School Social Worker, Special Education (K-12), Preschool Special Education (Birth-Age 5), Communication Disorders, Speech-Language Pathologist, and Speech-Language Technician. License areas of concentration may also bear endorsements relating to subjects or specific assignments.

L. "License endorsement (endorsement)" means a specialty field or area earned through completing required course work established by the USOE or through demonstrated competency approved by the USOE; the endorsement shall be listed on the Professional Educator License indicating the specific qualification(s) of the holder.

M. "No Child Left Behind Act (NCLB)" means the federal Elementary and Secondary Education Act, P.L. 107-110, Title IX, Part A, Section 9101(11).

N. "Professional staff cost program funds" means funding provided to school districts based on the percentage of a district's professional staff that is appropriately licensed in the areas in which staff members teach.

O. "SAEP" means State Approved Endorsement Program. This identifies an educator working on a professional development plan to obtain an endorsement.

P. "USOE" means the Utah State Office of Education.

R277-520-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which gives the Board authority to adopt rules in accordance with its responsibilities, and Section 53A-6-104(2)(a) which authorizes the Board to rank, endorse, or classify licenses. This rule is also necessary in response to ESEA NCLB.

B. The purpose of this rule is to provide criteria for local boards to employ educators in appropriate assignments, for the Board to provide state funding to local school boards for appropriately qualified and assigned staff, and for the Board and local boards to satisfy the requirements of ESEA in order for local boards to receive federal funds.

R277-520-3. Required Licensing.

A. All teachers in public schools shall hold a Utah educator license along with appropriate areas of concentration and endorsements.

B. LEAs shall receive assistance from the USOE to the extent of resources available to have all teachers fully licensed.

C. LEAs are expected to hire teachers who are licensed or in the process of becoming fully licensed and endorsed. Failure to ensure that an educator has appropriate licensure may result in the USOE withholding all LEA funds related to salary supplements under Section 53A-17a-153 and R277-110 and educator quality under Section 53A-17a-107(2) and R277-486 until teachers are appropriately licensed pursuant to the Board's authority under Section 53A-1-401(3).

R277-520-4. Appropriate Licenses with Areas of Concentration and Endorsements.

A. An educator assigned to teach a class in kindergarten through grade 3 shall hold:

(1) a current Utah Educator License with an early childhood (k-3) license area of concentration;

(2) an elementary (k-6) license area of concentration; or

(3) for an educator assigned to teach a class in grade 1 through grade 3, an elementary (1-8) license area of concentration.

B. An educator assigned to teach a class in grade 4 through grade 8 in an elementary setting shall hold a current Utah Educator License with an elementary (k-6) or an elementary (1-8) license area of concentration.

C. An elementary content specialist in Fine Arts or Physical Education shall hold a current Utah Educator License with an elementary or secondary license area of concentration with the appropriate K-12 content endorsement.

D. An elementary content specialist in reading or English as a Second Language shall hold a current Utah Educator License with an elementary or secondary license area of concentration with the appropriate subject/content endorsement.

E. An educator assigned to teach a class in grade 6 through grade 8, including middle-level, intermediate, and junior high schools, shall hold a current Utah Educator License with an elementary (1-8) or a secondary (6-12) license area of concentration with the appropriate subject/content endorsement for all assigned courses.

F. An educator assigned to teach a class in grade 9 through grade 12 shall hold a current Utah Educator License with a secondary (6-12) or a career and technical education license area of concentration with the appropriate subject/content endorsement for all assigned courses.

G. An educator assigned to serve or teach a class of students with disabilities shall hold a current Utah Educator License with a special education (k-12) license area of concentration and, if

the educator is the teacher of record of secondary mathematics for students with disabilities, shall also hold the appropriate subject/content endorsement.

H. An educator assigned to serve preschool-aged students with disabilities shall hold a current Utah Educator License with a preschool special education (birth-age 5) license area of concentration.

I. An educator assigned to provide student support services as defined in R277-506 shall hold a current Utah Educator License with the appropriate support service license area of concentration.

J. An educator assigned as a school-based or LEA-based specialist shall hold a current Utah Educator License with the appropriate license area of concentration and endorsement as defined by the LEA.

K. An educator assigned in an administrative position requiring an educator license, as defined by the district, shall hold a current Utah Educator License and an administrative/supervisory (k-12) license area of concentration.

(1) A superintendent of a school district may be licensed with letter of authorization granted by the Board consistent with Section 53A-3-301.

(2) An educator assigned in an administrative position in a charter schools is exempt from this requirement consistent with Section 53A-1a-511.

R277-520-5. Eminence.

A. The purpose of an eminence authorization is to allow individuals with exceptional training or expertise, consistent with R277-520-1E, to teach or work in the public schools on a limited basis. Documentation of the exceptional training, skill(s) or expertise may be required by the USOE prior to the approval of the eminence authorization.

B. Teachers with an eminence authorization may teach no more than 37 percent of the regular instructional load except as provided in R277-520-5C.

C. In identified circumstances, teachers with an eminence authorization may teach more than 37 percent of the regular instructional load. An eminence authorization may be approved by the Board if:

(1) the LEA can find no other qualified individual to fill the position, then:

(a) the LEA shall submit the following documented information to the USOE annually:

(i) description;

(ii) recruitment efforts;

(iii) the qualifications of all applicants; and

(iv) the LEA's rationale for hiring the individual.

(b) the USOE shall review the information within 15 days of receipt.

(c) the USOE shall notify the individual and the LEA if the

USOE approves the documented information.

(d) the LEA shall submit a request for a Letter of Authorization to the Board for the individual through normal administrative procedures; or

(2) An individual has exceptional skills, expertise, and experience that make him the primary candidate for the position, then:

(a) the LEA shall submit the following documented information to the USOE annually:

(i) information about the position;

(ii) the individual's expertise, and experience; and

(iii) the LEA's rationale for hiring the individual.

(b) the USOE shall review the information within 15 days of receipt.

(c) the USOE shall notify the individual and the LEA if the USOE approves the documented information.

(d) the LEA shall submit a request for a Letter of Authorization to the Board for the individual through normal administrative procedures.

D. LEAs shall require an individual teaching with an eminence authorization to have a criminal background check consistent with Section 53A-3-410(1) prior to employment by the LEA.

E. The LEA that employs the teacher with an eminence authorization shall determine the amount and type of professional development required of the teacher.

F. An LEA that employs teachers with eminence authorizations shall apply for renewal of the authorization(s) annually.

G. Eminence authorizations may apply to individuals without teaching licenses or to unusual and infrequent teacher situations where a license-holder is needed to teach in a subject area for which he is not endorsed, but in which he may be eminently qualified.

R277-520-6. Routes to Appropriate Endorsements for Teachers.

A. An educator may add an endorsement to an existing license area of concentration by completing the endorsement requirements established by the USOE.

B. Endorsement requirements in core academic subject areas shall include passage of the Board-approved content knowledge assessment.

C. Teachers may demonstrate competency in the subject area(s) of their teaching assignment(s) as approved by the USOE content area specialist to meet specific endorsement requirements except the Board-approved content knowledge assessment.

D. Educators shall be properly endorsed consistent with R277-520-3 or have USOE-approved SAEPs. Otherwise, the Board may withhold professional staff cost program funds pursuant to the Board's authority under Section 53A-1-401(3).

R277-520-7. Board-Approved Endorsement Program (SAEP).

A. An educator assigned to teach in a subject for which he does not hold the appropriate endorsement and who has successfully completed at least nine semester credit hours of the endorsement requirements shall be placed on an SAEP as determined by USOE specialists.

B. Individuals participating in SAEPs shall demonstrate progress toward completion of the required endorsement(s) annually, as determined jointly by the school district/charter school and the USOE.

C. An SAEP may be granted for one two-year period and may be extended by the USOE for up to two additional years if the individual has made progress towards completing the SAEP.

D. An individual currently participating in an SAEP is considered to hold the endorsement for the purposes of meeting the requirements of R277-520-4.

R277-520-8. Background Check Requirement and Withholding of State Funds for Non-Compliance.

A. Educators qualified under any provision of this rule shall also satisfy the criminal background requirement of Section 53A-3-410 prior to unsupervised access to students.

