NOTICE OF MEETING

UTAH STATE BOARD OF EDUCATION

September 17-18, 2015

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

Thursday, September 17

3:00 p.m.	Finance Workshop
4:00 p.m.	Education Technology—Moving Beyond Devices - Richard Culatta, U.S. Department of Education
5:00 p.m.	Meeting of the Utah State Board of Education acting as the Governing Board for the Utah Schools for the Deaf and the Blind
5:30 p.m.	Dinner
6:00 p.m.	Board Committee Meetings • Finance Committee - Basement West Conference Room • Law and Licensing Committee - Board Room • Standards and Assessment Committee - Conference Room 156

Friday, September 18

8:00 a.m.	Board meeting begins - Board Room
5:25 p.m.	Board meeting adjourns

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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 September 17 meeting will be broadcast beginning at 3:00 p.m. The September 18 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. Executive sessions 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, Chair
District 10
Draper, Utah 84020

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

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

Dixie L. Allen
District 12
Vernal, Utah 84078

Laura Belnap
District 5
Bountiful, Utah 84010

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

Barbara W. Corry
District 15
Cedar City, Utah 84720

Brittney Cummins
District 6
West Valley City, Utah 84120

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

Mark Huntsman
District 14
Fillmore, Utah 84631

Jefferson Moss
District 11
Saratoga Springs, Utah 84045

Stan Lockhart
District 13
Provo, Utah 84606

Spencer F. Stokes
District 2
Ogden, Utah 84403

Terryl Warner
District 1
Hyrum, Utah 84319

Joel Wright
District 9
Cedar Hills, Utah 84062

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

Utah State Board of Education
Standing Committees

2015

Finance Committee

Jennifer Johnson, Chair
Mark Huntsman, Vice Chair
Barbara Corry
Jefferson Moss
Joel Wright

Staff: Scott Jones
Secretary: Cammy Wilcox

Law and Licensing Committee

Leslie Castle, Vice Chair
Linda Hansen
Stan Lockhart
David Thomas
Terryl Warner

Staff: Angie Stallings
Secretary: Cybil Prideaux

Standards and Assessment Committee

Laura Belnap, Chair
Dixie Allen, Vice Chair
David Crandall
Brittney Cummins
Spencer Stokes

Staff: Sydnee Dickson
Secretary: Cheri Rieben

UTAH STATE BOARD OF EDUCATION
REVISED MEETING AGENDA

September 17-18, 2015

STUDY SESSION / USDB BOARD MEETING / STANDING COMMITTEES
Thursday, September 17, 2015

Study Session - Board Room

3:00 p.m. to 4:00 p.m.

1. **Finance Workshop** - Carryover and Discretionary Funds Tab 4-D

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

2. **DISCUSSION:** Education Technology—Moving Beyond Devices - Richard Culatta, U.S. Department of Education

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5:00 p.m. to 5:30 p.m. - Board Room

3. **Meeting of the Utah State Board of Education acting as the Governing Board for the Utah Schools for the Deaf and the Blind**

DISCUSSION: School Opening Institute

ACTION: USDB Associate Superintendent Appointments

DISCUSSION: USDB Annual Report

DISCUSSION/ACTION: Approval Process for MOUs and Contracts

INFORMATION: USDB Finance/Budget Report Tab 3-B

DISCUSSION: Conceptual Review of USDB Board Rules

5:30 p.m. to 6:00 p.m.

BREAK FOR DINNER

6:00 p.m.

4. **BOARD COMMITTEE MEETINGS**

Finance Committee - Basement West Conference Room

Time for public comment may be provided prior to each item

All versions of rules presented will be accessible at
http://schools.utah.gov/law/Administrative-Rules/USBE.aspx

ACTION: Approval of Previous Meeting Minutes	Tab 4-A
ACTION: Taxing Entity Committee (TEC) to the Community Development and Renewal Agency of the City of Washington Terrace for the Southeast Urban Renewal Project Area - Plan Extension	Tab 4-B
DISCUSSION: Public Education Needed Financial Improvements	Tab 4-C
ACTION: SFY 15 Carry Forward Amounts for SFY 16 Use	Tab 4-D
ACTION: R277-119 *Budgetary Procedures*	Tab 4-E
INFORMATION: Report on State Fiscal Year End Close Out	Tab 4-F
ACTION: Report on Progress to Hire Managerial Accountants and Federal Grants Compliance Officer	Tab 4-G
DISCUSSION: Progress Report on Legislative Intent Language	Tab 4-H
INFORMATION: Section Budget Reports	Tab 4-I
INFORMATION: Update on Minimum School Program Automation Project	Tab 4-J
INFORMATION: Finance Committee Requests for Data/Information	

Law and Licensing Committee - Board Room

Time for public comment may be provided prior to each item

All versions of rules presented will be accessible at
http://schools.utah.gov/law/Administrative-Rules/USBE.aspx

ACTION: Approval of Previous Meeting Minutes	Tab 4-K
ACTION: New School Approval - Athlos Academy of Utah	Tab 4-L
ACTION: R277-533 *District Educator Evaluation Systems* (Amendment)	Tab 4-M
ACTION: R277-100 *Rulemaking Policy* (Continuation and Amendment)	Tab 4-N
ACTION: R277-611 *Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools* (Continuation and Amendment)	Tab 4-O
ACTION: R280-203 *Certification Requirements for Interpreters/Transliterators for the Hearing Impaired* (Amendment) and Policy and Procedures Governing the Certification of Interpreters and Transliterators	Tab 4-P
ACTION: Least Restrictive Behavior Interventions (LRBI) Technical Assistance Manual	Tab 4-Q
ACTION: R277-477 *Distribution of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program*	Tab 4-R
ACTION: R277-606 *Public School Student Dropout Recovery* (New/Amendment)	Tab 4-S
ACTION: R277-438 *Dual Enrollment* (Amendment)	Tab 4-T
ACTION: R277-494 *Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities* (Amendment and Continuation)	Tab 4-U

Standards and Assessment Committee - 1st Floor South Conference Room 156

Time for public comment may be provided prior to each item

All versions of rules presented will be accessible at
http://schools.utah.gov/law/Administrative-Rules/USBE.aspx

ACTION: Approval of Previous Meeting Minutes	Tab 4-V
ACTION: R277-444 *Distribution of Money to Arts and Science Organizations*	Tab 4-W
ACTION: Elementary Mathematics Standards 90-day Review	Tab 4-X
ACTION: Secondary Mathematics Standards 90-day Review Feedback	Tab 4-Y
ACTION: Amended Elementary Library Media Standards	Tab 4-Z
DISCUSSION: R277-497 *School Grading System*	Tab 4-AA
ACTION: R277-404 *Requirements for Assessments of Student Achievement*	Tab 4-BB
ACTION: R277-921 *Strengthening College and Career Readiness Pilot Program*	Tab 4-CC
INFORMATION: UPSTART Pilot Program Annual Report	Tab 4-DD
INFORMATION: Early Intervention Reading Software Annual Report	Tab 4-EE
INFORMATION: K-3 Reading Improvement Program Report	Tab 4-FF

UTAH STATE BOARD OF EDUCATION MEETING

Friday, September 18, 2015

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

5. **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.

6. **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.

8:25 a.m. to 8:35 a.m.

7. **ACTION:** General Consent Calendar (backup furnished electronically at http://www.schools.utah.gov/board/Meetings/Agenda.aspx. — Tab 7

8:35 a.m. to 8:55 a.m.

8. **ACTION:** American Institutes for Research (AIR) Contract Novation — Tab 8

8:55 a.m. to 9:10 a.m.

9. **ACTION:** Monthly Budget Report — Tab 9

9:10 a.m. to 9:30 a.m.

10. **ACTION:** Legislative Audit of the Utah State Office of Rehabilitation and USOR Agency Plan Approval — Tab 10

9:30 a.m. to 9:55 a.m.

11. **DISCUSSION:** Risk Mitigation Progress Report — Tab 11

9:55 a.m. to 10:05 a.m.

12. **ACTION:** Visually Impaired Trust Fund Grants — Tab 12

10:05 a.m. to 10:20 a.m.

BREAK

10:20 a.m. to 12:20 p.m.

13. **ACTION:** SFY 17 Increased Funding Requests Prioritization — Tab 13

12:20 p.m. to 1:00 p.m.

LUNCH

Time Certain: *1:00 p.m. to 1:20 p.m.*

14. **DISCUSSION:** School Children's Trust — Tab 14
    - Constitutional Change Concerning Redistribution of the State School Fund - Senator Ann Millner
    - School Children's Trust Director Annual Report

1:20 p.m. to 1:50 p.m.

15. **DISCUSSION/ACTION:** Strategic Plan — Tab 15

1:50 p.m. to 2:15 p.m.

16. **Audit Committee Report**

    ACTION: Release of Completed Audit Reports — Tab 16-A

    ACTION: Approval of the Internal Audit Charter — Tab 16-B

    ACTION: Change to the Internal Audit Budget — Tab 16-C

2:15 p.m. to 2:30 p.m.

BREAK

2:30 p.m. to 3:45 p.m.

17. **ACTION:** Standing Committee Reports
    - Standards and Assessment Committee
    - Law and Licensing Committee
    - Finance Committee

3:45 a.m. to 4:00 p.m.

18. **ACTION:** Superintendent's Report
    - Items from the Superintendent
    - Report from the Utah State Office of Rehabilitation

4:00 p.m. to 4:10 p.m.

19. **Board Chair's Report**

4:10 p.m. to 4:20 p.m.

20. **Board Member Comments**

4:20 p.m. to 5:15 p.m.

21. **EXECUTIVE SESSION**

5:15 p.m. to 5:25 p.m.

22. **ACTION:** Executive Session Items
    - Roads to Independence (RTI) Contract
    - Appointments
    - Licensing Actions and UPPAC Recommendations Tab 22

5:25 p.m.

23. **ADJOURNMENT**

USDB BOARD MEETING

DISCUSSION: School Opening Institute

ACTION: USDB Associate Superintendent Appointments

DISCUSSION: USDB Annual Report

DISCUSSION/ACTION: Approval Process for MOUs and Contracts

INFORMATION: USDB Finance/Budget Report Tab 3-B

DISCUSSION: Conceptual Review of USDB Board Rules

VACANCY REPORT-July 2015

AGENCY: 400

Position #	Unit	Sch	Job Title	Salary Range	Comment	Vacancy Date
40050055	**INSTRUCTOR SLP (6115) (No Change)**	AH	Instrutor/Speech Language Pathologist	$28,000-$40,000	1 FTE	7/18/2015

DHRM:

40050323	**ERC (6343)**	B	Library Tech I	$12.58	New Position	7/1/2015
40050906	**USIMAC (6370)**	IN	Braille Proofreader Aide	$8.14	Incumbent left for a new position	7/1/2015
40050064	**USIMAC (6370)**	TL	INSTRUCTIONAL MATERIALS TECH I	$14.56	New Position	7/1/2015
40050076	**USIMAC (6370)**	TL	INSTRUCTIONAL MATERIALS TECH II	$16.36	New Position	7/1/2015
40050404	**Campus Operations (6730) (No Change)**	IN	CUSTODIAN I	$10.41-$10.41	Incumbent left for a new position	7/1/2014
40050433	**Campus Operations (6730)**	IN	CUSTODIAN I	$10.41-$10.41	Incumbent left for a new position	7/1/2015

ON-GOING RECRUITMENTS

7 Postions	AH	EDUCATIONAL INTERPRETER, USDB	$11.29-$29.17	CONTINUOUS
16 Positions	IN	TEACHER AIDE	$9.60-$11.42	CONTINUOUS
	AE	SUBSTITUTE INSTRUCTOR, USDB	$9.608-$99.99	CONTINUOUS
	AE	SUBSTITUTE TEACHER AIDES, USDB	$9.60-$99.99	CONTINUOUS
1 Posiitons	AJ	DEAF MENTOR, USDB	$10.41-$15.64	CONTINUOUS
14 Posiitons	IN	INTERVENER, USDB	$12.93-$20.50	CONTINUOUS

Utah Schools for the Deaf and the Blind
Reconciliation Summary
Donated Checking Account 0301, Period Ending 08/07/2015

		Aug 7, 15
Beginning Balance		10,040.71
Cleared Transactions		
Checks and Payments - 8 items	-7,135.33	
Deposits and Credits - 4 items	79.35	
Total Cleared Transactions	-7,055.98	
Cleared Balance		**2,984.73**
Uncleared Transactions		
Checks and Payments - 5 items	-330.75	
Total Uncleared Transactions	-330.75	
Register Balance as of 08/07/2015		**2,653.98**
Ending Balance		2,653.98

Utah Schools for the Deaf and the Blind
Reconciliation Summary
Donated PTIF Account 0742, Period Ending 07/31/2015

		Jul 31, 15
Beginning Balance		627,720.44
Cleared Transactions		
Deposits and Credits - 1 item	308.71	
Total Cleared Transactions		308.71
Cleared Balance		**628,029.15**
Register Balance as of 07/31/2015		628,029.15
Ending Balance		628,029.15

UTAH SCHOOLS FOR THE DEAF AND THE BLIND
DONATION ACCOUNT BALANCES

Department/Head	8-Jul-15 Balance	Doc # or Date	Deposits	Encum-brances	Withdrawals	Donor/Explanation	7-Aug-15 Balance	Program Balance
Superintendent Coleman								472,453.19
Advisory Council Funds	16,208.31						16,208.31	
Foundation 2013	9,150.00						9,150.00	
Rural Program 2010	3,000.00						3,000.00	
Superintendent Discretionary Fund	3,586.63						3,586.63	
Undesignated Funds	440,485.66	7/31/2015	308.71			Interest Earned on PTIF Investment Account	$438,196.67	
		6/23/1914			2,597.70	EnPointe DashCams		
Memorial Funds								
*Robert Barrett Memorial 2011	15.25						2,311.58	
*Clifford Ketchum Memorial 99 D	445.04							
*Hazel Barker Memorial 2011	200.00							
*Hunter Register Memorial 2008	25.00							
*Tiffany Ingram Memorial 2006	120.00							
*Florence Maxwell 2003 D	175.00							
*Lillian Fulmer 2003 D	235.00							
*Linda Olsen Memorial 2002	187.75							
*Roy Thatcher Memorial 2008	50.00							
*G Phillips Memorial 2004 B	216.59							
*E Fisher Memorial 2002 B	7.45							
*E Delores Clark Memorial 2009	100.00							
*Barbara Hadfield Memorial 99 B	52.00							
*Edwin Bird Memorial 99 B	100.00							
*Memorial Ashley Call	67.50							
*Memorial Iola Jensen 2006 D	315.00							
Blind Schl Assoc/C Lasater								19,635.23
Associate f/t Blind Discretionary 2012	7,524.14						7,524.14	
Blind Olympics	8,824.61	5287			166.92	Kroger Reissued Check Canopy	8,657.69	
Playground Equipment Fund	1,800.51						1,800.51	
Space Camp 2003	1,652.89						1,652.89	
Blind Classroom/Gloria Hearn								9,184.01
Blind Classrooms	2,273.03						2,273.03	
Blind STEP Program 2011	671.35						671.35	
Lions Club Fund 2002	138.62						138.62	
M Hollinger's Class 2011	230.37						230.37	