B. If LEAs do not appropriately employ and assign teachers consistent with this rule, they may have state appropriated professional staff cost program funds withheld pursuant to R277-486, Professional Staff Cost Formula pursuant to the Board's authority under Section 53A-1-401(3).

KEY: educator, license, assignment

Date of Enactment or Last Substantive Amendment: 2015

Notice of Continuation: 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-6-104(2)(a)



Leadership...Service...Accountability

REPORT TO THE UTAH STATE BOARD OF EDUCATION
May 8, 2015

REQUEST FOR TEMPORARY AUTHORIZATIONS AS SUBMITTED BY THE SCHOOL DISTRICTS/CHARTER SCHOOLS:

Authorization Summary: Pages 1

1. Aristotle Academy
2. Davis District
3. Winter Sports School

May. 2015

**Letter of Authorization Requests
Temporary License Summary Sheet**

Code	Category	Oct. Count	Nov. Count	Dec. Count	Jan. Count	Feb. Count	March Count	April Count	May Count	Year To Date
(P)	Pending University Paperwork Completion:	0	108	8	0	7	1	1	1	126
(PATE)	Pending CTE	1	0	0	0	0	1	0	0	2
(ARL)	Pending Alternative Routes to Licensing	0	58	13	0	5	2	1	0	79
(POS)	Out of State Applicant Pending Paperwork Completion	0	133	30	3	1	7	0	0	174
(E)	Eminence - Eminently Qualified	1	151	9	2	0	3	2	5	173
(ER)	Expired License Needs to Renew with Coursework	0	46	1	0	0	3	0	0	50
(ERP)	Expired License Pending Paperwork Completion	0	28	2	0	0	0	0	0	30
(ERU)	Expired License Unqualified for Assignment	0	17	5	1	0	0	0	0	23
(UE)	Underqualified - Enrolled in Appropriate Program	1	398	36	0	5	6	5	3	454
(U)	Underqualified - Not Enrolled in Program	0	354	83	5	3	4	9	0	458
(U/NES S)	Underqualified - Restricted Necessarily Existing Small School	0	3	5	0	0	0	0	0	8
	Total: 1 District, 1 Charter, 1 Private; 29 District, 50 Charter, 4 Private; 19 District, 13 Charter, 6 Private, 4 District, 2 Charter; 4 District, 3 Charter, 1 Private; 5 District, 3 Charter, 1 Private; 3 District, 4 Charter; 1 District, 2 Charter	3	1296	192	11	21	27	18	9	1577
SAEP	Licensed educators with assignments outside of their endorsement area. They need to be on a State Approved Endorsement Plan with a USOE specialist.	5	412	202	0	1	1	1	1	623

05/08/2015

Authorizations RequestedDISTRICT REQUESTS FOR AUTHORIZATION:

<u>DISTRICT</u>	<u>ENDORSEMENTS HELD</u>	<u>LICENSE AREAS HELD</u>	<u>ASSIGNMENTS FOR WHICH ENDORSEMENTS ARE NEEDED:</u>
<u>ARISTOTLE ACADEMY</u> ARISTOTLE ACADEMY STEPHANIE BEALE			Grade 5 FY15 Underqualified; enrolled in a program (specif 100% of FTE
<u>DAVIS DISTRICT</u> DAVIS DISTRICT TRUDY JOHNSON			Speech-Language Pathology FY15 Underqualified; enrolled in a program (specif 100% of FTE
<u>MUELLER PARK JR HIGH</u> REBECCA JOHNSON			Applied Skills FY15 Underqualified; enrolled in a program (specif 100% of FTE
<u>VALLEY VIEW SCHOOL</u> JENNIFER MCILRATH			Grade 2 FY15 Pending university paperwork 100% of FTE
<u>WINTER SPORTS SCHOOL</u> WINTER SPORTS SCHOOL ERIC CHRISTIANSEN JIMMY FLOUR			Architctual Design 1 FY15 Eminence; eminently qualified Industrial Design FY15 Eminence; eminently qualified 50% of FTE
DAVID KAUFMAN		Secondary Education (6-1	Film Making FY15 Eminence; eminently qualified 50% of FTE
EMBER SALVESON			Exercise Science / Sports Medicine FY15 Eminence; eminently qualified Health Education II FY15 Eminence; eminently qualified 50% of FTE

05/08/2015

State-Approved Endorsement ProgramDISTRICT REQUESTS FOR AUTHORIZATION:

<u>DISTRICT</u>	<u>ENDORSEMENTS HELD</u>	<u>LICENSE AREAS HELD</u>	<u>ASSIGNMENTS FOR WHICH ENDORSEMENTS ARE NEEDED:</u>
<u>WINTER SPORTS SCHOOL</u> WINTER SPORTS SCHOOL			
ROZELLA HANEK	Spanish	Secondary Education (6-1 U.S. History II	8% of FTE FY15 Underqualified; not enrolled in a program

05/01/2015

**Utah State Office of Education
Monthly Board Report**

**TOTAL NUMBER OF EDUCATOR LICENSES AND LICENSE AREAS PROCESSED BETWEEN
4/1/2015 and 4/30/2015**

Licenses Processed										
License Level	Expired	Incomplete	Renewed	New	Pending Payment	Renewed	Revoked	Student	Suspended	Grand Total
1				163		101				264
2				283		713				996
3				16		15				31
Level 1 LEA-Specific						2				2
Level 2 LEA-Specific				1						1
Alt. Route to Licensure				59						59
Certified Paraprofessional				228						228
1 - Returning				2						2
Student								109		109
Temporary				13						13
University Recommend					9					9
Intl. Guest Teacher				1						1
Grand Total	0	0		766	9	831	0	109	0	1715

05/01/2015

Utah State Office of Education Monthly Board Report

**TOTAL NUMBER OF EDUCATOR LICENSES AND LICENSE AREAS PROCESSED BETWEEN
4/1/2015 and 4/30/2015**

License Areas Processed																								
<i>USOE Qualified by Code</i>		?	A	B	C	D	E	F	G	I	K	L	M	N	P	Q	R	S	T	U	V	X	Y	Total
License Area																								
Career and Technical Education																							1	1
Early Childhood Education (K-3)			1					2					9							2				14
Elementary Education (K-6)			1				1	1				9	49						1	10				72
Elementary Education (1-8)			1									26	43							9				79
Secondary Education (6-12)			7								1	36	8						1	29				82
School Counselor (K-12)			1																	1				2
School Psychologist (K-12)																				1				1
School Social Worker (K-12)																				2				2
Title I Paraprofessional							90												80			60	230	
Administrative/Supervisory (K-12)													1							15				16
Special Education (K-12+)			3									7	8							6				24
Speech - Language Technician												5												5
Preschool Special Education (Birth - age 5)													1							1				2
Grand Total		0	14	0	0	0	91	3	0	0	1	83	119	0	0	0	0	80	2	76	0	1	60	530

Qualified By Codes:

? Not Known	I Troops to Teachers	S Associate Degree
A Authorization	K Alt Route University	T Alt Preparation
B Portfolio	L Alt Route to Licensure	U University Program
C Demonstrated Competency	M Major	V Transition to Teaching
D Major Equivalent	N Minor	W SUSPENDED
E Exam	P Special Program	X Experience
F Foreign Credentials	Q Certificate Program	Y Two Years College
G Local Acad Assessment	R Restricted	Z Exemption



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 8, 2015

ACTION: New Charter School Applications for 2016-2017 School Year

Background:

In its April 10, 2015 meeting, the Board reviewed, but did not approve new charter school applications for Athlos Academy, St. George Academy, and American Academy of Innovation.

The Board directed that the applications for those schools go back to the State Charter School Board for further review and information.

Key Points:

The State Charter School Board will review the three new charter applications in its meeting on May 7. It is anticipated that the State Charter School Board will send the applications back to the Board on May 8 with additional information and recommendations.

The full charter applications can be found at <http://schools.utah.gov/charterschools/State-Charter-School-Board/2015-Board-Meetings/January-2015.aspx>

Anticipated Action:

The Board will reconsider approving the new charter applications for Athlos Academy, St. George Academy, and American Academy of Innovation.

Contact: Dr. Marlies Burns, Executive Director, State Charter School Board, 801-538-7817

**Utah State Board of Education
Executive Summary Report**

This summary report was submitted to Brad C. Smith, State Superintendent of Public Instruction, Utah State Office of Education, two weeks ahead of the regularly scheduled USBE meetings for approval and inclusion in the board’s agenda materials. Only that which is in writing, and included in the agenda materials, shall be considered by the USBE in its final approval process. Attachments, by way of clarification, or elaboration, may be included.

1. Charter School Athlos Academy of Utah
2. Authorized Agent Sean Morris Phone 801-971-4401
3. Mailing Address (authorized agent) 1353 West 2050 South City Wood Cross
4. The charter school is approved to open one campus in the following school district: Jordan
5. When is the charter school expected to begin operations? August 2016

6. List or attach all duly elected, current board directors of the school:

Sean Morris
Andy Lavin
Nichole Coombs
Lisa Davis

7. Summary description of charter school (mission statement):

Athlos Academy of Utah empowers students to live fulfilling, responsible, and successful lives by building on the three foundational pillars of Prepared Mind, Healthy Body, and Performance Character.

8. Is this charter school an extension or expansion of a currently existing charter school? (If so, attach student achievement data from existing charter school).

No, Athlos Academy of Utah is a new school application.

9. How many students will the school serve and at what grades? Does the grade configuration align with the local school district configuration?

2016-2017	832 students	Grades K-8
2017-2018	936 students	Grades K-8
2018-2019	1040 students	Grades K-9
Ultimate enrollment	1040 students	Grades K-9

Yes, the grade configuration aligns with the local school district.

10. Is the schools' curriculum fully aligned with the Utah State Core Curriculum? If not, in what areas does the school deviate from the Core?

Yes Athlos Academy of Utah's curriculum is fully aligned with the Utah State Board of Education's approved curriculum.

11. How will the school address the needs of students with disabilities who will need Special Education services?

The school will offer a continuum of student placement and special education services to students with disabilities in compliance with state and federal law and regulation and individual student IEPs.

12. Does the school have a building site or actual building ready to serve students? What are the financial stipulations in the use of that building?

Athlos Academy of Utah will meet the requirements in UCA 53A-1a-507 and R277-482 by submitting any facility financing agreements to the State Charter School Board for advice prior to signing and having its building under construction by January 1, 2016, respectively.

13. Has a financial analysis been conducted and is there a strong likelihood the charter school will financially succeed?

Yes, the State Charter School Board has reviewed Athlos Academy of Utah's budget to ensure that its finances are viable and there is a strong likelihood of financial success.

14. Who will perform the financial accounting for the school (by name) and what are his/her credentials for accounting?

Charter Solutions will designate an employee to provide financial accounting for the school, but that individual has not yet been named. Charter Solutions currently provides financial accounting services for multiple Utah charter schools.

15. Please provide a brief summary of other points the State Charter School Board would like the Utah State Board of Education to consider in making the decision to approve the charter school:

Prioritized 4th by the State Charter School Board.

The State Charter School Board approved authorization of this school under UCA 53A-1a-501.9 (i.e., the applicant demonstrated it employed a new and creative method to meet the unique learning style and needs of students) and UCA 53A-1a-502.5 (i.e., the applicant demonstrated it was located in a high growth area of the state and committed to giving preferential enrollment to students within a 2-mile radius of the school).

State Charter School Board members had some question following authorization. Attached is the school governing board's response to those questions.

16. Votes of the SCSB in approving the charter school application:

Recommended full approval: Tim Beagley, Dean Brockbank, Robb Enger, Kristin Elinkowski,
Howard Headlee, DeLaina Tonks

Not in attendance for vote: Bruce Davis

March 9, 2015

Marlies Burns, Ed.D. Executive
Director
Utah State Charter School Board

Dear Dr. Burns,

As the Governing Board for Athlos Academy of Utah we would like to express our concern with this process. We received unanimous approval from the State Charter School Board, but upon further review we have been presented with a line of questions asking far more of us than has been asked of other governing boards. This is a large task to accomplish on short notice, and we feel obligated to express our frustration with this unexpected step in the process as well as with the aggressive language of the questions.

However, Athlos Academy of Utah is looking forward to a long and positive relationship with the SCSB and with the charter community in Utah in general, and while many of the questions are addressed in the Charter Application, we are happy to address them again here. We have invited both the President and the Director of Academics from Athlos Academies to join us today as they are best positioned to speak to your concerns about the intentions of their company.

We are a volunteer board, and as is true with all volunteers, our time commitment is limited. With that in mind, we have sought out a partnership with an ESP to help us responsibly provide an educational model that we truly believe in. We did not choose Athlos Academies lightly, and in fact, our due diligence includes flying to Minnesota to visit a school in action and sit in on a teacher training offered by the ESP. We have also visited the Athlos Academies team in Boise to learn more about their model and meet the people who will support our school's success.

Athlos Academies is a young management organization, but they have proven themselves in integrity and commitment to students and families. The model is research based and professionally supported.

As a Board, we want what is best for our students. We want a choice that is innovative and that gives all students access to learning and achieving success in college, career, and life. We believe that the Athlos Academy model provides holistic education, and we are excited about our partnership with them in moving forward.

We as a board have gone to great lengths to provide you with the requested information, taking the time to respond to the many questions in the included document. Some of these questions were outside the relevance to Athlos Academy of Utah's application. Therefore it was necessary to involve Athlos Academies to provide assistance with the requested information, which is included in the attached appendices. It is the Board's hope that with these responses, the SCSB has a complete understanding of the benefits of this partnership, and we can move forward with final approval.

Sincerely,
The Governing Board of Athlos Academy
of Utah Sean Morris
Nichole Coombs Lisa Davis Andrew Lavin

- 1) Please list the 22 schools you represented that Athlos Academy, Inc. has started?
 Schools that have partnered with Athlos Academies are listed in Appendix 1. The Governing Board of Athlos Academy of Utah has chosen to partner with Athlos Academies to support the launch and ongoing success of the school. The Governing Board will separately negotiate a lease agreement and a management services agreement upon final approval of the charter.
 - a) When did they open? Where (city and state)? What is their current standing? Athlos Academy, Inc. play in each of these start-ups? Would each of these schools identify themselves as having been “started” by Athlos Academy, Inc.?
 Each of these schools would identify themselves having a partnership with Athlos Academies. The chart in Appendix 1 presents this data.
 - b) Are any of the schools started by Athlos Academy, Inc. no longer affiliated with the company? If so, why?
 All of the schools that have partnered with Athlos Academies for services are still affiliated with the company. The chart in Appendix 1 presents this data.

- 2) Of the 11 successful schools Athlos Academy, Inc. currently runs, please list those schools, their locations, and their academic, financial, and enrollment performance that lead you to define them as “successful.” (provide information for each school separately)
 For all responses in this section please see **Appendix 2** for further narrative and data representation.
 - a) How many of these schools were new schools approved through the state charter system?
 Currently, Athlos Academies has partnered with 12 schools that have been approved through state charter systems (note Appendix 2).
 - b) How many were take-overs? (i.e., existing schools where Athlos Academy, Inc. has taken over an existing charter schools/programs/students)
 Athlos Academies has never participated in a “take-over”. All schools that have partnered with Athlos Academies maintain their own staff, leadership, and board members. Athlos Academies is often approached to help schools with select and specific areas of need as determined by the school’s leadership and governing board. Neither the schools nor Athlos Academies refers to these partnerships as “take- overs”. In situations in which Athlos Academies provides management services, the school’s governing board holds Athlos Academies accountable through a contract.
 - c) What is the ongoing role of Athlos Academy, Inc. in the operation of these schools?
 In response to this section, more information is provided in narrative form in Appendix 2
 - i) Does Athlos Academy, Inc. have any positions on the governing board of the school? If so, what position(s)?
 No. Athlos Academies does not hold positions on a governing board at any school.
 - ii) Does Athlos Academy, Inc. have administrative responsibilities in the school? If so, what responsibilities?
 The Governing Board of Athlos Academy of Utah plans to contract with Athlos Academies to provide administrative services as described in the charter application (see Appendix 2).
 - iii) What is the daily operational role of Athlos Academy, Inc. in each of these schools, if any?
 The appropriate members of Athlos Academies may be asked to enter the school for professional development, curriculum development, and management services. Athlos Academies participates in daily school operations at the school as contracted by the Governing Board.
 - iv) Does Athlos Academy, Inc. have their staff in these schools? If so, what are their jobs?
 No, Athlos Academies does not have any of their staff in schools. However, for Athlos Academy of Utah, Athlos Academies, as part of the negotiated management services, will

provide the Principal, Assistant Principal, and Business Manager for Athlos Academy of Utah. The two school leaders will be employed and trained by the Management Organization, and will be jointly evaluated by Athlos Academies and the Governing Board of Athlos Academy of Utah. In addition, the Business Manager will be employed through Charter Solutions, a service provider that already has experience and an excellent track record in Utah.