Department/Head	8-Jul-15 Balance	Doc # or Date	Deposits	Encum-brances	Withdrawals	Donor/Explanation	7-Aug-15 Balance	Program Balance
C Spotted Elk 2011	12.45						12.45	
C Clawson's Class Pre99	532.90						532.90	
G Hearn's Braille Trail 2003	2,000.00						2,000.00	
K Hadley Class 2007	102.38						102.38	
Orientation & Mobility Pre99	23.80						23.80	
P Wilson's Class 2003	163.00						163.00	
Daily Living 2010	101.99						101.99	
G Ward Class 2006	1.84						1.84	
The Memory Box Pre99	2,930.38						2,930.38	
Sales Tax Payable	1.90					Sales Tax Due	1.90	
Blind Outreach/Brandon Watts								81.11
Vision Consultants	81.11						81.11	
DeafBlind/Susan Patten								8,434.94
DeafBlind Fund	2,200.00						2,200.00	
Clicker Software/Nursing 2007	2,734.94						2,734.94	
SL County Communication 2009	3,500.00						3,500.00	
BPIP/Karen Borg								18,497.82
PIP Blind Family Camp Pre99	18,497.82						18,497.82	
Deaf Schl Associate/Michelle Tanner								21,126.62
Associate f/t Deaf Discretionary 2012	10,496.81						10,496.81	
Academic Bowl 2009	3,028.17						3,028.17	
Athletics 2009	1,512.60						1,512.60	
Close UP	861.51						861.51	
Science Fund 2013	5,227.53						5,227.53	
Deaf North Region/Mike Hillstrom								11,526.63
Deaf North Discretionary Fund	4,166.14						4,166.14	
Adaptive Equipment Grove 2012	270.02						270.02	

Department/Head	8-Jul-15 Balance	Doc # or Date	Deposits	Encum-brances	Withdrawals	Donor/Explanation	7-Aug-15 Balance	Program Balance
Art Access/Book Fair 2003	2,838.22						2,838.22	
Art Acct 2002	7.12						7.12	
D Clements Class 2006	100.00						100.00	
Residential Activities	0.00						0.00	
Residential Adaptive Equipment 2013	501.80						501.80	
Fieldtrip Fund 2012	0.00						0.00	
Hillcrest Deaf/ Logan 2002	679.36						679.36	
Post High Field Trip 2011	1,145.39						1,145.39	
Signing Naturally 2011	1,683.50						1,683.50	
T Rouche 2007	6.78						6.78	
V Pitcher's Classroom 2007	128.30						128.30	
Deaf Central Region/Jennifer Salazar								5,826.72
Deaf Central Discretionary Fund	1,840.30	5154 5286 5260	64.35		150.00 70.00	Ogden City Pavillion Rental SL County Pavillion Rental Living Planet Cancelled Check	1,684.65	
AGBell SLChapter 2004	4,042.07						4,042.07	
Millcreek Engineering	100.00						100.00	
Deaf South Region/Adam Billings								704.55
Deaf South Discretionary Fund	92.15	5091	15.00			R Busker Cancelled Check	107.15	
Sevier County Area Pre99	597.40						597.40	
Deaf JMS/Aimee Breinholt								21,703.84
Deaf JMS Discretionary Fund	10,096.04	5289			8.00	J Taylor Antelope Island Reimbursement	10,088.04	
A Breinholt Classroom 2013	5,140.29						5,140.29	
Assoc. for Deaf Children 2009	274.27						274.27	
D Warren 2013	300.00						300.00	
E Hanna 2013	176.14						176.14	
Jr NAD 2013	138.10						138.10	
Student Body Government 2009	2,257.36						2,257.36	
Drama Club	1,900.00						1,900.00	

Department/Head	8-Jul-15 Balance	Doc # or Date	Deposits	Encum-brances	Withdrawals	Donor/Explanation	7-Aug-15 Balance	Program Balance
Sub for Santa	10.64						10.64	
Teacher Fund 2012	1,419.00						1,419.00	
DPIP/Paula Pittman								20,845.52
PIP Deaf Family CampPre99	20,845.52						20,845.52	
Related Services/Tami Gear								11,502.15
Loaner Hearing Aid Bank Pre99	3,269.81						3,269.81	
Prescription Glasses/Low Vision Aids 2002	7,984.66						7,984.66	
Emergency Kits 2009	47.68						47.68	
Speech/Language Clawson 2012	200.00						200.00	
Education Resource Ctr/H Murdock								5,623.78
Student Braille Materials Pre99	200.00						200.00	
Eskuche Char Fndn Pre99	525.48						525.48	
M White's Reading Prog Pre99	43.26						43.26	
Devices f/t Blind/SLC Pre99	1.20						1.20	
Devices f/t Blind Pre99	1,134.89						1,134.89	
Devices f/t Deaf Pre99	305.91						305.91	
Technology Lending 2002	3,413.04						3,413.04	
Facilities/Scott Jones and Gabe Areano								3,537.02
*Campus Outdoor	3,537.02						3,537.02	
TOTAL	633,287.69		388.06		2,992.62		630,683.13	630,683.13

Checkbook Balance as of 07/31/2015	2,653.98	Bank Statement Balance 07/31/2015	2,984.73
		Add - Deposits Not Yet Shown	
Subtotal	2,653.98	Subtotal	2,984.73
Checkbook Adjustments bank fee		Less - Checks Outstanding	
Deposit Detail		5287 Kroger Smiths	166.92
		5285 Kroger	50.00
		5289 J Taylor	8.00
		5268 Huang	35.83
		5286 SL County	70.00
Checkbook Balance	2,653.98	Statement Balance	2,653.98
Public Treasurer's Investment Fund 07/31/2015	627,720.44		
Interest as of 07/31/2015	308.71		
Transfer funds Deposit			
Medicaid Time Study			
Donation Account Balance	630,683.13	Donation Account Balance	630,683.13

$0.00

ADVISORY COUNCIL REPORT
APPROPRIATION UNIT DEAF AND BLIND SCHOOLS
FOR FISCAL MONTH ENDING July 31, 2015 Fiscal Year (FY) 16
92% OF YEAR REMAINING

CATEGORY TITLE	FY 15 BUDGET APPROPRIATION	YEAR TO DATE EXPENDITURES	ENCUMBERANCES	BUDGET BALANCE	Last Year Expenditures	% SPENT
SALARIES	16,046,257	660,931	-	15,385,326	192,205	4%
BENEFITS	9,221,069	424,679	-	8,796,390	132,356	5%
PURCHASED SERVICES	5,609,512	41,146	91,133	5,477,233	63,397	2%
TRAVEL	428,530	13,385	-	415,145	15,749	3%
SUPPIES AND MATERIALS	2,305,755	66,797	73,704	2,165,254	74,651	6%
UNALLOCATED EXPENSES	-	-	-	-	-	0%
EQUIPMENT	221,800	14,467	4,507	202,826	31,502	9%
CAPITAL EXPENDITURES	1,355,250	-	-	1,355,250	-	0%
TOTALS	**35,188,173**	**1,221,405**	**169,344**	**33,797,424**	**509,860**	**4%**

USDB COST DATA -- FOR FY 2016--Period 1

MAINTENANCE AND OPERATION	2016	
	2016 YTD Expenses	2015 YTD Expenses
INSTRUCTION		
Salaries	$ 407,043.00	$ 113,865.00
Employee Benefits	$ 250,617.00	$ 72,167.00
Purchased Services	$ 10,069.00	$ 1,819.00
Supplies and Materials	$ 341.00	$ 951.00
Assets	$ -	$ 344.00
TOTAL INSTRUCTION	**$ 668,070.00**	**$ 189,146.00**
SUPPORT SERVIES-STUDENTS-RELATE SERVICES		
Salaries	$ 111,515.00	$ 35,894.00
Employee Benefits	$ 62,324.00	$ 20,182.00
Purchased Services	$ 1,035.00	$ 328.00
Supplies and Materials	$ 240.00	$ -
Assets	$ -	$ -
TOTAL SUPPORT SERV-STUDENTS-RS	**$ 175,114.00**	**$ 56,404.00**
SUPPORT SERVICES-TO-INSTR-STAFF		
Salaries	$ 66,859.00	$ 18,595.00
Employee Benefits	$ 60,669.00	$ 17,922.00
Purchased Services	$ 31,840.00	$ 52,381.00
Supplies and Materials	$ 1,024.00	$ 388.00
Assets	$ 9,999.00	$ 30,325.00
TOTAL SUPPORT SERV-INSTR-STAFF	**$ 170,391.00**	**$ 119,611.00**
SUPPORT SERVICES-LAND GRANT		
Salaries	$ 7,432.00	$ 113.00
Employee Benefits	$ 2,883.00	$ 10.00
Purchased Services	$ 5,100.00	$ 850.00
Supplies and Materials	$ -	$ 118.00
Assets	$ -	$ -
TOTAL SUPPORT SERV-LAND GRANT	**$ 15,415.00**	**$ 1,091.00**
SUPPORT SERVICES-SCHOOL ADMIN		
Salaries	$ 30,287.00	$ 12,413.00
Employee Benefits	$ 18,992.00	$ 11,998.00
Purchased Services	$ 7,490.00	$ 11,110.00
Supplies and Materials	$ -	$ 26.00
Assets	$ 1,068.00	$ -
TOTAL SUPPORT SERV-SCHOOL ADMIN	**$ 57,837.00**	**$ 35,547.00**

USDB COST DATA -- FOR FY 2016--Period 1

MAINTENANCE AND OPERATION	2016	
	2016 YTD Expenses	2015 YTD Expenses
SUPPORT SERVICES-CENTRAL BUSINESS		
Salaries	$ 18,838.00	$ 4,154.00
Employee Benefits	$ 11,846.00	$ 7,430.00
Purchased Services	$ 29,247.00	$ 34,259.00
Supplies and Materials	$ -	$ -
Assets	$ -	$ -
TOTAL SUPPORT SERV-CENTRAL BUSINESS	**$ 59,931.00**	**$ 45,843.00**
OPERATION AND MAINTENANCE OF PLANT		
Salaries	$ 17,792.00	$ 5,480.00
Employee Benefits	$ 9,401.00	$ 3,434.00
Purchased Services	$ 38,035.00	$ 46,767.00
Supplies and Materials	$ 306.00	$ 1,166.00
Assets	$ -	$ -
TOTAL OPER AND MAINT OF PLANT	**$ 65,534.00**	**$ 56,847.00**
STUDENT TRANSPORTATION SERVICES		
Salaries	$ 623.00	$ -
Employee Benefits	$ 54.00	$ -
Purchased Services	$ -	$ -
Supplies and Materials	$ -	$ -
Assets	$ -	$ -
TOTAL STUDENT TRANSP SERV	**$ 677.00**	**$ -**
SCHOOL LUNCH		
Salaries	$ 106.00	$ 111.00
Employee Benefits	$ 3,265.00	$ 879.00
Purchased Services	$ -	$ -
Supplies and Materials	$ -	$ 136.00
Assets	$ -	$ -
TOTAL SCHOOL LUNCH	**$ 3,371.00**	**$ 1,126.00**
STEP PROGRAM / RESIDENTIAL		
Salaries	$ 435.00	$ 1,581.00
Employee Benefits	$ 4,630.00	$ 2,665.00
Purchased Services	$ -	$ -
Supplies and Materials	$ -	$ -
Assets	$ -	$ -
TOTAL STEP PROGRAM / RESIDENTIAL	**$ 5,065.00**	**$ 4,246.00**
T O T A L S	**$ 1,221,405.00**	**$ 509,861.00**

Advisory Council Land Grant/Enrichment Funds Status (FY16)		**JULY**
August for July 1, 2015 through July 31, 2015	**BASE Allotment**	***$1,747,893.01***
	Actual Expenditures	**$ 15,415.25**
	Remaining Balance:	$1,732,477.76
	Remaining %	**99%**
EXPENDITURE CATEGORIES:	**PERSONNEL:**	$ 8,887.55
	SUPPLIES AND MATERIALS:	$ 6,527.70
		$ 15,415.25
		JULY
PERCENTAGE OF EXPENDITURES:	**PERSONNEL:**	**58%**
	SUPPLIES AND MATERIALS:	**42%**

Total Expenses	**$ 15,415.25**
Total Remaining %	***99%***
Total % Allotment Spent	***1%***
Funds Remaining	**1,732,477.76**
SPECIAL PROJECTS	***$ 537,000.00***
AMOUNT REMAINING:	***$ 1,195,477.76***

Finance Committee - Basement West Conference Room

Time for public comment may be provided prior to each item

All versions of rules presented will be accessible at
http://schools.utah.gov/law/Administrative-Rules/USBE.aspx

ACTION: Approval of Previous Meeting Minutes	Tab 4-A
ACTION: Taxing Entity Committee (TEC) to the Community Development and Renewal Agency of the City of Washington Terrace for the Southeast Urban Renewal Project Area - Plan Extension	Tab 4-B
DISCUSSION: Public Education Needed Financial Improvements	Tab 4-C
ACTION: SFY 15 Carry Forward Amounts for SFY 16 Use	Tab 4-D
ACTION: R277-119 *Budgetary Procedures*	Tab 4-E
INFORMATION: Report on State Fiscal Year End Close Out	Tab 4-F
ACTION: Report on Progress to Hire Managerial Accountants and Federal Grants Compliance Officer	Tab 4-G
DISCUSSION: Progress Report on Legislative Intent Language	Tab 4-H
INFORMATION: Section Budget Reports	Tab 4-I
INFORMATION: Update on Minimum School Program Automation Project	Tab 4-J
INFORMATION: Finance Committee Requests for Data/Information	

USBE Finance Committee Minutes

August 6, 2015

Members Present: Jennifer Johnson, Jefferson Moss, Mark Huntsman, Barbara Corry, and Joel Wright; Committee staff Scott Jones and Cammy Wilcox.

Other Attendees: Jeremy Hirschi, Charri Brummer, JoEllen Shaeffer, Beverly Ward, Ray Ward, Jerry Winkler, Kris Fawson, Debra Mau, Susan McRay, Janice Christensen, Ben Rasmussen, Darin Brush, Stacey Cummings, Nicole Call, Debbie Davis, Vonda Parriott, Dawn Benke, Kevin John, Natalie Grange, Zane Woolstenhulme, Jay Blain, Jacob Wright, Matthew Anderson, Kim Loveland, Carri Forsgren and Lisa McComb.

Taxing Entity Committee to the Community Development and Renewal Agency of the City of Washington Terrace for the Southeast Urban Renewal Project Area

COMMITTEE ACTION: No action taken. Item cancelled.

SFY17 Funding Requests in Addition to the Base Budget

COMMITTEE ACTION: Representatives from the Division of Child and Family Services (DCFS) presented information on a database that the USOE has access to, by law, to search potential serious or chronic child abuse claims. The LIS portion of the SAFE database could provide the USOE additional background information for employment checks, but there is currently no implementation of this program.

The law allows the USOE (and Districts through USOE) to access the database for employment, licensing or volunteering purposes. Current language would need to be changed to allow charter schools access. The request on the FY17 prioritization list entails adding one FTE at the USOE to perform the searches for districts and charter schools. See UCA 62A-4a-412(1)(j).

Sections have been submitting IFRs for FY17 budget priorities. These will need to be included in the Board prioritization list for the legislature. Jacob Wright from the GOMB reviewed the preliminary FY17 Budget Timeline with the Committee.

Follow-up Items from discussion:

- Complete an IFR for the Board Attorney
- Determine if the State Charter Board needs to be added to the list
- Scott needs a clear strategic plan from the Board

Proposed Budget Reporting Schedule

COMMITTEE ACTION: The Committee received a budget reporting schedule for SFY16 and had an opportunity to ask questions.

COMMITTEE MOTION: Motion by Board Member Johnson to recommend that the Board approve the draft budget reporting schedule for SFY16 while allowing staff to make adjustments to the schedule as necessary. Motion was seconded by Board Member Moss. Motion passed unanimously.

Child Nutrition Programs Section SFY16 Budget Update

Employees from Child Nutrition provided an overview of the programs administered by the section. Committee members had an opportunity to ask questions. ***It was noted that the budget for this section that the Board approved in July was overstated by $30 million.***

COMMITTEE ACTION: No action taken. Informational only.

Requests for additional information on future budget presentations include:

- Spending trends showing previous year expenditures
- What is the return on investment (ROI)?
- What does the section use as a managerial tool to monitor and track budgets?

Understanding of and Potential Use of AIR Funds and SFY16 Budget Amendments

The previous plan to pay for three managerial accountants, one federal grant compliance officer, two administrative assistance, one division director for student services, and to hire an outside accounting/law firm was to use AIR funds. These funds do not appear to be available for use because they may already be obligated.

The assessment section was operating under the assumption that they received $4.7 million every year for CRTs. The state was also given an appropriation of $6.7 million every year for SAGE. ***The concern is that the $4.7 million is not appropriated to a line item that can be identified at this time.***

COMMITTEE MOTION: Motion by Board Member Wright to recommend that the Board direct the Superintendent and Board Leadership to consider options, including looking at cutting positions internally and requesting the additional positions in a special session, to fund the three Managerial Accounting positions. Committee discussion acts as a second to the motion. Motion passed unanimously.

Report on the Status of Additional Positions for State Fiscal Year 16 Budget Amendments

COMMITTEE ACTION: No action taken based on previous tab discussion.

Charter School Student Enrollment Variances

The Committee received an explanation of the Charter School Student Enrollment Variances and how the funding was distributed based on those variances.

COMMITTEE ACTION: No action taken. Informational only.

Loan Recommendations from the Charter School Revolving Account Committee

COMMITTEE ACTION: The Committee reviewed revolving loan fund account requests for:

- American Academy of Innovation - $217,800
- Franklin Discovery Academy - $300,000
- St. George Academy - $300,000
- Wallace Stegner Academy - $300,000
- Wasatch Waldorf Charter School - $300,000
- Freedom Preparatory Academy - $142,300
- GreenWood Charter School - $130,000
- Early Light Academy - $75,000
- Vanguard Academy - $164,000

COMMITTEE MOTION: Motion by Board Member Moss to recommend that the full Board approve the recommendations of the Charter School Revolving Account Committee. Motion was seconded by Board Member Huntsman. Motion passed unanimously with Board Member Wright recusing from the vote.

R277-119 Discretionary Funds

COMMITTEE MOTION: Motion by Board Member Moss to approved R277-119, as amended, on first reading and forward to the Board for approval, as amended, on second reading. Motion was seconded by Board Member Corry. Motion passed unanimously.

Budget Authority

COMMITTEE ACTION: The Committee reviewed a memo which outlined the budget authority decisions and recommendations made by the Finance Committee in the July meeting and has an opportunity to ask questions.

COMMITTEE MOTION: Motion by Board Member Moss to recommend that the full Board approve the budget authority levels and direct staff to add the changes to R277-119. Motion was seconded by Board Member Huntsman. Motion passed unanimously.

Correction of Prior Fiscal Year Minimum School Program (MSP) Payments

The Committee was provided a summary of calculation issues reported to School Finance from Ogden and Grand County School Districts and the steps taken to help resolve the calculation issues. The Committee had an opportunity to ask questions.

COMMITTEE ACTION: No action taken. Informational only.

Report on Cost of Converting Information Technology and Finance Positions from Merit to Career
Exempt Positions

The Committee received an e-mail and was given a brief summary outlining the costs associated with converting Information Technology and Finance employees from merit to career exempt positions. The Information Technology Director shared potential consequences of changing the merit status of existing employees. Committee members has an opportunity to ask questions.

COMMITTEE MOTION: Motion by Board Member Moss to recommend that the Board add the conversion of Information Technology and Finance positions to the Board priority list assuming a 7 percent increase in salary for all affected positions. Motion was seconded by Board member Huntsman. Motion passed unanimously.

FY2016 USOE/USOR Indirect Cost Pool Update

The Committee received an update on the status of the Indirect Cost Pool.

COMMITTEE ACTION: No action taken. Interim report.

Bylaws Additions for Board Budgeting Procedures

COMMITTEE ACTION: No action taken. Item skipped.

Contracting Procedure Review

COMMITTEE ACTION: The Committee received information on current processes and procedures for submission, review, and approval for contracts and contract amendments and had an opportunity to ask questions including:

- Does USOE know if there is enough money to cover the contract?
- Has counsel reviewed the contract?

- What steps are taken to verify there are no deficiencies before a contract is signed?
- What improvements would the purchasing agent recommend?

***This agenda item will be revisited again next month.

Finance Committee Requests for Data/Information

- What is the percentage of households that are eligible for free or reduced lunches that don't participate in the program?
- If the agency had to identify funds internally to fund the Managerial Accounting positions, what areas/positions could the USOE cut?
- Provide a list of IT and Finance positions vacated, and whether the positions were vacated to seek private employment.
- Provide a flow diagram of how a contract moves through the process and who is accountable for monitoring

Motion to adjourn by Board Member Moss. Motion was seconded by Board Member Huntsman. Motion passed unanimously.

UTAH STATE BOARD OF EDUCATION

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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: September 17-18, 2015

ACTION: Taxing Entity Committee (TEC) to the Community Development and Renewal Agency of the City of Washington Terrace for the Southeast Urban Renewal Project Area – Plan extension

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Background:
The Community Development and Renewal Agency of the City of Washington Terrace is seeking to extend the Southeast Urban Renewal Area Project for an additional ten years, which extends tax increment participation from the taxing entities in order to prepare infrastructure to allow for and encourage development in the portion of the project areas where redevelopment has not occurred.

Key Points:
In accordance with Utah Code 17C-2-110 (3) the Community Development and Renewal Agency of the City of Washington Terrace will be requesting the that the TEC approve an amendment to the adopted project area plan to permit the agency to receive tax increment for a longer period of time than allowed under the adopted project area plan.

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: Scott Jones, Associate Superintendent, 801-538-7514
Natalie Grange CPA, CFE, School Finance Director, 801-538-7668

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

Washington Terrace Redevelopment Agency

10 year extension

Existing RDA

- The Washington Terrace RDA was authorized in November of 1987 and is set to expire in December of 2015.
- The Weber County School District is impacted by this project area.
- The RDA covers 172.34 acres.
- Taxing entities currently receive 40% of tax increment, the RDA receives 60%.
- The value of the property in the base year was $1,216,203. The property value in 2014 was $67,237,266.
- Since the inception of the RDA, it has generated $9,324,198 in tax increment for the RDA. The uses, as reported by the RDA, are as follows:

Revenues of the RDA:

Tax Increment	$ 9,324,198
Grants	4,964,287
Interest Income	138,775
Bonds	3,490,000
Miscellaneous	223,778
Total Sources	$ 18,141,038

Expenditures of the RDA:

Road and Utilities	$ 12,119,253
Developer Incentives	90,000
Bond Interest	895,676
Bond Principal	3,490,000
Administration	1,292,503
Professional & Technical	253,607
Total Uses	$ 18,141,038

Extension Proposal:

- The proposed RDA area will not change.
- The base year property value will remain unchanged at $1,216,203, estimated to increase to $90,361,263 by 2025.
- The RDA budget is based on generating $5,780,000
- RDA life is proposed to be extended 10 years or until $5,780,000 in increment is generated for the RDA, whichever comes first.
- Taxing entities currently receive 40% of tax increment, the RDA receives 60%; the extension proposes to modify the increment split to 50%/50%.

- Total tax increment estimated over the 10 year extension is $11.6 million. Weber School District's portion is $5,098,841, of which they would receive approximately $2,549,421.

The RDA plans to use the tax increment funding for land acquisition and assemblage, transportation/pedestrian improvements, demolition costs, grading/site improvements, water, storm and sewer infrastructure, economic incentives, and 4% for administrative costs. Residential property is not part of the development plan. See detailed budgets in the presentation materials.

The existing RDA has resulted in the development of the central project area resulting in the construction of the Ogden Regional Medical Center and surrounding medical offices, a grocery store, and city hall.

Two parcels on the south and north end of the project area have not developed much over the past 30 years, and the city is hoping to extend the RDA life to encourage the development of these two parcels. The two parcels are owned by the same individual, who has owned the property since the inception of the RDA. Access to the south parcel is by a toll road, which is owned by the same land owner. Development of the south parcel will most likely be hindered until the toll road becomes a public road. The north parcel could benefit from reconfiguration of an intersection with Washington Boulevard, which is contiguous to the property. It appears that the benefits of the improvements paid for by the tax increment and any potential incentives will most likely benefit the same land owner.

The RDA represents that they did not generate sufficient tax increment to support the road reconfiguration during the life of the RDA and wishes to extend the period of the RDA to complete this portion of the project. Seven taxing entities would be providing tax increment for an additional 10 years if the RDA extension is approved.

Would the project proceed without tax increment financing? The city has indicated that the road reconfigurations or other planned improvements would not proceed without tax increment financing.

Economic Impact of the extension: Initial plans for the extension of the RDA indicate that road reconfigurations on the north parcel would result in the development of office buildings or additional medical offices. Plans for the parcel on the south end indicate the potential of the development of a hotel. The RDA estimates that approximately 1,000 jobs will be created based on an average of 44 existing jobs/per acre (23.54 vacant acres). The RDA did not provide information pertaining to new jobs created or the type and wage of these jobs. It does not appear that there are any prospective buyers or developers lined up at the present time.

Position of the Local Board of Education on the extension

Initial indications from District Representatives indicate they were not in support of the extension. District Representatives have been working with the RDA to modify the extension proposal to terms that can be agreed upon. A District representative, and potential a local board member, will be at the Finance committee meeting and can brief the Board on their position.

Southeast RDA Extension
City of Washington Terrace

October 2015

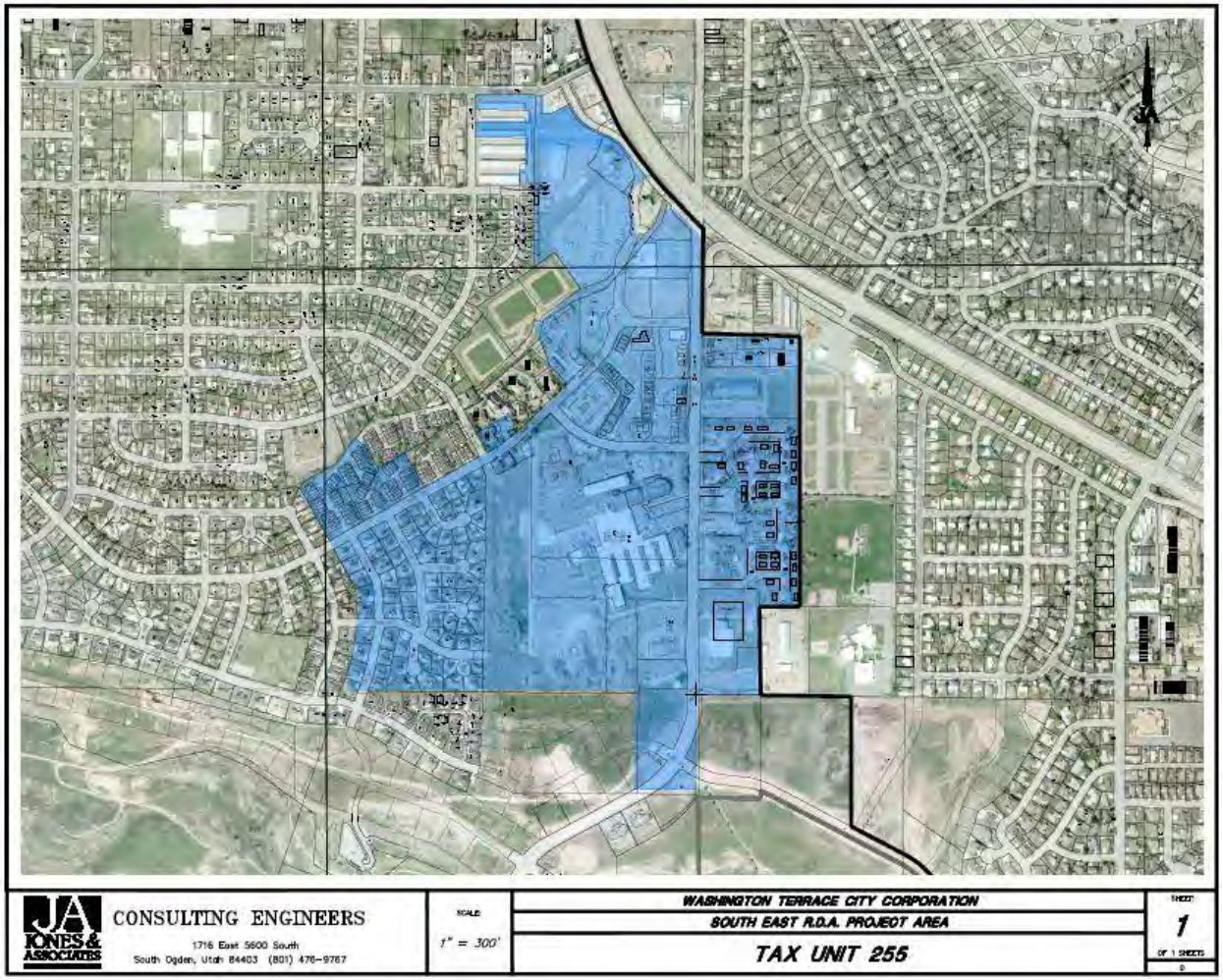
Why?

Bottom Line:

To create a stronger tax base for all taxing entities.

If not for RDA funding the projects will not happen.