- v) Provide the amount Athlos Academy, Inc. is paid for CMO services for each of these schools (separately).

This information varies from school to school and state to state. The fee is determined by the range of services and falls between 4-12%.

- vi) Can Athlos Academy, Inc. provide operational contracts it has with other schools so we can understand the role and limits of authority it maintains for these schools?

Sample contract was provided in the charter application (Appendix B of the Charter Application, beginning on page 107).

- 3) Athlos Academy, Inc. said confusion comes from being a CMO and that it is a curriculum. However, it appears that their primary modus operandi is to take over an existing charter school, continue to use that school's academic curriculum, with some sort of Athlos overlay. What is it Athlos Academy, Inc. will bring to your school?

Athlos Academies both partners with existing schools and fully manages others. As all schools associated with Athlos Academies maintain independent governing boards, no partnership can be considered a "take-over".

Athlos Academies offers a wide range of services including, but not limited to, school operations support, professional development, instructional support, and curriculum. Athlos Academies provides both an athletic curriculum and a performance character curriculum, and also has academic experts on staff to assist schools with reviewing other curriculum choices. Athlos Academies is not just a curriculum provider, but offers a variety of services in support of high quality schools.

For all responses in this section please see **Appendix 3** for further narrative and data representation.

- a) If Athlos Academy, Inc. is providing a "curriculum" – has it been approved as consistent with the required curriculum of each state? (MN, AZ, TX, etc.)

Yes. The curriculum that Athlos Academies provides is scoped and sequenced to meet or exceed each state's requirements.

- b) How many current Athlos schools are using the Athlos Academy, Inc. curriculum? How many are also using another curriculum? How many are using their prior curriculum?

12 schools implement some, or all, of the Athlos Academies' model. Please refer to Section 4 (pages 30-42) in the charter for more information about the Math, Literacy, and Athlos Academies curriculum selections made by the Governing Board.

- c) What is the Athlos Academy, Inc. curriculum? How is it unique?

Please refer to Section 4 (pages 30-42) in the charter and **Appendix 3** at the end of this document.

- 4) Regarding your contract with Athlos Academy, Inc.:

For all responses in this section please see **Appendix 4** for further narrative and data representation.

- a) Does it have a role in the selection of governing board members? If so, describe the role. Also, will any board members be compensated (in any way) for serving with the school?

No. The board is volunteer and interest based only with no compensation. Athlos Academies may provide community out-reach opportunities for interest and support, but the governing

- board is established by volunteers and works in conjunction with the school leadership.
- b) Does it have a role in selection of staff? If so, describe the role.
As part of the negotiated management services, Athlos Academies will provide the Principal, Assistant Principal, and Business Manager for Athlos Academy of Utah. These employees will maintain Utah licensure and attend local meetings and trainings offered by the USOE. Their performance will be overseen by the Governing Board of Athlos Academy of Utah through contract.
 - c) Does it have a role in determining budgets? If so, describe the role.
Athlos Academies as a Management Organization provides guidance in back office and operations paperwork and documents. The budget may be a part of this service as per the request of the school leadership and the governing board.
 - d) Does it have any other operational control? If so, describe the role(s).
Athlos Academies does not have other operational controls unless there is invitation from school leadership and the governing board over time and as needed for support services.
 - e) Does it have any control over facilities construction/bonding? If so, describe the role.
Athlos Academies provides the facility which is leased with a purchase option. Athlos Academy of Utah may choose when the school purchases the building. Further explanation is in the appendix narrative.
 - f) Will there be a continued relationship with Athlos Academy, Inc. after you bond for your facility? If so, describe the relationship.
Yes. The lease agreement is negotiated separately from the management services agreement. This ensures that when the school chooses to purchase the building, the school will not experience any gaps in management services.
 - g) Are you required to use the Athlos Academy, Inc. curriculum and CMO services for any length of time, or can you opt out (of one or both) at any time if determined to be in the best interest of the school?
Athlos Academy of Utah will negotiate management services with Athlos Academies upon official approval of the charter. The Governing Board will hold Athlos Academies accountable for the quality of their services. As such, there will be a default provision in this contract. A sample contract is provided as Appendix B of the Charter Application, and can be found beginning on page 107 of that document.

Appendix 1

Athlos Partner School	Year of Partnership	Partnered for Facilities	Partnered for Curriculum	Partnered for Management Services
Compass Charter School <i>(Meridian, ID)</i>	2007			
Candeo Schools <i>(Peoria, AZ)</i>	2008			
Hawthorne Academy <i>(West Jordan, UT)</i>	2008			
Legacy School <i>(Mesa, AZ)</i>	2009			
Legacy Traditional <i>(Queen Creek/Ironwood, AZ)</i>	2010			
Legacy Traditional <i>(Casa Grande, AZ)</i>	2010			
Athlos Traditional Academy <i>(Chandler, AZ)</i>	2011			
Legacy Traditional <i>(Avondale, AZ)</i>	2011			
Legacy Traditional <i>(Oro Valley, AZ)</i>	2011			
Providence Hall <i>(Herriman, UT)</i>	2011			
Legacy Traditional <i>(Laveen, AZ)</i>	2012			
Legacy Traditional <i>(Gilbert, AZ)</i>	2013			
Athlos Leadership Academy <i>(Austin, TX)</i>	2014			
Athlos Leadership Academy <i>(Brownsville, TX)</i>	2014			
Athlos Leadership Academy <i>(Brooklyn Park, MN)</i>	2014			
Athlos Leadership Academy <i>(San Antonio, TX)</i>	2014			
ILT, Powered by Athlos <i>(Arlington, TX)</i>	2014			
ILT, Powered by Athlos <i>(Fort Worth, TX)</i>	2014			
ILT, Powered by Athlos <i>(Garland, TX - K8)</i>	2014			
ILT, Powered by Athlos <i>(Garland, TX - HS)</i>	2014			
Legacy Traditional <i>(Surprise, AZ)</i>	2015			
Athlos Preparatory Academy <i>(Lakeville, MN)</i>	2016			

For nearly eight years, Athlos Academies has been asked by 22 schools for assistance in various capacities including facilities, curriculum, or managing. These schools sought out Athlos Academies to assist with meeting the intricate needs they all had. Currently, the levels of implementation and partnerships vary from fully managed to partially managed partnerships between individual schools.

Appendix 2

Athlos Academies believes that truly successful schools are comprised of much more than test results and waiting lists. The model focuses on enabling educational leaders to impact every classroom, and every student. This is accomplished by supporting schools with administrative capabilities and curriculum development by assisting with the operational or curricular barrier they are experiencing. Therefore, Athlos Academies relies on the leadership and governing boards at the local school level to develop a culture of learning that supports high academic achievement. Athlos Academy of Utah has chosen to be a fully implemented Athlos Academies school (including curriculum, services, and support). The chart in **Appendix 1** delineates schools across the nation that have partnered with Athlos Academies to utilize components to support their schools. In answering your specific question, please reference the table that shows enrollment projections for Utah on page 3 of the Governing Board's charter application and the information about other affiliated (but not fully managed) schools on pages 18-19.

Continuous improvement is at the forefront of the Athlos Academies philosophy of long-term school support. Ongoing support, training, and services through the partnership require involvement and a level of service that is unmatched. However, *governance* of the school is the responsibility of the governing board; *management* services are the responsibility of Athlos Academies under contract with Athlos Academy of Utah. In accordance with the Governing Board's proposed bylaws, Athlos Academies will not have any positions on the governing board. However, Athlos Academies will provide ongoing training and professional development opportunities for the governing board as needed. Athlos Academies will employ, in partnership with the Governing Board, three administrators consisting of the Principal, Assistant Principal, and Business Manager to ensure program fidelity and fiscal accountability. These highly qualified administrators will have Utah licenses and credentials and will be responsible for the day to day operations, much like their counterparts in traditional schools. Daily operations include: academic outcomes, the implementation of Utah's educational standards, staff professional development, and maintaining school culture. These responsibilities are delineated in the charter proposal, pages 85-97. All other administrative support staff, faculty, paraprofessionals, media specialist, guidance counselor, and maintenance employees will be employees of Athlos Academy of Utah.