Southeast RDA - Project Area Map



Existing Conditions

- **Existing URA due to expire in December 2015**
- **Taxing entities currently receive 40% of increment; the RDA receives 60%.**
- **Central part has developed well; North and South ends ("bookends") need further assistance**

Prior Period Expenditure of Funds

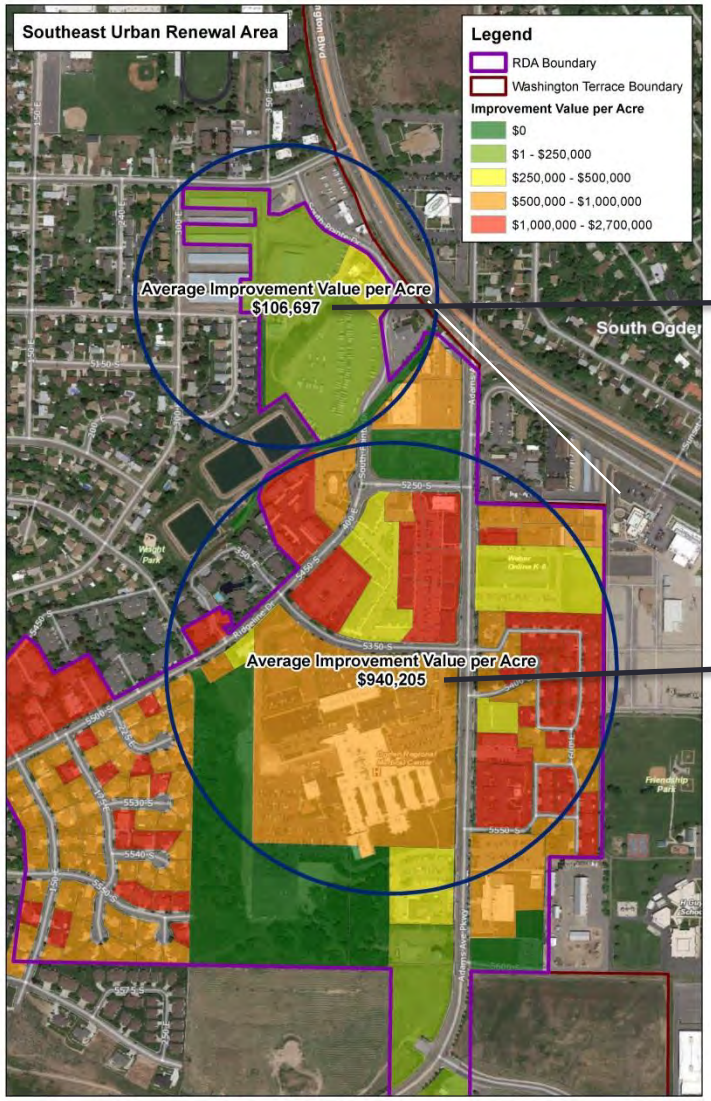
	Amount
Southeast (Resources)	
Increment	$9,324,198
Grant Revenue	$4,964,287
Interest	$138,775
Bond Proceeds	$3,490,000
Other	$223,778
Total	**$18,141,038**
Southeast (Uses)	
Roads/Utilities	$12,119,253
Developer Incentives	$90,000
Bond Interest Costs	$895,676
Bond Principal	$3,490,000
Administration	$1,292,503
Professional & Technical	$253,607
Total	**$18,141,038**

Why a 10-Year Extension?

- **Property value has increased from a base year value of $1,261,203 to $67,237,266 in 2014**

- **Due to poor access and infrastructure, the north and south areas have not developed successfully on their own; requires disproportionate infrastructure costs of development**

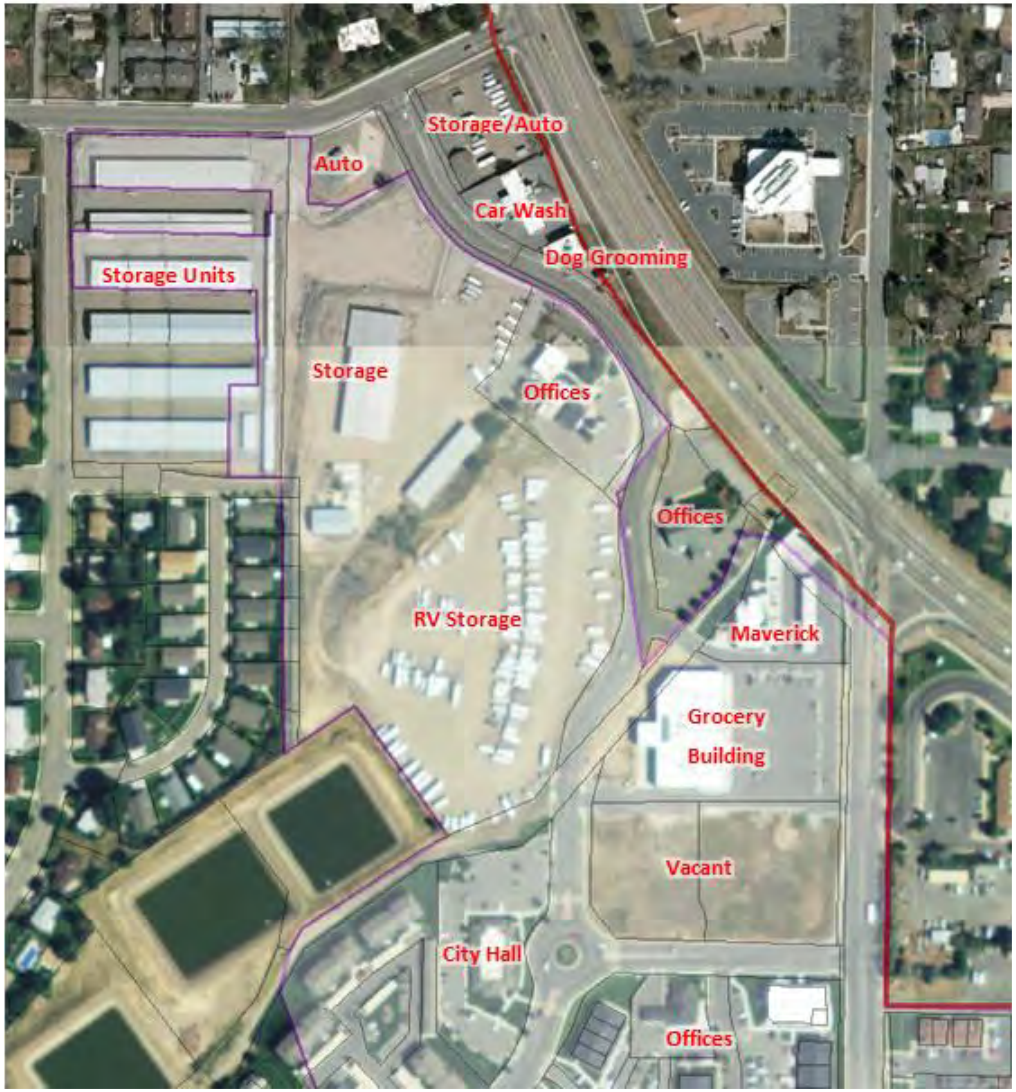
Comparative Improvement Values per Acre



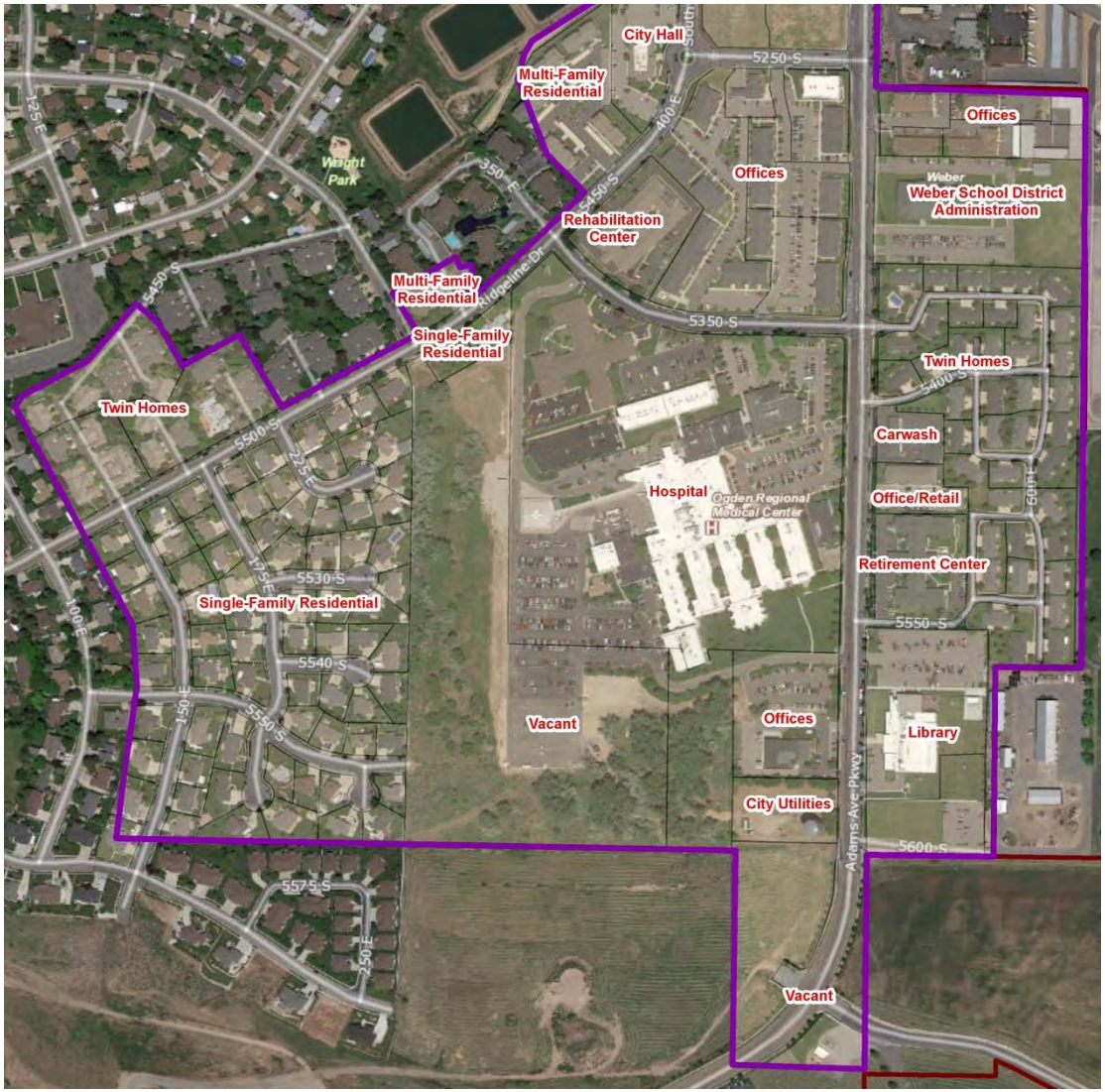
$106,697

$940,205

Focus Area - North



Focus Area - South



Uses of Tax Increment

Land Acquisition and Assemblage
Transportation / Pedestrian Improvements
Demolition Costs
Grading / site improvements
Water, Storm and Sewer Infrastructure
Economic Incentives
Administrative Costs – 4%

Development Project Budget (North)

JONES & ASSOCIATES
Consulting Engineers

Washington Terrace City Corporation

SOUTHEAST RDA IMPROVEMENTS BUDGET

Project Location: Southeast RDA - North & South Ends

Revision Date: June 22, 2015

NORTHERN PROJECTS

1	South Pointe Drive Roadway Realignment & Re-signaling	$1,700,000
2	South Pointe Drive Pedestrian Access Improvements	$300,000
3	South Pointe Drive Water System Service Improvements	$80,000
4	South Pointe Drive Storm Drainage Improvements	$450,000
5	South Pointe Drive Landscaping Improvements	$100,000
6	Property Acquisition	$250,000
	TOTAL ESTIMATED BUDGET (NORTHERN) =	**$2,880,000**

Development Project Budget (South)

SOUTHERN PROJECTS

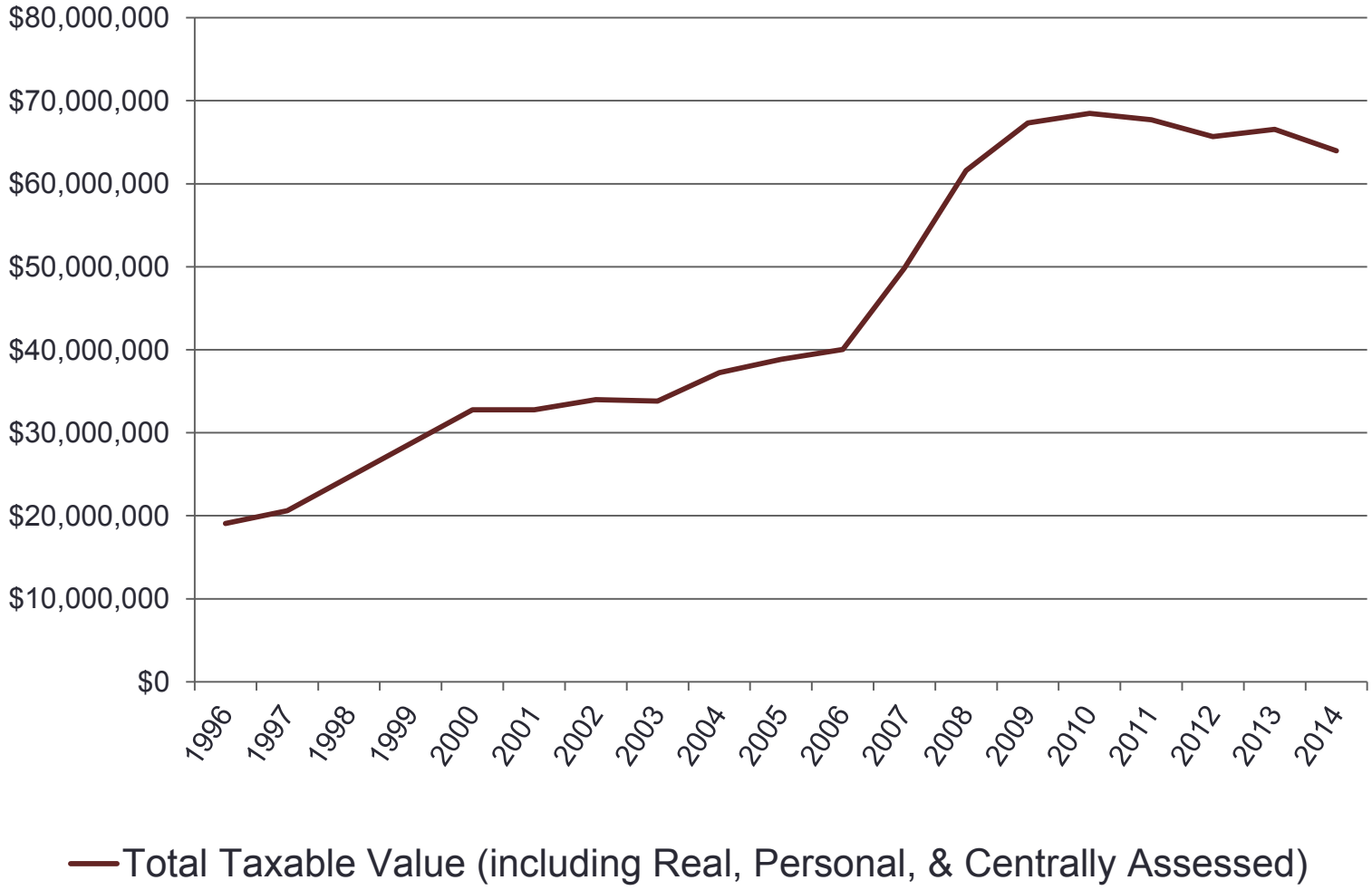
Adams Avenue Roundabout / City Gateway	$1,100,000
Roundabout Intersection Stub for Adjacent Development	$250,000
Culinary Water Improvements (PRV, Loops, Fire Service)	$480,000
Sewer Service Improvements	$220,000
Storm Drainage Improvements	$300,000
Landscaping Improvements	$100,000
Property Acquisition	$450,000
TOTAL ESTIMATED BUDGET (SOUTHERN) =	**$2,900,000**
TOTAL BUDGET (ALL PROJECTS) =	**$5,780,000**

Development Plan

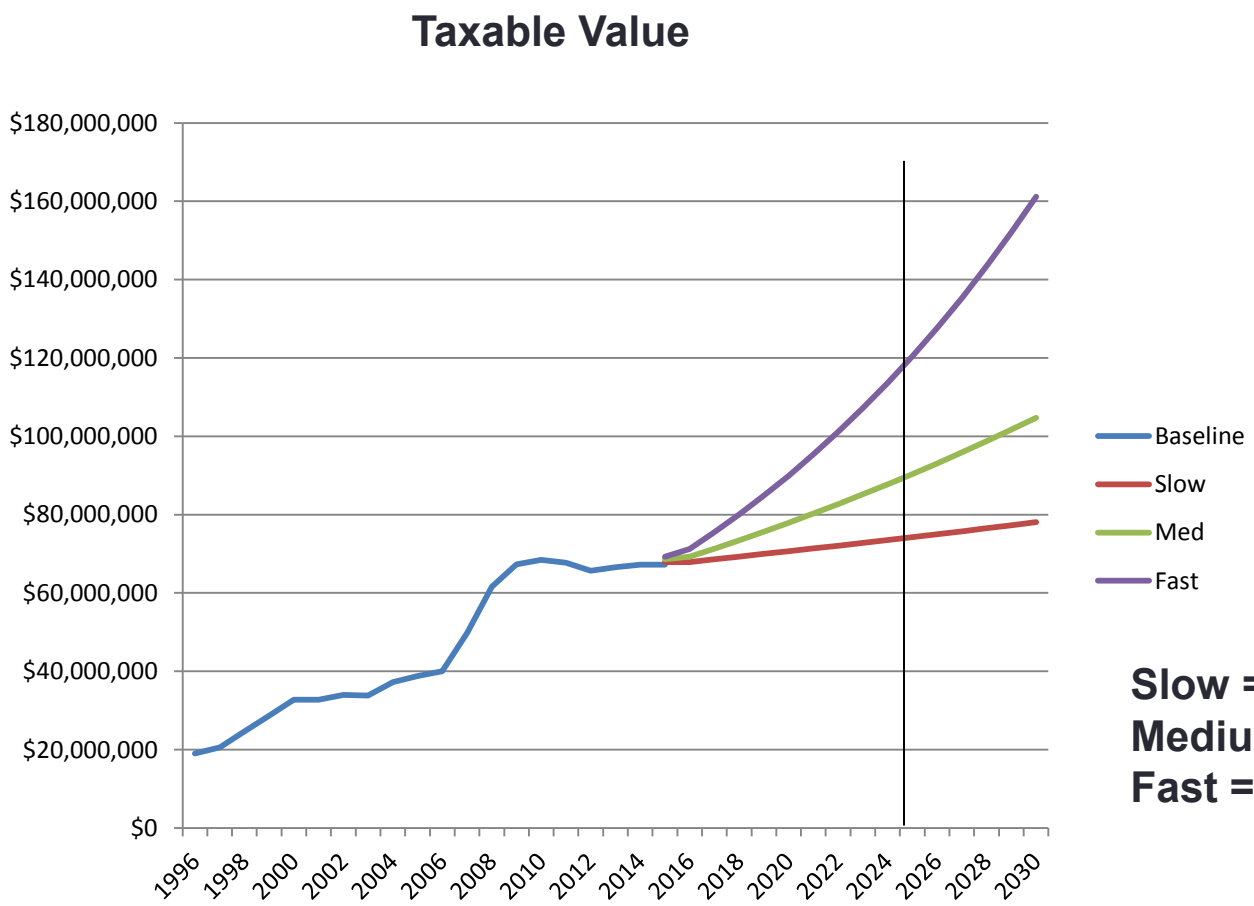
- Taxable value growth of 3% per year
- Mixed use with office and minimal retail development
- No residential planned for this area
- Economic Plan completed by the City in 2013 specifically identifies the North and South portions of the Project Area as having potential for redevelopment
- North End – Class A- office with some minimal retail
- South End – class A- office, Medical Facilities, and possible hotel (servicing hospital, Hill Air Force Base, recreation and medical)

Potential for Project Area

Historical Growth in Taxable Value



Slow, Medium and Rapid Growth Scenarios



Slow = 1.0%
Medium = 3.0%
Fast = 6.0%

Annual Tax Revenue after 10 years

	Slow	Medium	Fast
Weber County	$273,698	$340,710	$468,978
Weber County School District	$481,314	$599,158	$824,725
Washington Terrace	$228,709	$284,706	$391,890
Weber Basin Water Conservancy	$14,677	$18,270	$25,149
Central Weber Sewer	$61,805	$76,938	$105,902
Weber County Mosquito Abatement	$10,399	$12,945	$17,819
Weber Area Dispatch 911	$22,347	$27,819	$38,292
Total	**$1,092,950**	**$1,360,546**	**$1,872,754**

Annual Incremental Revenue after 10 Years

Taxing Entity	Annual Amount
Weber County	$340,710
Weber County School District	$599,158
Washington Terrace	$284,706
Weber Basin Water Conservancy	$18,270
Central Weber Sewer	$76,938
Weber County Mosquito Abatement	$12,945
Weber Area Dispatch 911	$27,819
TOTAL	**$1,360,546**

Proposed Tax Increment Distribution

10-Year Timeframe
Proposed Percent to Agency:

Taxing Entity	Percent
Weber County	50%
Weber County School District	50%
Washington Terrace	50%
Weber Basin Water Conservancy	50%
Central Weber Sewer	50%
Weber County Mosquito Abatement	50%
Weber Area Dispatch 911	50%

The Agency is currently receiving 60%; this represents a reduction to 50%

2016 Incremental Revenues to Agency

	50% Investment
Weber County	$126,161
Weber County School District	$221,862
Washington Terrace	$105,423
Weber Basin Water Conservancy	$6,765
Central Weber Sewer	$28,489
Weber County Mosquito Abatement	$4,794
Weber Area Dispatch 911	$10,301
TOTAL	**$503,795**

Development Project Budget (Total)

Total Budget of $5,780,000

CAP Amount of $5,780,000 or 10 years, whichever occurs first (+ administrative of 4% annually)

Tax Increment Revenues to be Generated

Total Increment Generated - 100% for 10 Years	
Weber County	$2,899,448
Weber County School District	$5,098,841
Washington Terrace	$2,422,848
Weber Basin Water Conservancy	$155,481
Central Weber Sewer	$654,739
Weber County Mosquito Abatement	$110,165
Weber Area Dispatch 911	$236,737
TOTAL	**$11,578,261**

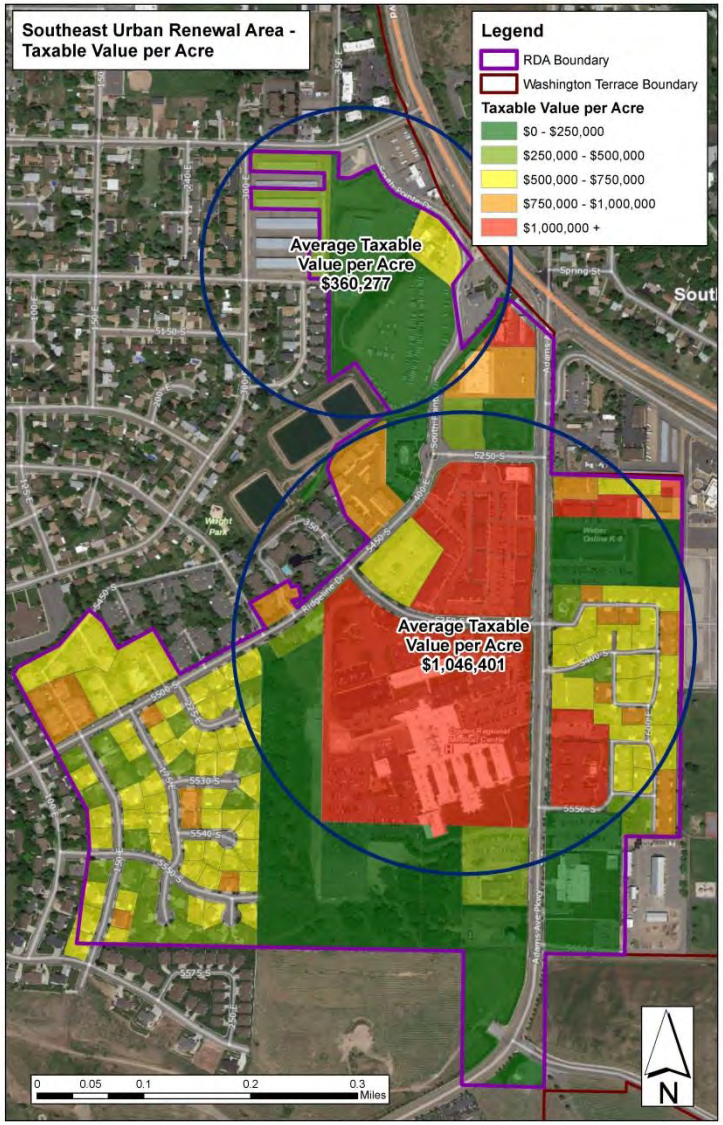
Incremental Revenues to Agency

Incremental Amount to Agency and Entities	10 Years
Weber County	$1,449,724
Weber County School District	$2,549,421
Washington Terrace	$1,211,424
Weber Basin Water Conservancy	$77,741
Central Weber Sewer	$327,370
Weber County Mosquito Abatement	$55,082
Weber Area Dispatch 911	$118,369
Total	**$5,789,130**

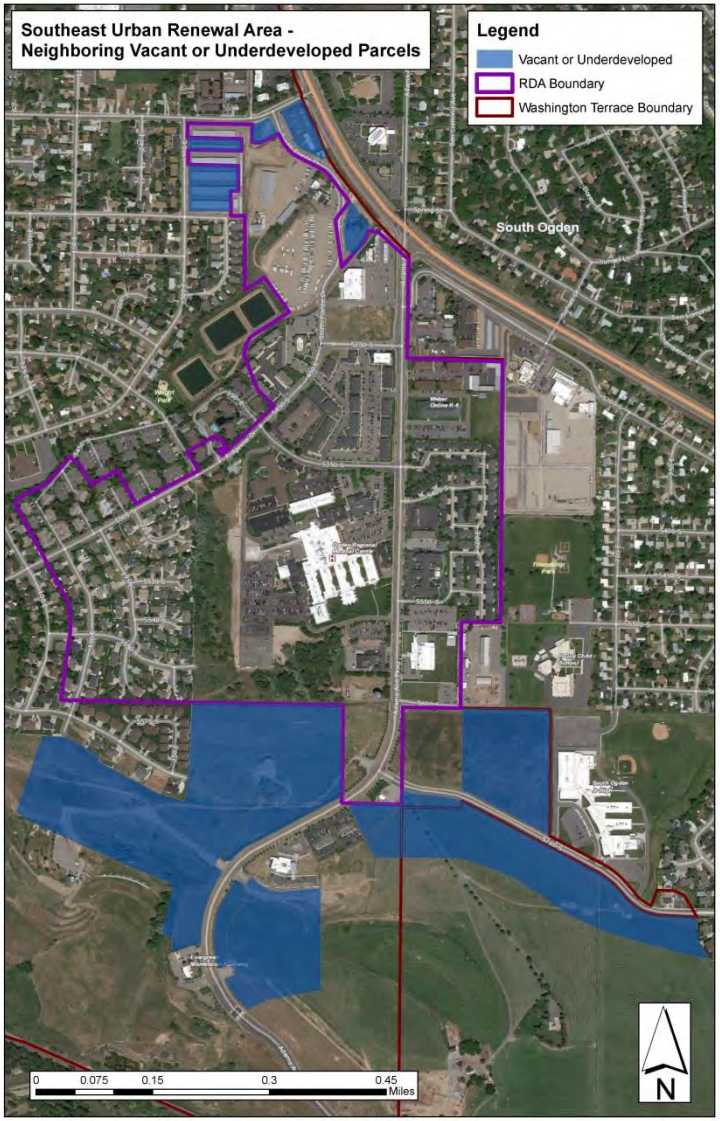
Annual Incremental Revenue after 10 Years

Taxing Entity	Annual Amount
Weber County	$340,710
Weber County School District	$599,158
Washington Terrace	$284,706
Weber Basin Water Conservancy	$18,270
Central Weber Sewer	$76,938
Weber County Mosquito Abatement	$12,945
Weber Area Dispatch 911	$27,819
TOTAL	**$1,360,546**

Comparative Improvement Values per Acre



Development Areas Outside of URA



Potential Taxable Value Increase – Outside of URA

	Total Acres	Average Taxable Value per Acre	Incremental Taxable Value per Acre	Total Incremental Value
Vacant	43.18	$219	$1,046,182	$45,172,766
Underdeveloped	42.37	$65,317	$981,084	$41,563,813
TOTAL				**$86,736,580**

Potential Incremental Revenues – Outside of URA

Tax District (024)	Tax Rate	Annual Incremental Revenues
Weber County	0.003711	$321,879
Weber County School District	0.006526	$566,043
Washington Terrace	0.003101	$268,970
Weber Basin Water Conservancy	0.000199	$17,261
Central Weber Sewer	0.000838	$72,685
Weber County Mosquito Abatement	0.000141	$12,230
Weber Area Dispatch 911	0.000303	$26,281
TOTAL	**0.014819**	**$1,285,349**

Annual Total Incremental Revenues

Annual Impacts After Year 10	Inside URA	Outside URA	Combined
Incremental Taxable Value	$91,810,898	$86,736,580	$178,547,478
Incremental Tax Revenues			
Weber County	$340,710	$321,879	$662,590
Weber County School District	$599,158	$566,043	$1,165,201
Washington Terrace	$284,706	$268,970	$553,676
Weber Basin Water Conservancy	$18,270	$17,261	$35,531
Central Weber Sewer	$76,938	$72,685	$149,623
Weber County Mosquito Abatement	$12,945	$12,230	$25,175
Weber Area Dispatch 911	$27,819	$26,281	$54,100
TOTAL	**$1,360,546**	**$1,285,349**	**$2,645,895**

Job Creation

Potential jobs created within RDA: Approximately 1,000 jobs.