The Governing Board of Athlos Academy of Utah and Athlos Academies are committed to maintaining the overall integrity of the school itself. With that in mind, Athlos Academies works hard to provide affordable management services. This is about the students and the learning experience, and the management costs need to be supportive of that priority.

Appendix 3

Athlos Academies is a Social Venture model that has multiple facets as a company. As a Management Organization, Athlos Academies will provide an expertly developed athletic, performance character, and high academic curriculum which will meet or exceed Utah's educational standards. Athlos Academies will also provide development opportunities for governing boards, school administration, and teachers, assistance with school launch, and ongoing daily operations.

The Governing Board of Athlos Academy of Utah has chosen to adopt both the curricular planning and 3 Pillar model from Athlos Academies as well as enlist in their offerings as a Management Organization for

our charter. To specifically answer your question, Athlos Academies is providing both curriculum and management services for our Board and our school. The initial draft of our management agreement is available in Section 9 (pages 105-110) and in Appendix B in the charter document.

The Board of Directors of Athlos Academy of Utah, as part of their due diligence in choosing to work with Athlos Academy, visited the Brooklyn Park, MN Athlos Leadership Academy to see a school in action and attended a teacher training provided by Athlos Academies. Additionally, the Board of Directors has visited the Athlos Academies offices in Boise to attend a model overview presentation. The Board of Directors feels confident that Athlos Academies can help us achieve a successful launch and offer long-term support for Athlos Academy of Utah.

The chart from Appendix 1 in this document shows the vast differences in partnerships between schools in multiple states and Athlos Academies, but articulates the successful experience and expertise. The Governing Board of Athlos Academy of Utah is confident that partnering with this young and evolving company will best meet the needs of the students.

Description of the Athlos Athletic, Performance Character curricular, and academic programs are discussed in Section 4 of the charter application, pages 34-40. These programs are unique because of its 3 Pillar approach, its depth of both academic and social/emotional learning and development for students, and its ability to work towards state and national standards while still focusing on the WHOLE child development.

Appendix 4

Athlos Academies believes that local school boards should govern their schools with distinct autonomy. For this reason, the Athlos Academy of Utah charter proposal (pages 55-58) outlines that Athlos Academies will not determine the selection of Governing Board members, nor will board members be compensated. Because staff members will be employees of the Athlos Academy of Utah, the Governing Board will have an influential role in hiring practices and procedures in conjunction with the school leaders. Athlos Academies will work with the Governing Board to determine budgets and priorities that support teaching, learning, and operations at their school. Daily operations will be the responsibility of the administrative staff with support from Athlos Academies. If the Governing Board of Athlos Academy of Utah decides to bond for their facility, at their discretion and choice, they can continue contracted services, support, and curricular programs. Through an agreement between the governing board and Athlos Academies, it will be articulated that the governing board has the final authority over the delivery of any curriculum utilized in the school. The charter proposal delineates ongoing implementation of the Athlos curriculum, which will meet or exceed Utah State Standards.

Athlos Academy of Utah has delineated that there is no intention of opting out of the Athlos curriculum pillars. The components of these benefits are further described in detail on Section 4 (pages 30-42) of the Charter Proposal.

**Utah State Board of Education
Executive Summary Report**

This summary report was submitted to Brad C. Smith, State Superintendent of Public Instruction, Utah State Office of Education, two weeks ahead of the regularly scheduled USBE meetings for approval and inclusion in the board's agenda materials. Only that which is in writing, and included in the agenda materials, shall be considered by the USBE in its final approval process. Attachments, by way of clarification, or elaboration, may be included.

1. Charter School St. George Academy
2. Authorized Agent Steve Wattles Phone 435-625-1799
3. Mailing Address (authorized agent) 1995 Dove Circle City Santa Clara
4. The charter school is approved to open one campus in the following school district: Washington
5. When is the charter school expected to begin operations? August 2016
6. List or attach all duly elected, current board directors of the school:

Stephen Wattles
Kevin Abraham
Owen Olsen
Eric Grob
David Jones
Curt Crofts
Kris Griffith
Tara Griffith
Ellen Arch

7. Summary description of charter school (mission statement):

St. George Academy will provide students with a strong academic foundation preparing them for a successful college experience and their future learning endeavors.

8. Is this charter school an extension or expansion of a currently existing charter school? (If so, attach student achievement data from existing charter school).

No, St. George Academy is a new school application.

9. How many students will the school serve and at what grades? Does the grade configuration align with the local school district configuration?

2016-2017	350 students	Grades 9 – 12
2017-2018	450 students	Grades 9 – 12
2018-2019	550 students	Grades 9 – 12
Ultimate enrollment	550 students	Grades 9 – 12

No, the grade configuration does not align with the local school district.

10. Is the schools' curriculum fully aligned with the Utah State Core Curriculum? If not, in what areas does the school deviate from the Core?

Yes, St. George Academy's curriculum is fully aligned with the Utah State Board of Education's approved curriculum.

11. How will the school address the needs of students with disabilities who will need Special Education services?

The school will offer a continuum of student placement and special education services to students with disabilities in compliance with state and federal law and regulation and individual student IEPs.

12. Does the school have a building site or actual building ready to serve students? What are the financial stipulations in the use of that building?

St. George Academy will meet the requirements in UCA 53A-1a-507 and R277-482 by submitting any facility financing agreements to the State Charter School Board for advice prior to signing and having its building under construction by January 1, 2016, respectively.

13. Has a financial analysis been conducted and is there a strong likelihood the charter school will financially succeed?

Yes, the State Charter School Board has reviewed St. George Academy's budget to ensure that its finances are viable and there is a strong likelihood of financial success.

14. Who will perform the financial accounting for the school (by name) and what are his/her credentials for accounting?

The business manager or management company has not been named at this time but will be named prior to the school opening. The school included a detailed list of roles and responsibilities for the business manager/management company.

15. Please provide a brief summary of other points the State Charter School Board would like the Utah State Board of Education to consider in making the decision to approve the charter school:

Prioritized 5th by the State Charter School Board.

The State Charter School Board approved authorization of this school. While there were initially questions and concerns regarding the college preparation focus of this school, the applicant satisfactorily answered these questions.

16. Votes of the SCSB in approving the charter school application:

Recommended full approval: Tim Beagley, Dean Brockbank, Robb Enger, Kristin Elinkowski, Howard Headlee, DeLaina Tonks

Not in attendance for vote: Bruce Davis

**Utah State Board of Education
Executive Summary Report**

This summary report was submitted to Brad C. Smith, State Superintendent of Public Instruction, Utah State Office of Education, two weeks ahead of the regularly scheduled USBE meetings for approval and inclusion in the board's agenda materials. Only that which is in writing, and included in the agenda materials, shall be considered by the USBE in its final approval process. Attachments, by way of clarification, or elaboration, may be included.

1. Charter School American Academy of Innovation
2. Authorized Agent German Lopez Phone 801-201-5030
3. Mailing Address (authorized agent) 5806 West Copper Stone Drive City South Jordan
4. The charter school is approved to open one campus in the following school district: Jordan
5. When is the charter school expected to begin operations? August 2016
6. List or attach all duly elected, current board directors of the school:

German Lopez
Shane T. Clark
Ann Sharp
Alfonso Flores
Rodayne Esmay
Ken Karren

7. Summary description of charter school (mission statement):

The American Academy of Innovation combines academic rigor with career technology skills and international partnerships to prepare students for success in a global marketplace.

8. Is this charter school an extension or expansion of a currently existing charter school? (If so, attach student achievement data from existing charter school).

No, American Academy of Innovation is a new school application.

9. How many students will the school serve and at what grades? Does the grade configuration align with the local school district configuration?

2016-2017	360 students	Grades 6-12
2017-2018	420 students	Grades 6-12
Ultimate enrollment	420 students	Grades 6-12

No, the grade configuration does not align with the local school district.

10. Is the schools' curriculum fully aligned with the Utah State Core Curriculum? If not, in what areas does the school deviate from the Core?