***Based on an current average of 44 jobs per acre and 23.54 vacant acres.**

Questions and Answers

UTAH PUBLIC EDUCATION NEEDED FINANCIAL IMPROVEMENTS

September 2015

Utah State Board of Education

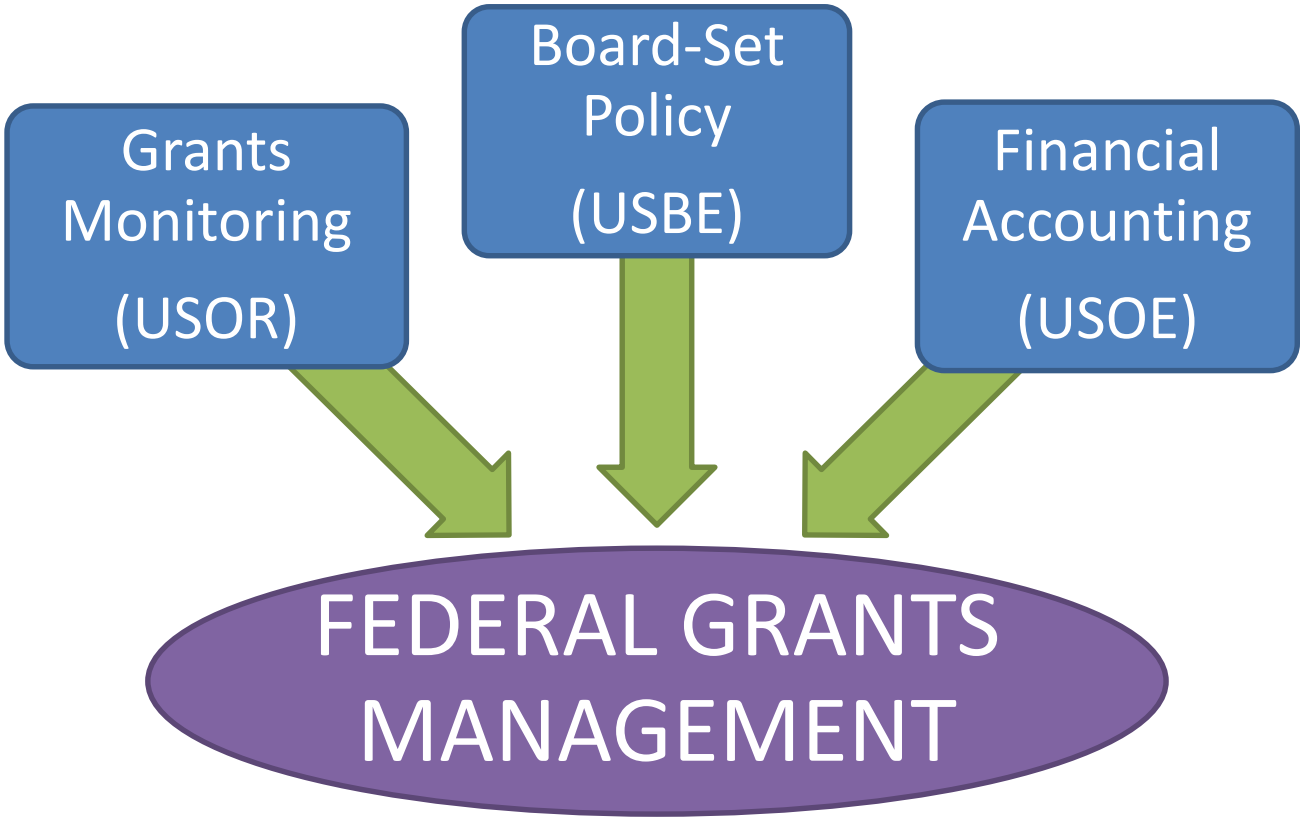
NEEDED FINANCIAL IMPROVEMENTS

1. Improve federal grants management
2. Improve state public education accounting
   - Implement and monitor critical accounting controls
   - Move USOE to double-entry accounting system
   - Resolve chart of accounts issues

NOTE: Each of these issues compound the others

IMPROVE FEDERAL GRANTS MANAGEMENT

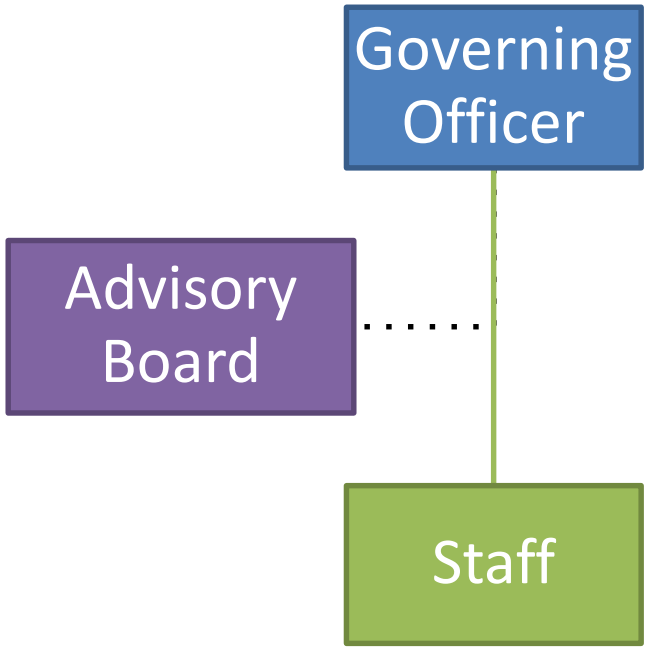
MOVING TOWARDS <u>ACTIVE</u> FEDERAL GRANTS MANGEMENT



IMPROVED GOVERNANCE: Board Sets Policy (not staff)

New USBE Governance

Old USBE Governance

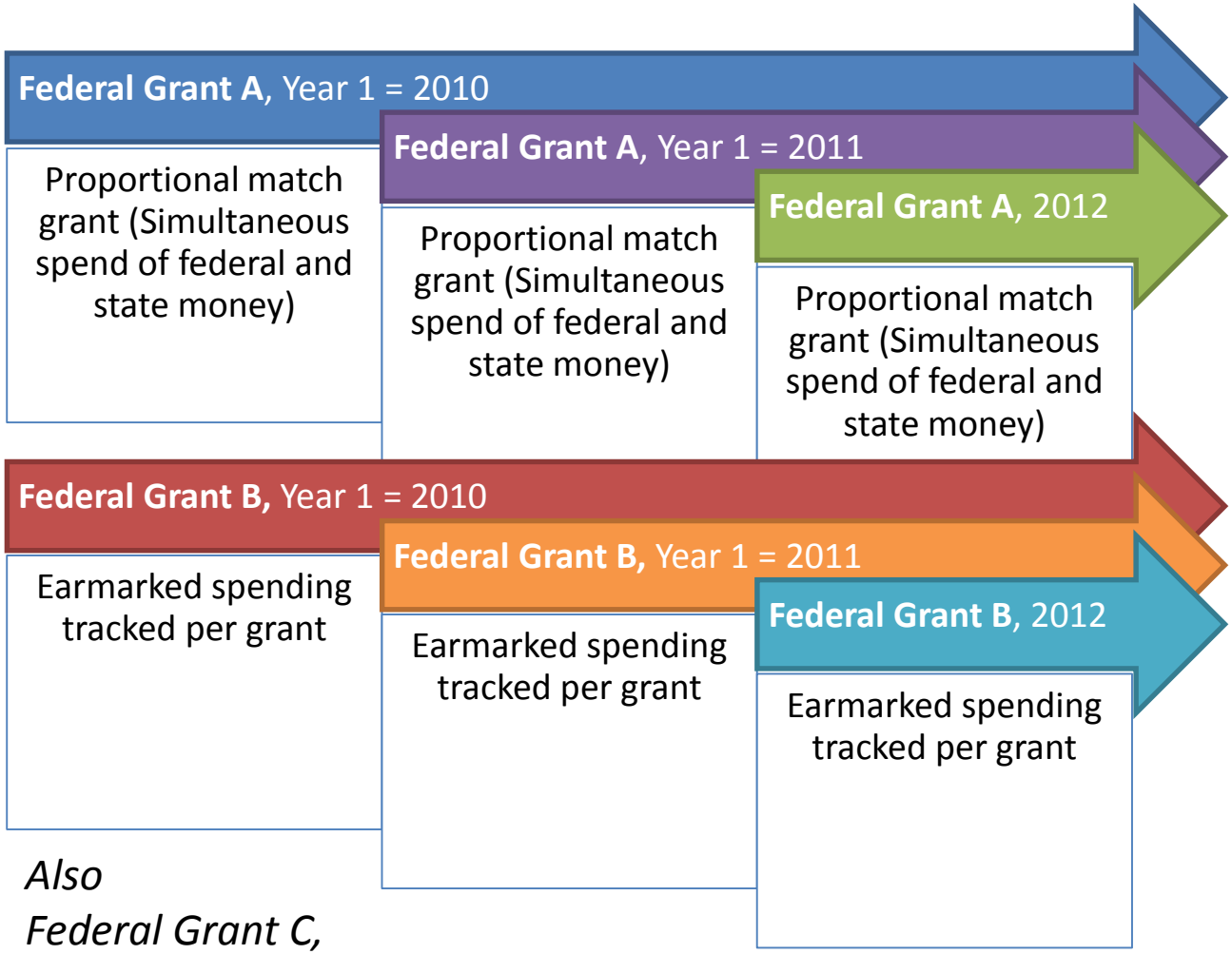


FEDERAL GRANT <u>ACCOUNTING</u> IS COMPLEX

Federal grant accounting must track:

- Multiple grant years
- Required state match per year
- Actual state match per year
- MOE (maintenance of effort)
- Allowable costs and activities
- Direct versus indirect costs
- Appropriate cash management

FEDERAL GRANT ACCOUNTING: MULTIPLE GRANTS, REQUIREMENTS, & YEARS



Also
Federal Grant C,
Federal Grant D,
Etc….

RECENT FEDERAL GRANT COMPLIANCE CHANGES

- Emphasis on performance and results
- More risk-based analysis for grant awards
  - Financial stability
  - History of performance
  - Audit reports (all single audits will be made public)
  - Applicants ability to implement effective systems
- Audit section, Subpart F applies in SFY 2016
  - More responsibility to states for subrecipient monitoring

CHANGES MEAN INCREASED RISKS FOR FEDERAL FUNDS

- Recipients must have federally compliant
  1. financial management system
  2. internal controls
- Inadequate subrecipient (LEAs) monitoring or reporting may result in less federal funding
  - Need timely progress reports
  - Need effective management systems
  - Need internal controls
- Need to manage for success – not just minimum compliance

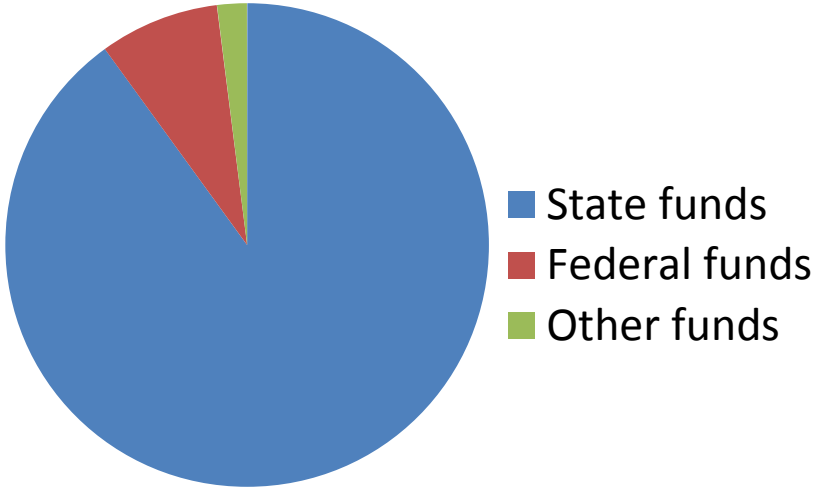
We cannot assure compliance currently

IMPROVE STATE PUBLIC EDUCATION ACCOUNTING

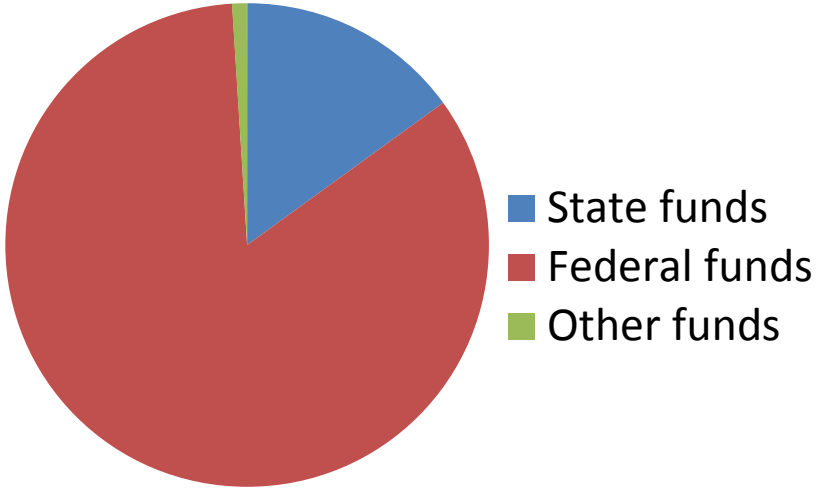
- ***Implement and monitor critical <u>accounting controls</u>***
- ***Move USOE to <u>double-entry accounting system</u>***
- ***Resolve <u>chart of accounts issues</u>***

STATE FUNDS RECEIVE MUCH LESS OVERSIGHT THAN FEDERAL FUNDS

PUBLIC EDUCATION FUNDING SOURCE



FUNDING COMPLIANCE REQUIREMENTS



Currently, most state legislative line items tend to function more as <u>appropriation units</u> than as <u>control centers</u>

HISTORIC USOE ACCOUNTING PROBLEMS

- No double-entry accounting system
- Inadequate internal controls
- Frequent past management override of existing controls
- Questionable indirect cost calculation
- History of wrong year-end close-out
- Charging administrative fees to the MSP
- Minimal federal fund accounting
- Incorrect & incomplete budget reports to the board
- Matching principle not followed
- Using one-time monies for on-going costs
- Inadequate personnel and competencies
- Significant key-personnel risk
- Heavy reliance on manual, time-intensive processes

USOE PERSONNEL & SYSTEMS NEEDS FOR FEDERAL GRANT MANAGEMENT

- Federal grants compliance officer (1)
  - Advanced and high-demand skillset
  - Especially needed in new regulatory environment
- Managerial accountants (3)
  - High demand skillset
  - Can initiate “joint reviews”, a critical missing accounting control at USOE
- Double-entry accounting system
- Additional legal support

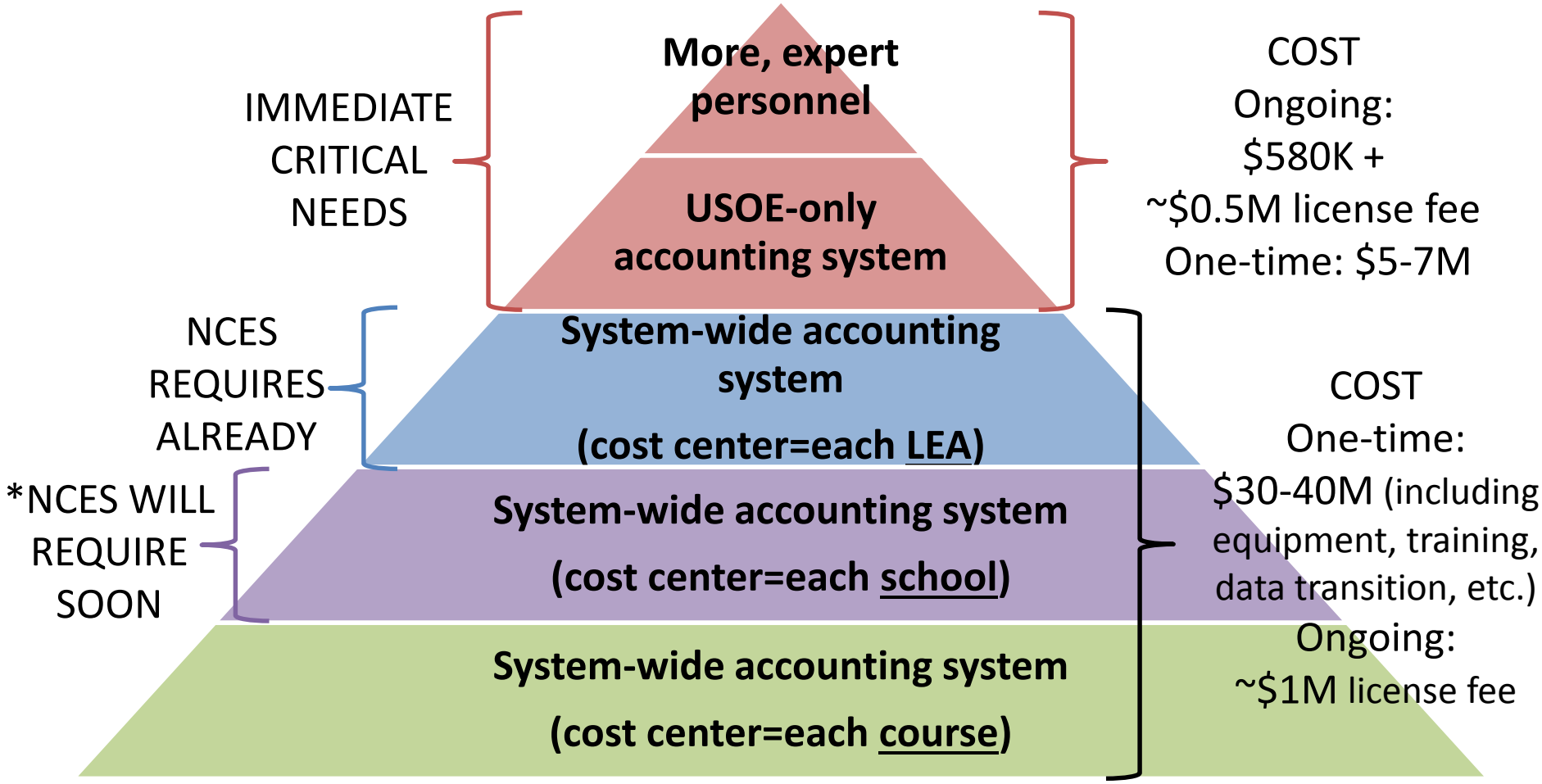
CAN PRESERVE LOCAL POLICY POWER WHILE INCREASING TRANSPARENCY

- Compliance efforts can remain focused on federal funds to decrease risk of disallowed federal reimbursements
- Local policy choices for most state money can be preserved
- Different local policy choices and associated performance can be made more transparent by improved accounting

IMPROVED ACCOUNTING OPTIONS

1. More manpower with more spreadsheets
2. USOE-only, double-entry accounting system
3. USOE-only, double-entry accounting system (with updated chart of accounts and associated training for LEAs)
4. LEA-opt-in, system-wide accounting system (with updated chart of accounts and associated training for LEAs)
5. Mandatory, system-wide accounting system (with updated chart of accounts and associated training for LEAs)

WHAT COST-BENEFIT DATA NEEDED?



NOTE: Utah is not prepared to provide state-wide school-level accounting

STATE ACCOUNTING POLICY CHOICES

1. Must migrate USOE to a double-entry accounting system
   - Maybe FINET, or
   - Maybe private enterprise system with FINET interface
2. Must prepare for NCES school-level accounting
   - Must update chart of accounts for LEAs at least to school-level
   - *May choose course-level
   - Must provide statewide training for new chart of accounts
3. *May initiate system-wide accounting system (for reliable, comparable data)
   - May choose to allow LEAs to opt-in, or
   - May choose mandatory system
   - Probably choose state system compatible with majority of LEAs' current systems

Choose accounting level before moving USOE to double-entry accounting system

MULTIPLE CHART OF ACCOUNTS

- FINET
- transparent.utah.gov
- USOE (in BASE)
- By each LEA for itself

Need to unify chart of accounts to just FINET and NCES

PAYOFF: BETTER FUTURE DECISIONS

Better accounting
(updated systems & chart of accounts)

Student performance data

Cost-benefit data for everyone

Better decisions with less risk = more $$ to the classroom

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TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: Finance Committee Review and Recommendations of SFY 15 Carry Forward Amounts for SFY 16 Use

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Background:
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Key Points:
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Anticipated Action:
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250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

USOE Entire Carryover Amounts Into SFY 16 from SFY 15 (Restricted and Unrestricted)

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SOEP Program - Leg Designated	$ 118,651.00	Restricted General Fund School Finance 44152	PAL	0441	PAL	T975	44152
Substance Abuse	$ 406,975.00	Restricted to Substance Abuse Programs	PAM	0662	PAM	TSA4	66264
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Total Designated Funds USOE	$ 9,366,515.00						

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Total Discretionary USBE	**$ 2,044,596.37**	Scroll over amount for comment					

Education Funds Carryover designated by Legislative Bills USOE

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441-52 Statewide Online Education Program	$ 134,564.00	$ 500,000.00	$ 515,913.00	$ 118,651.00	PAL	0441	PAL	TA55	44152
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GS 12 HB 197 Math Teacher Training		$ 500,000.00	$ 500,000.00	$ -					
GS 12 HB 15 Statewide Adaptive Testing	$ 5,520,282.00	$ 6,700,000.00	$ 8,007,413.75	$ 4,212,868.25	PAB	0761	PAB	TA55	76101
Assessment Carry to Division Note 2				$ 470,000.00	See Note 2	0760	PAJ	TA55	76030
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Total MSP	$ 44,877,899.00
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Project				
Superintendent's Request for Discretionary Funds	$ 250,000.00	$ -	$ -	
Superintendent's Request for Discretionary Funds	$ -	$ -	$ 400,000.00	
Policy Specialist (non-benefitted/20 hours per week)	$ 37,000.00	$ -	$ -	
UTA ECO Passes	$ 138,555.00	$ -	$ -	
Teacher's to Teacher's	$ 143,250.00	$ -	$ -	
Interstate Comission for Military Children	$ 4,000.00	$ -	$ -	
Utah Teacher of the Year	$ 33,000.00	$ -	$ -	
CERT/CPR/AED	$ 1,500.00	$ -	$ -	
Blue Ribbon Panel	$ 4,000.00	$ -	$ -	
Employee Action Committee	$ 5,100.00	$ -	$ -	
UEN Audit Response	$ 200,000.00	$ -	$ -	
Education Effectiveness	$ -	$ -	$ 154,653.00	
Employee Service Award Lucncheon	$ 1,300.00	$ -	$ -	
Utah Teacher's Forum	$ 500.00	$ -	$ -	
Distict Visits and Superintendent's Meetings	$ 4,000.00	$ -	$ -	
Rural Schools Conference	$ 30,000.00	$ -	$ -	
Capital Investment Projects	$ 100,000.00	$ -	$ -	
National Repository of Online Courses	$ 50,000.00	$ -	$ -	
CCSSO Membership	$ 45,000.00	$ -	$ -	
Balance Remaining:	$ 53,543.37	$ 34,914.00	$ 354,281.00	

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HB 501 Suicide Prevention - Leg Designated	$ 66,715.00	Restricted General Fund, CTE (Specialist Salary)	PAM	0662	PAM	T975	66240
SOEP Program - Leg Designated	$ 118,651.00	Restricted General Fund School Finance 44152	PAL	0441	PAL	T975	44152
Substance Abuse	$ 406,975.00	Restricted to Substance Abuse Programs	PAM	0662	PAM	TSA4	66264
Regional Service Centers	$ 1,599,520.00	Restricted Fed Min Lease Funds used for RSCs	PAH	0661	PAH	T044	66125
Total Designated Funds USOE	$ 9,366,515.00						

UNRESTRICTED Board Discetionary Funds (TheseSFY 15 funds are at the Discretion of the Board of Education in SFY 16)							
Prior Year Education Funds	$ 1,100,748.37		PAK	0231	PAK	TA55	23101
Prior Year Land Exchange Funds	$ 34,914.00		PAK	0231	PAK	T965	23101
Prior Year Federal Mineral Lease Funds	$ 908,934.00	Scroll over amount for comment	PAK	0231	PAK	T045	23101
Total Discretionary USBE	**$ 2,044,596.37**	Scroll over amount for comment					

Education Funds Carryover designated by Legislative Bills USOE

	FY 14 Carryover	FY 15 Funds	Expenditures FY 15	Carryover					
GS 11 HB 2 Core Academy	$ 487,302.00	$ 500,000.00	$ 398,527.10	$ 588,774.90	PAH	0661	PAH	TA55	66133
				$ -					
441-52 Statewide Online Education Program	$ 134,564.00	$ 500,000.00	$ 515,913.00	$ 118,651.00	PAL	0441	PAL	TA55	44152
GS 11 SB 65 441-51	$ 416,722.33	$ 259,100.00	$ 211,208.85	$ 464,613.48	PAL	0441	PAL	TA55	44151
Suicide Prevention Funds				$ 45,510.00	PAM	0662	PAM	TA55	66246
GS 12 HB 197 Math Teacher Training		$ 500,000.00	$ 500,000.00	$ -					
GS 12 HB 15 Statewide Adaptive Testing	$ 5,520,282.00	$ 6,700,000.00	$ 8,007,413.75	$ 4,212,868.25	PAB	0761	PAB	TA55	76101
Assessment Carry to Division Note 2				$ 470,000.00	See Note 2	0760	PAJ	TA55	76030
				$ 580,000.00	See Note 2	0442	PAL	TA55	44201
HB 3-122 for HB 116 School Construction Mods		$ 258,000.00		$ 258,000.00	See Note 1	0441	PAL	TA55	44150
HB 329 Suicide Prevention Coord		$ 50,000.00	$ -	$ 50,000.00	PAM	0662	PAM	TA55	66246 Salary up to 50K
HB 364 Anti Bullying		$ 100,000.00	$ -	$ 100,000.00	PAM	0662	PAM	TA55	66247
Initial budget request less HB 3 amount above $874,600				$ 874,600.00					
Total Designated Bill Funds USOE	$ 6,558,870.33	$ 8,867,100.00	$ 9,633,062.70	$ 7,763,017.63					

Other Line Items	NOT AVAILABLE FOR USE						
Education Fund							
Child Nutrition	$ 28.00		PDA	2502	PDA	TA44	50203
Fine Arts	$ 15,378.00		PEC	3842	PEC	TA44	84201
Educational Contracts	$ 362,070.00		PFC	2601	PFC	TA44	60101
Charter School Board	$ 1,447,260.00		PGA	2701	PGA	TA44	70101
Contacts and Grants	$ 7,251,308.00		PKA	2801	PKA	TA44	80101
Education Fund MSP							
Basic Programs MSP	$ 22,258,226.00	(4,715,082 will be swept in FY16 by Legislature)	PPAA		PPB		
Related to Basic MSP	$ 22,619,673.00	(9,014,000 will be swept in FY16 by Legislature)	PQAA		PQY		
Voted and Board Leeway MSP	$ -		PRAA		PRA		
General Fund							
Contacts and Grants	$ 115,322.00	Student Leader	PKP	2816	PKP	T974	81601
Contacts and Grants	$ 815,638.00	Carson-Smith	PKI	2809	PKI	T974	80901

Total USOE Carryover	$ 19,174,129.00
Total Other Lines Except MSP	$ 10,007,004.00
Total MSP	$ 44,877,899.00
Total All	$ 74,059,032.00

Note 1 This time was submitted as part of the original budget.
Note 2 Carryover is from Assessment, 470,000 returned, 580,000 to 0442 for Management Accountants

SFY 15 Carry Forward Source:	Prior Year Education Funds	Prior Year Land Exchange Funds	Prior Year Federal Mineral Lease Funds	
	$ 1,100,748.37	**$ 34,914.00**	**$ 908,934.00**	$ 2,044,596.37
Project				
Superintendent's Request for Discretionary Funds	$ 250,000.00	$ -	$ -	
Superintendent's Request for Discretionary Funds	$ -	$ -	$ 400,000.00	
Policy Specialist (non-benefitted/20 hours per week)	$ 37,000.00	$ -	$ -	
UTA ECO Passes	$ 138,555.00	$ -	$ -	
Teacher's to Teacher's	$ 143,250.00	$ -	$ -	
Interstate Comission for Military Children	$ 4,000.00	$ -	$ -	
Utah Teacher of the Year	$ 33,000.00	$ -	$ -	
CERT/CPR/AED	$ 1,500.00	$ -	$ -	
Blue Ribbon Panel	$ 4,000.00	$ -	$ -	
Employee Action Committee	$ 5,100.00	$ -	$ -	
UEN Audit Response	$ 200,000.00	$ -	$ -	
Education Effectiveness	$ -	$ -	$ 154,653.00	
Employee Service Award Lucncheon	$ 1,300.00	$ -	$ -	
Utah Teacher's Forum	$ 500.00	$ -	$ -	
Distict Visits and Superintendent's Meetings	$ 4,000.00	$ -	$ -	
Rural Schools Conference	$ 30,000.00	$ -	$ -	
Capital Investment Projects	$ 100,000.00	$ -	$ -	
National Repository of Online Courses	$ 50,000.00	$ -	$ -	
CCSSO Membership	$ 45,000.00	$ -	$ -	
Balance Remaining:	$ 53,543.37	$ 34,914.00	$ 354,281.00	

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-119 *Budgetary Procedures* (Amendment)

Background:
R277-119 was reviewed by the Board at its August 7, 2015 meeting. During the Finance Committee meeting, the Committee gave staff policy direction for inclusion into R277-119. The amended R277-119 is revised to include the Committee's recommendations.

Key Points:
R277-119 is amended to codify the Superintendent's current authority to approve contracts up to $100,000 with updates provided to the Board on the monthly consent calendar. The rule is also amended to require movement between object codes of $25,000 or more to be approved by a member of Superintendency.

Anticipated Action:
It is proposed that the Finance Committee consider approving R277-119, as amended, on second reading and, if approved by the Committee, the Board consider approving R277-119, as amended, on third and final reading.

Contact: Scott Jones, Associate Superintendent, 801-538-7514
Angie Stallings, Associate Superintendent, 801-538-7550

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R277. Education, Administration.

R277-[~~119~~]120. [~~Discretionary Funds~~]Budgetary Procedures.