Yes, American Academy of Innovation's curriculum is fully aligned with the Utah State Board of Education's approved curriculum.

11. How will the school address the needs of students with disabilities who will need Special Education services?

The school will offer a continuum of student placement and special education services to students with disabilities in compliance with state and federal law and regulation and individual student IEPs.

12. Does the school have a building site or actual building ready to serve students? What are the financial stipulations in the use of that building?

American Academy of Innovation will meet the requirements in UCA 53A-1a-507 and R277-482 by submitting any facility financing agreements to the State Charter School Board for advice prior to signing and having its building under construction by January 1, 2016, respectively.

13. Has a financial analysis been conducted and is there a strong likelihood the charter school will financially succeed?

Yes, the State Charter School Board has reviewed American Academy of Innovation's budget to ensure that its finances are viable and there is a strong likelihood of financial success.

14. Who will perform the financial accounting for the school (by name) and what are his/her credentials for accounting?

The business manager or management company has not been named at this time but will be named prior to the school opening. The school included a detailed list of roles and responsibilities for the business manager/management company.

15. Please provide a brief summary of other points the State Charter School Board would like the Utah State Board of Education to consider in making the decision to approve the charter school:

Prioritized 6th by the State Charter School Board.

The State Charter School Board approved authorization of this school. While there were initially questions and concerns regarding the CTE and international focus of this school, and unique grade configuration, the applicant satisfactorily answered these questions.

16. Votes of the SCSB in approving the charter school application:

Recommended full approval: Tim Beagley, Dean Brockbank, Robb Enger, Kristin Elinkowski, Howard Headlee, DeLaina Tonks

Not in attendance for vote: Bruce Davis



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terry Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 7-8, 2015

ACTION: Component Percentages Leading to the Determination of Annual Educator Summative Evaluation Ratings

Background: Board rule R277-531 *Public Educator Evaluation Requirements (PEER)* provides a statewide educator evaluation system framework that includes required, Board-directed expectations and components as well as additional district-determined procedures to ensure the availability of data about educator effectiveness. The Board-required components are: (1) observations of instructional quality; (2) evidence of student growth; and (3) stakeholder input.

Key Points: USOE staff, in consultation with WestEd REL, have conducted a three-year pilot to monitor the implementation and examine the effectiveness of each component. They have reviewed yearly progress reports from all districts and have conducted surveys and interviews to determine the relative effectiveness of each component. While ongoing studies must be conducted to continue monitoring the educator evaluation program, USOE staff members have compiled sufficient data to recommend percentages for each required component in relation to the overall annual summative rating for each educator.

Anticipated Action: The Board will review recommendations for the educator evaluation component percentages and consider approval of the recommendations to be used by districts in determining the annual summative rating for each educator.

Contact: Sydnee Dickson, 801-538-7515
Diana Suddreth, 801-538-7739
Linda Alder, 538-7923

Utah System for Educator Effectiveness



Prepared by the

Utah State Office of Education

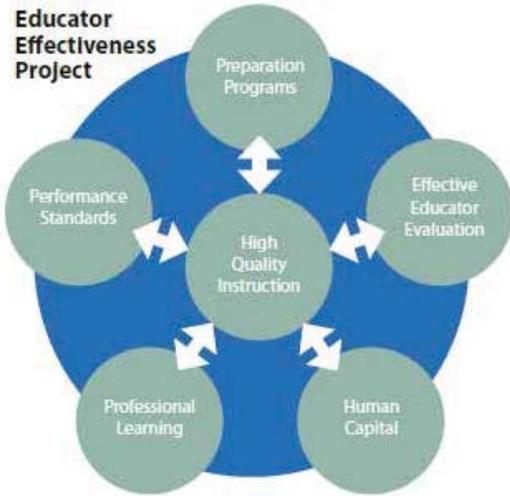
May 7-8, 2015

Diana Suddreth, Director Teaching and Learning
ciana.suddreth@schools.utah.gov

Linda Alder, Educator Quality Coordinator
linda.alder@schools.utah.gov

Utah System for Educator Effectiveness

To ensure that high quality instruction is available to every Utah student, the *Utah Educator Effectiveness Project* was instituted in 2010 by the Utah State Board of Education (R277-530) to guide the development of quality teaching and quality leadership efforts statewide. In 2011, R277 - 530 was followed by R277-531 and Utah Code Title 53A, Chapter 8a, Part 4 to more fully describe the goals and requirements of the program.

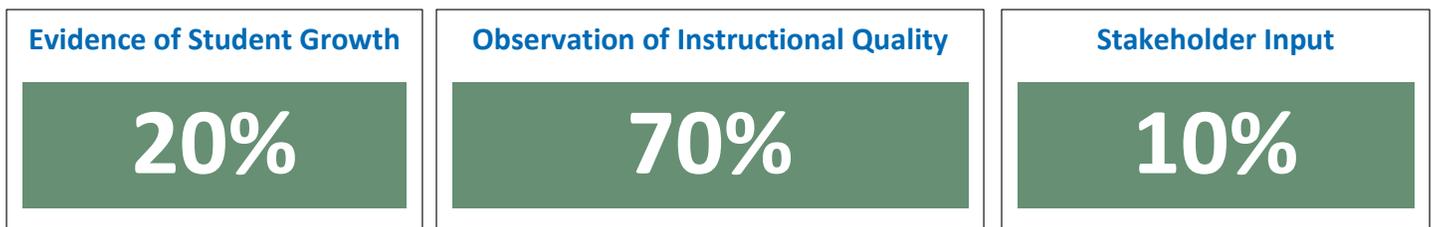


The project began with the development of the *Utah Effective Teaching Standards* and the *Utah Educational Leadership Standards*. These two sets of professional standards provide a basis for a coherent system for all state and local educators. The system is designed to support a consistent and mutually reinforcing continuum of preparation, licensure, recruitment, induction, evaluation and professional development of teachers and educational leaders.

State Board Rule R277-531 outlines district requirements for educator evaluation programs. The rule requires multiple measures for calculating Annual Summative Effectiveness Ratings and a standardized percentage for each component to contribute to the whole. The three components required in rule are: (1) **observation of instructional quality**, (2) **evidence of student growth**, and (3) **stakeholder input**. Standardized percentages are needed for districts to begin calculating summative ratings in the 2015 – 2016 school year for each component. Standardized percentages will allow ratings to be comparable among and within districts.

Each component has been studied using data from Utah districts. Methods include formal calculations of observation data, surveys of user responses, focus groups, interviews, and informal feedback from educators at all levels. Data has been gathered by USOE and district staff members and analyzed in cooperation with WestEd REL. As ratings from the three educator evaluation components are combined into summative effectiveness ratings in the 2015 – 2016 school year, outcomes will continue to be evaluated. Adjustments may be made going forward as data and feedback warrant.

Based on data listed above, USOE staff recommends the following component percentages to be used by all districts as Annual Summative Ratings are calculated.



Educator Effectiveness Project Supportive Information

Each evaluation component has been studied using data from Utah pilot and User Group districts. Districts that are not participating in the USOE Model Educator Evaluation Program have been polled regarding the components that affect them (Student Growth, Stakeholder Input). Methods include formal calculations of observation data, surveys of user responses, focus groups, interviews, and informal feedback from educators at all levels. Data has been gathered by USOE and district staff members and analyzed in cooperation with WestEd REL. As ratings from the three educator evaluation components are combined into summative ratings in the 2015 – 2016 school year, outcomes will continue to be evaluated. Adjustments may be made going forward as formal and informal feedback warrants.

Utah Teaching Observation Tool (UTOT)

Data

- Data shows a range of distributions with the greatest number of teachers rated Effective.
- UTOT raters are certified for reliability. Reliability goal: 70% accuracy. Continued studies will review the results and provide additional professional development as needed over time.
- UTOT shows excellent internal consistency, one measurement of validity.
- Statistically significant relationships exist between the UTOT sections and between the domains and overall scores.
- Principals who participated in USOE training produced more accurate UTOT ratings.
- Some observation expectations yield more information than others. Adjustments in the expectations have been made in response to the data.
- A significant relationship was evident between a teacher's average UTOT rating and their school's prior year performance.
- Standard 7 appears to be pivotal. It had the highest correlation with teacher's overall average UTOT item scores and a correlation with parent/student survey scores.

Demographic Information

- UTOT appears to yield similar teacher survey outcomes regardless of elementary/secondary, years of teacher experience, or size of district.
- Low and high performing teachers are evident in all schools regardless of school grade.

Samples of Teacher Survey Responses

Teachers in the UEOT pilot expressed a high level of agreement with the following statements:

- The ratings I was awarded accurately reflected my teaching performance (79%).
- The descriptions of performance levels in the UTOT allowed my rater to differentiate between levels of teaching skills (68%).
- Use of the UTOT helped me to reflect more about my instructional practices (65%)
- My ratings from the UTOT helped identify areas of strength in my teaching and areas where I needed professional growth (72 – 81%).

Student Learning Objectives (SLOs)

Sample Outcomes from 2013 -2014 SLO Study

SLOs have been selected to provide student growth information for teachers of non-tested subjects. Data from a 2013 – 2014 SLO Study informs the data described below. The study represents a small sample and preliminary information regarding SLOs. Data from the 2014 -2015 Comprehensive Pilot will further evaluate SLO outcomes. Research shows that SLO quality improves over time. Intensive professional development for teachers and principals is planned for 2015 – 2016 to further support the value and comparability of SLOs.

Favorability toward SLOs:

- Higher proportions of elementary teachers expressed unfavorable opinions of the SLO process.
- Higher-scoring teachers were more likely to agree that their final SLO scores accurately reflected their contributions to student growth.
- A higher proportion of special educators disagreed that they changed their instruction as a result of implementing SLOs.
- A far lower proportion of teachers who revised their SLO targets mid-year agreed that the SLO process improved the quality of their conversations with their fellow teachers.

Variations by School Performance Level and Grade Span:

- A high proportion of general education teachers met or exceeded expectations on their SLOs (76%).
- An even higher proportion of special educators met or exceeded expectations on their SLOs (97%).
(Special educators used a different scoring scheme during this study. The format has been changed to better align with general education teachers. Additional SLO information will be available at the end of the Utah Comprehensive Evaluation Pilot.
- There was no correlation between pilot teachers' SLO scores in 2013/2014 and their school's performance in the prior years.
- Secondary teachers scored somewhat higher on their SLOs than elementary teachers.

Student Growth Percentiles (SGPs)

SGPs have been selected to provide student growth information for teachers of tested subjects. They quantify the academic progress of individual students and groups of students and serve as a way for educators to understand how much growth a student makes relative to a student's "academic peers". Business rules to outline the parameters for SGPs are currently being completed and the first SGP ratings will be completed this year. Some advantages of SGPs include:

- Accounts for students' different "starting positions".
- Allows for meaningful differentiation of performance for students across the full distribution.
- Is based on multiple prior scores, which increases precision.
- Interpretation is straightforward.

Stakeholder Input Measures Available Tools

Stakeholder Input requirements exist in Utah [Code 53A-8a-405](#) and in SBR R277-531. Student and parent input is a component of teacher evaluation. Teachers and leaders in cooperation with their districts have a variety of tools to measure and respond to input. Data regarding the quality of stakeholder input tools will be available in June, 2015 at the end of the Utah Comprehensive Evaluation Pilot. Tools and practices currently selected by districts:

- Some data collection methods include focus groups, observation with feedback, online communications, and mentor observations.
- Data from stakeholder surveys are being conducted district-wide, at the individual school level, and by individual teacher. (Surveys may be purchased or locally developed).
- Data analysis methods include comparison of findings from multiple sources, analysis of trends, examination of personal biases, and reflection on outcomes.
- Teachers gather data, analyze data, and set improvement goals in collaboration with their principals.
- All teachers are rated on the quality of data, thoroughness of analysis, and response to data. (The USOE Stakeholder Input Matrix is part of the current Utah Educator Evaluation Pilot that will yield additional information regarding the uses of stakeholder input data.)



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 8, 2015

ACTION: Digital Teaching and Learning Program

Background:

In the 2015 Legislative Session, S.B. 222 *Digital Teaching and Learning Program Proposal* was passed. The legislation requires the State Board of Education and the Utah Education and Telehealth Network (UETN) to develop a digital teaching and learning program proposal and provide technical support to local education agencies.

The bill also requires the Board to establish a digital teaching and learning task force to develop a funding proposal for digital teaching and learning in elementary and secondary schools.

Key Points:

Staff of the Utah State Office of Education and UETN have met regarding the legislation, and Associate Superintendent Angela Stallings will report on proposed plans for implementation.

It will be necessary for the required task force to be formed prior to the next Board of Education meeting.

Anticipated Action:

The Board will receive the information and may give direction regarding program implementation. The Board may also authorize Superintendent Brad Smith to form the task force.

Contact: Brad Smith, 801-538-7510
Angela Stallings, 801-538-7550

DIGITAL TEACHING AND LEARNING PROGRAM PROPOSAL

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill requires the State Board of Education and UETN to develop a digital teaching and learning program proposal and provide technical support to LEAs.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to establish a digital teaching and learning task force to develop a funding proposal for digital teaching and learning in elementary and secondary schools;
- ▶ requires the State Board of Education to develop a master plan for a statewide digital teaching and learning program;
- ▶ requires the Utah Education and Telehealth Network:
 - to conduct an inventory of the public education system's current technology resources;
 - to perform an engineering study to determine the technology infrastructure needs of the public education system to implement a digital teaching and learning program; and
 - as funding allows, to provide infrastructure and technology support for school districts and charter schools; and
- ▶ requires the State Board of Education and the Utah Education and Telehealth Network to report to the Education Interim Committee and the Executive Appropriations Committee.

Money Appropriated in this Bill:

- 30 This bill appropriates in fiscal year 2016:
- 31 ▶ to the Utah Education and Telehealth Network as a one-time appropriation:
- 32 • from the Education Fund, \$4,000,000; and
- 33 ▶ to the State Board of Education - Utah State Office of Education - Initiative
- 34 Programs as a one-time appropriation:
- 35 • from the Education Fund, \$1,000,000.

36 **Other Special Clauses:**

37 This bill provides a special effective date.

38 This bill provides a coordination clause.

39 **Utah Code Sections Affected:**

40 ENACTS:

41 53A-1-710, Utah Code Annotated 1953

42

43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section 53A-1-710 is enacted to read:

45 **53A-1-710. Digital teaching and learning program task force -- Funding proposal**

46 **for a program -- Master plan -- Reporting requirements.**

47 (1) As used in this section:

48 (a) "Board" means the State Board of Education.

49 (b) "Core subject areas" means the following subject areas:

50 (i) English language arts;

51 (ii) mathematics;

52 (iii) science; and

53 (iv) social studies.

54 (c) "High quality professional learning" means the professional learning standards

55 described in Section 53A-3-701.

56 (d) "LEA plan" means an LEA's plan to implement a digital teaching and learning

57 program that meets requirements set by the board.

58 (e) "Local education agency" or "LEA" means:

59 (i) a school district;

60 (ii) a charter school; or

61 (iii) the Utah Schools for the Deaf and the Blind.

62 (f) "Statewide assessment" means a test of student achievement in English language
63 arts, mathematics, or science, including a test administered in a computer adaptive format,
64 which is administered statewide under Part 6, Achievement Tests.

65 (g) "Utah Education and Telehealth Network" or "UETN" means the Utah Education
66 and Telehealth Network created in Section 53B-17-105.

67 (2) (a) The board shall establish a digital teaching and learning task force to develop a
68 funding proposal to present to the Legislature for digital teaching and learning in elementary
69 and secondary schools.

70 (b) The digital teaching and learning task force shall include representatives of:

71 (i) the board;

72 (ii) UETN;

73 (iii) LEAs; and

74 (iv) the Governor's Education Excellence Commission.

75 (3) (a) The board, in consultation with the digital teaching and learning task force
76 created in Subsection (2), shall create a funding proposal for a statewide digital teaching and
77 learning program designed to:

78 (i) improve student outcomes through the use of digital teaching and learning
79 technology; and

80 (ii) provide high quality professional learning for educators to improve student
81 outcomes through the use of digital teaching and learning technology.

82 (b) The board shall:

83 (i) identify outcome based metrics to measure student achievement related to a digital
84 teaching and learning program; and

85 (ii) develop minimum benchmark standards for student achievement and school level

- 86 outcomes to measure successful implementation of a digital teaching and learning program.
- 87 (4) As funding allows, the board shall develop a master plan for a statewide digital
- 88 teaching and learning program, including the following:
- 89 (a) a statement of purpose that describes the objectives or goals the board will
- 90 accomplish by implementing a digital teaching and learning program;
- 91 (b) a forecast for fundamental components needed to implement a digital teaching and
- 92 learning program, including a forecast for:
- 93 (i) student and teacher devices;
- 94 (ii) Wi-Fi and wireless compatible technology;
- 95 (iii) curriculum software;
- 96 (iv) assessment solutions;
- 97 (v) technical support;
- 98 (vi) change management of LEAs;
- 99 (vii) high quality professional learning;
- 100 (viii) Internet delivery and capacity; and
- 101 (ix) security and privacy of users;
- 102 (c) a determination of the requirements for:
- 103 (i) statewide technology infrastructure; and
- 104 (ii) local LEA technology infrastructure;
- 105 (d) standards for high quality professional learning related to implementing and
- 106 maintaining a digital teaching and learning program;
- 107 (e) a statewide technical support plan that will guide the implementation and
- 108 maintenance of a digital teaching and learning program, including standards and competency
- 109 requirements for technical support personnel;
- 110 (f) (i) a grant program for LEAs; or
- 111 (ii) a distribution formula to fund LEA digital teaching and learning programs;
- 112 (g) in consultation with UETN, an inventory of the state public education system's
- 113 current technology resources and other items and a plan to integrate those resources into a

114 digital teaching and learning program;

115 (h) an ongoing evaluation process that is overseen by the board;

116 (i) proposed rules that incorporate the principles of the master plan into the state's
117 public education system as a whole; and

118 (j) a plan to ensure long-term sustainability that:

119 (i) accounts for the financial impacts of a digital teaching and learning program; and

120 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
121 teaching and learning program.

122 (5) UETN shall:

123 (a) in consultation with the board, conduct an inventory of the state public education
124 system's current technology resources and other items as determined by UETN, including
125 software;

126 (b) perform an engineering study to determine the technology infrastructure needs of
127 the public education system to implement a digital teaching and learning program, including
128 the infrastructure needed for the board, UETN, and LEAs; and

129 (c) as funding allows, provide infrastructure and technology support for school districts
130 and charter schools.

131 (6) On or before December 1, 2015, the board and UETN shall present the funding
132 proposal for a statewide digital teaching and learning program described in Subsection (3) to
133 the Education Interim Committee and the Executive Appropriations Committee, including:

134 (a) the board's progress on the development of a master plan described in Subsection
135 (4); and

136 (b) the progress of UETN on the inventory and study described in Subsection (5).

137 **Section 2. Appropriation.**

138 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
139 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
140 are appropriated from resources not otherwise appropriated, or reduced from amounts
141 previously appropriated, out of the funds or accounts indicated. These sums of money are in

S.B. 222

Enrolled Copy

142 addition to any amounts previously appropriated for fiscal year 2016.

143 To State Board of Education - Utah State Office of Education

144 From Education Fund, one-time \$1,000,000

145 Schedule of Programs:

146 Board and Administration \$1,000,000

147 To the Utah Education and Telehealth Network

148 From Education Fund, one-time \$4,000,000

149 Schedule of Programs:

150 Technical Services \$4,000,000

151 The Legislature intends that:

152 (1) the State Board of Education use the \$1,000,000 appropriation to the State Board of
153 Education under this section to establish a task force and prepare a funding proposal for a

154 statewide digital teaching and learning program as described in Section 53A-1-710; and

155 (2) the Utah Education and Telehealth Network use the \$4,000,000 appropriation to the
156 Utah Education and Telehealth Network:

157 (a) to conduct an inventory of the state public education system's current technology
158 resources as required in Section 53A-1-710;

159 (b) to perform an engineering study as required in Section 53A-1-710; and

160 (c) for infrastructure and technology support for school districts and charter schools.

161 **Section 3. Effective date.**

162 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

163 (2) Uncodified Section 2, Appropriation, takes effect on July 1, 2015.

164 **Section 4. Coordinating H.B. 222 with H.B. 2 – Substantive and technical**
165 **amendments.**

166 If this S.B. 222 and H.B. 2, Public Education Budget Amendments, both pass and

167 become law, the Legislature intends that the following intent language applies to H.B. 2

168 Uncodified Section 3, Operating and capital budgets, "The Legislature intends that the State

169 Board of Education may use the appropriation for K-12 Digital Literacy for purposes of

170 creating a digital teaching and learning task force and funding proposal as described in Section
171 53A-1-710."



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins C. Mark Openshaw
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Jefferson Moss Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 8, 2015

ACTION: State Board of Education Advisory Groups

Background:

There are several groups outlined in statute, Board rule, or put in place by the Board that are established to advise the Board and its entities. The last comprehensive review of Board advisory groups was performed in 1987.

Key Points:

- There are requirements in statute and rule for advisory groups to report to various entities, but there is no formal process in place to receive reports.
- The Board regularly appoints members to its advisory groups and a change to its appointment process is being piloted.
- It is proposed that the Board form a Board task force to perform a comprehensive review of its advisory groups and provide recommendations to the Board including their effectiveness, reporting mechanisms, and the appointment process.

Anticipated Action:

The Board will consider appointing an Advisory Group Review Task Force.

Contact: Lorraine Austin, 801-538-7517



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Jefferson Moss

C. Mark Openshaw
Spencer F. Stokes
Terryl Warner
Joel Wright

Brad C. Smith, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: May 8, 2015

ACTION: Utah Professional Practices Advisory Commission Cases

Background: The Utah Professional Practices Advisory Commission (UPPAC) is advisory to the State Board of Education in making reports and recommendations regarding educator licensing to the Board. Each month a report of UPPAC actions is given to the Board, and specific cases with recommended actions, including suspension, revocation, and reinstatement of educator licenses, are brought to the Board for review and action.

Key Points: The Board has instituted a process for review and action on UPPAC cases. Generally, the first month a case comes to the Board with a recommendation from UPPAC the Board reviews the case in an executive session. Action is taken on the case in a subsequent meeting. Occasionally the Board will take action on a case under review the first time it is reviewed.

The following cases are submitted to the Board for action:

- Case No. 14-1226
- Case No. 12-1058

No new cases have been submitted for review.

Anticipated Action: The Board will consider action on UPPAC cases.

Contact: Ben Rasmussen, 801-538-7835



MEMORANDUM

Utah Professional Practices
Advisory Commission
250 East 500 South
P.O. Box 144200
Salt Lake City, UT
84114-4200

Phone: (801) 538-7745
Fax: (801) 538-7768
www.schools.utah.gov/uppac

TO: Utah State Board of Education
FROM: Benjamin Rasmussen, Executive Secretary
Utah Professional Practices Advisory Commission (UPPAC)
SUBJECT: Recommendation of the Utah Professional Practices Advisory
Commission (UPPAC)
DATE: May 8, 2015

Martin Bates
Granite School District

Calbert Beck
Murray School District

Kathleen Carter
Alpine School District

Dawn Davies
Community Member

Terry Krieger-James
Nebo School District

Jo Jolley
Canyons School District

Darin Nielsen
Box Elder School District

Ann K. Peterson
Juab School District

Cheryl Phipps
Community Member

Scott Roskelley
Jordan School District

Beverlee Simpson
Salt Lake City School District

Ben Rasmussen
Executive Secretary
(801) 538-7835

Nicole Ferguson
Investigator and Attorney
for Complainant
(801) 538-7853

Rachel Terry
Investigator and Attorney
for Complainant
(801) 538-7818

The following recommendations of the Utah Professional Practices Advisory Commission (UPPAC) are transmitted for review and action by the Utah State Board of Education:

- **Case No. 14-1226**
The commission recommends suspension of the educator’s Level 2 Education License. UPPAC recommends that the educator’s license be suspended for two (2) years with conditions from the date of Board action pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.
- **Case No. 12-1058**
The Commission recommends suspension of the educator’s Level 2 Secondary Education License. UPPAC recommends that the educator’s license be suspended for five (5) years with extensive conditions from the date of Board action pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.

UPPAC is charged with maintaining and promoting a high standard of professional ethics among Utah educators. It is advisory to the State Board of Education in making recommendations regarding educator licensing and may take other disciplinary action respecting educator misconduct.