R277-[~~119-2~~]120-1. Authority and Purpose.

[~~A.~~](1) This rule is authorized [~~under~~]by:

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

(b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities;

(c) Subsection 59-21-2(2)(e), in which the Legislature appropriates 2.25 percent of all deposits made to Mineral Lease Account to the Board for use consistent with Subsection 53C-3-203(4)(b)(iii); and

(d) Subsection 53C-3-203(4)(b)(iii), in which the Legislature appropriates funds for the Board's use.

[~~B.~~](2) The purpose of this rule is to provide for Board review and approval of funds received by the Board for identified purposes.

R277-[~~119-1~~]120-2. Definitions.

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

~~B.~~]"Board discretionary funds" means:

(1) [~~L~~]land exchange funds[~~ are funds~~] appropriated to the Board from the account described in Section 53C-3-203;

(2) [~~M~~]mineral lease funds[~~ are funds~~] identified in Section 59-21-1 and directed to the Board in Subsection 53A-3-203(4)(b); and

(3) [~~S~~]state carryover funds[~~ are funds~~]:

(a) appropriated by the Legislature[~~,~~];

(b) maintained by the Board[~~,~~]; and

(c) carried over from one fiscal year to the next for discretionary use.

[~~C. "State Superintendent of Public Instruction (Superintendent)" means the executive officer of the Board and serves at the pleasure of the Board.~~]

(4) "Superintendency" means:

(a) for purposes of USOE or Board staff:

(i) the Superintendent;

(ii) the USOE Deputy Superintendent; and

(iii) the USOE Associate Superintendents;

(b) for purposes of USDB:

(i) the USDB Superintendent; and

(ii) the USDB Associate Superintendents; and

(c) for purposes of the USOR:

(i) the USOR Executive Director; and

(ii) the USOR Deputy Director.

R277-[~~119-3~~]120-3. Board Review and Use of Discretionary Funds.

(1)(a) The following individuals may approve a contract with a total value of up to $100,000 per contract:

(i) for purposes of USOE, the Superintendent;

(ii) for purposes of USDB, the USDB Superintendent; and

(iii) for purposes of USOR, the USOR Executive Director.

(b) If the Superintendent, USDB Superintendent, or USOR Executive Director approves a contact with a total value up to $100,000, the Superintendent, USDB Superintendent, or USOR Executive Director shall provide the Board monthly updates of each contract through the consent calendar process.

(2) If an individual moves an amount of money equal to $25,000 or more between object codes, the person shall obtain prior approval from a member of the Superintendency.

[~~A.~~](3) The Superintendent shall present an annual projection of revenues and expenditures of Board discretionary funds as part of the annual budget proposed to the Board.

[~~B.~~](4) The Superintendent shall submit to the Board for review a quarterly summary of actual versus projected expenditures from Board discretionary funds.

[~~C.~~](5) The Superintendent shall at least annually make a request to the Board for monies from carry-over funds for the Superintendent's sole discretion but may make additional requests.

[~~D.~~](6) The Superintendent may make requests to the Board to expend funds, consistent with purposes identified in state law, from the mineral lease or land

exchange accounts.

KEY: State Board of Education, discretionary funds

Date of Enactment or Last Substantive Amendment: [~~May 8, 2014~~]2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)

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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: September 17-18, 2015

INFORMATION: Report on State Fiscal Year 15 End Close

Background:
State Fiscal Year 15 End Close is complete.

Key Points:
The Committee will review the State Fiscal Year 15 End Close packet along with Carry Forward or Carry Over funding amounts. Additional information is provided on concerns or issues with the close.

Anticipated Action:
No action anticipated. Informational only.

Contact: Scott Jones, Associate Superintendent, 801-538-7514

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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: September 17-18, 2015

ACTION: Report on Progress to Hire Three (3) Managerial Accountants and One (1) Federal Grants and Funding Compliance Officer

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Background:
The Associate Superintendent of Business and Operations received approval from the Superintendent and Board Leadership to fund recruitment of these positions using funds from the Assessment and Accountability State Fiscal Year 15 carry forward state funds balance of just over $1,000,000.00 at Year End Close (YEC).

Key Points:
This is not a "best practice" where we use other appropriations or other USOE section funding to source a requirement. The amount of funding necessary for these positions is $580,000.00. Since this action is a one-time action this State Fiscal Year (16) USOE will request the Board approve seeking an ongoing appropriation for this amount during the next legislative session effective the start of State Fiscal Year 17.

Anticipated Action:
The Committee will receive the information and may make recommendations to the Board concerning these positions.

Contact: Scott Jones, Associate Superintendent, 801-538-7514

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17- 18, 2015

DISCUSSION: Progress Report on Legislative Intent Language

Background:
HB 2 *Public Education Budget Amendments* from the 2015 Legislative session included legislative intent language for several programs.

Key Points:
School Finance and Teaching and Learning staff will update the Finance Committee on the progress made to address to address the requirements of the intent language including:

- Class Size Reduction
- Pupil Transportation
- Concurrent Enrollment

Anticipated Action:
The Finance Committee will receive the report.

Contact: Scott Jones, Associate Superintendent, 801 538-7514
Natalie Grange, School Finance Director, 801 538-7668
Diana Suddreth, Teaching and Learning Director, 801-538-7739

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Legislative Intent Language

HB 2, from the 2015 Legislative session included the following legislative intent language:

Class Size Reduction: "The Legislature intends that the State Board of Education develop minimum program standards, including maximum class size limits in kindergarten through grade 3, that local education agencies must meet in order to continue to receive Class Size Reduction funding. The Legislature also intends that the State Board of Education develop an estimate of the cost necessary to limit class sizes in kindergarten through grade 3, without impacting class sizes in grades 4 through 12. The Legislature also intends that the State Board of Education report the standards and estimated costs to the Education Interim Committee and the Public Education Appropriations Subcommittee by October 31, 2015."

Pupil Transportation: "The Legislature intends that the State Board of Education review the Pupil Transportation Allocation Formula and recommend ways to improve the formula to increase efficiency, simplify allocation methodology to school districts, and provide incentives for alternative transportation methods. The Legislature further intends that the State Board of Education report its recommendations to the Education Interim Committee and the Public Education Appropriations Subcommittee by October 31, 2015."

Concurrent Enrollment: "The Legislature intends that the State Board of Education and the State Board of Regents provide joint recommendations on how to ensure that each concurrent enrollment course is taught by a qualified instructor, that credits earned by students count towards major and minor degree requirements at state colleges and universities, and that students are advised on the transferability of credits to private and out of state institutions. The Legislature also intends that these recommendations be reported to the Education Interim Committee and the Public Education Appropriations Subcommittee by October 31, 2015."

Representatives from School Finance and Teaching and Learning will provide an update on the ongoing work towards preparing reports for the October 2015 Board Meeting.

Concurrent Enrollment
Quality Standards

A report to the Education Interim Committee and the Public Education Appropriations Subcommittee

October 2015

INTRODUCTION

House Bill 2 requires the State Board of Education and the State Board of Regents "provide joint recommendations on how to ensure that each concurrent enrollment course is taught by a qualified instructor, that credits earned by students count towards major and minor degree requirements at state colleges and universities, and that students are advised on the transferability of credits to private and out of state institutions."

TOPICS & RECOMMENDATIONS

Topic 1: Ensure qualified instructors.

Background

- Academic Standard. Regent Policy and Board Rule require selection criteria for concurrent enrollment (CE) instructors be the same as those criteria applied to campus adjunct faculty. Generally, academic criteria include master's degree is the field or a related field and several years successful teaching experience. Criteria vary by academic department; criteria for CTE classes may require industry certification in lieu of a master's degree.
- Licensure. Public school educators possess a current Utah teaching license, have appropriate secondary endorsements in the subject area(s) in which they teach, and meet highly qualified standards.
- Quality of Instruction. Regent Policy requires the sponsoring academic department to supervise CE adjunct faculty and provide for professional development.

Recommendation: Continue established practices for vetting academic qualifications and licensure. Gather information from USHE institutions and LEAs on current supervisory practices and teacher quality standards.

Topic 2: Ensure CE courses lead to major and minor degree requirements.

Background

- Regent Policy requires CE courses be a prerequisite, required, or elective course for a certificate or degree program. NOTE: A general education designation is also acceptable.
- All CE courses listed on the CE Master List have been aligned to a certificate or degree program.

Recommendation: Increase student awareness and understanding of the most highly transferrable CE courses. Promote courses that meet general education requirements for all USHE institutions as well as courses that serve as a gateway to a group of majors.

Topic 3. Ensure students are advised on the transferability of credits to private and out of state institutions.

Background

- Regent Policy and Board Rule require assurance that CE courses are transferrable among USHE institutions.
- Institution and LEA counselors encourage students to seek information from a college academic adviser to make course choices that will meet the student's educational goals.
- USHE institutions provide information to CE students on how to secure a college transcript.

Recommendation: Increase student and parent understanding of the applicability of transfer credit. The information shared should include both transfers within the USHE and to private and out-of-state institutions. The system offices will develop information to distribute to LEAs and USHE institutions.

Recommendation: Increase public awareness about www.transferUtah.org, the USHE online transfer credit guide, which includes common questions about the transfer process and advisor contact information. Students can evaluate how credits transfer to institutions across the country.

Recommendation: Increase CE visibility on both StepUP Utah and the USOE website; include more information for parents and students.

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

INFORMATION: Section Budget Reports

Background:
In August 2015, the Finance Committee approved a budget reporting schedule for State Fiscal Year (SFY) 16 for directors of USOE, USOR, and USDB to provide budget updates to the Finance Committee.

Key Points:
The Finance Committee will have the opportunity to discuss information provided by USBE Internal Audit, USOE Information Technology, USOE School Law, USOE Educational Contracts, and USOE ESEA and Special Programs sections.

Anticipated Action:
The Committee will receive budget reports from the various sections.

Contact: Scott Jones, Associate Superintendent, 801-538-7514

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Federal and Special Programs
Elementary and Secondary Education Act (ESEA)

SFY 2016 Budget Update

PREPARED BY THE:
UTAH STATE OFFICE OF EDUCATION | FEDERAL AND SPECIAL PROGRAMS
SEPTEMBER 2015

Scott Jones, Associate Superintendent of Business and Operations

Ann G. White, Director of Federal and Special Programs

ESEA and Special Programs

Federal and Special Programs is a group of federal- and state-funded programs, the majority based in the Elementary and Secondary Education Act of 1965.

Programs housed in the section include:

ESEA (Federal):

- Title I A Career and College Readiness
- Title I C Migrant Education
- Title I D Neglected & Delinquent Education
- Title III A English Learners Education
- Title IV B 21st Century/After School Programs
- Title VII A Indian Education
- Title VII B Homeless Education

Background (cont.)

Programs housed in the section include:

State Funded:

- Enhancement for At-Risk Students (EARS)
  - Math Engineering Science Achievement (MESA)
- Intergenerational Poverty Support (IGP)
- Indian Education administration

Title I A: College and Career Ready

Provides Support to Low-Income Schools and Students

Federal allocation of funds for schools classified as low-income for the purpose of assisting students to demonstrate proficiency related to the state's academic standards

- Assist students in achieving proficiency on state academic standards specifically in:
  - Reading/Language Arts
  - Mathematics
- School-wide reform where needed to increase student performance
- Build teacher capacity through quality professional development
- Parental Component: Enhance parents' abilities to help their children succeed through quality parental involvement activities

Title IA – College and Career Ready

A federal allocation of funds for schools classified as low income for the purpose of assisting students to demonstrate proficiently related to the state's academic standards.

Title I is a federally funded program under the Elementary and Secondary Education Act of 1965 (ESEA).

Title I, Part A provides Utah approximately $88 million each year to help higher poverty schools provide supplemental educational services to meet the needs of educationally disadvantaged students.

Title I Purposes

Help students to achieve proficiency on state academic standards (primarily in Reading/Language Arts and Mathematics)

Build teacher capacity through quality professional development

Enhance parents' abilities to help their children succeed through quality parental involvement activities

Schools Eligible for Title I

A Title I school receives Title I funds under the following guidelines:

- The percent of low-income children in a given school must equal or exceed district average poverty (or above 35% for LEAs with an average poverty above 35%).
- To be eligible for Title I funds, a charter school must have at least 10 low income children by Federal definition.
- In Utah, low income students are typically identified through the free/reduced lunch application (or proxy methodology).

Title I School Defined

- LEAs (districts and multi-school charters) are required to rank order (from high to low) all schools with 75% or greater poverty. The law requires each LEA provide Title I services to all schools* with a 75% or greater poverty.

- LEAs (districts and multi-school charters) rank order (from high to low) all remaining schools in either district or grade span. LEAs may provide Title I services to schools with a poverty rate at or above the district average poverty as long as there are sufficient funds to provide the minimum amount of funding required to each school in rank order.

Title IA – 1003(a) School Improvement

***Title IA – 1003(a)* school improvement funds are to be used for:**

- Eligible and identified Priority and Focus schools to provide a funding framework to establish school improvement activities to help schools meet state academic standards,
- Provide high quality professional development to help teachers and administrators improve the quality of their work
- Assist low-performing Title I schools to identify areas of highest need and improve the quality of education for students by using the Title I System of Support appraisal tools.

Title IA – 1003(g)
School Improvement Grant (SIG)

1003(g) SIG funds are to be used for eligible and identified Priority and Focus schools. This is a competitive grant open to identified Priority and Focus schools. Funds are to be used to improve the school through the implementation of one of the following federal school improvement models: (1) Turnaround;

(2) Transformation

(3) Restart

(4) Closure

(5) Early Learning

(6) Whole School Reform

Title I A: College and Career Ready

School-wide Assistance Schools:

- Must have at least 40% poverty
- Create a plan that integrates a comprehensive needs assessment and schoolwide reform strategies (typically 1 year to develop plan)
- Flexibility in use of funds
- Maintains schoolwide mission and goals that shape school decisions and help all students achieve high standards

Targeted Assistance:

- Schools with less than 40% poverty or in their first year as a Title I school must use the Targeted Assistance model.
- Use Title I funds only for supplementary educational services for eligible children.
- Identify as eligible those students who are failing or most at risk of failing to achieve state academic standards in reading/language arts and mathematics.
- Prioritize and serve only eligible students in rank order to provide services to those in greatest need (regardless of income level).

Title I C: Migrant Education

Title I C – Migrant Education funds are to be used for students whose families live a migratory agricultural lifestyle:

- Ensure that migratory children who move among the states are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and state academic content and student academic achievement standards
- Provide these students with appropriate educational services (including supportive services) that address their special needs to enable them to meet the same challenging state academic content and student academic achievement standards that all children are expected to meet.

Title I D: Neglected & Delinquent

Title ID – Neglected and Delinquent (ND) Youth – funds are to be used to:

- Serve children and youth under the age of 21 enrolled in a regular program of instruction operated or supported by state agencies in institutions or
- Community day programs for neglected or delinquent children and youth and adult correctional institutions
- Educational opportunities will include reading, mathematics and vocationally-oriented subjects.

1,174 ND youth were served in 17 corrections and neglected program facilities in FY14. 985 of those students received transitions services.

Approximately $1,000,000 per year of federal funds.

Title III A: English Learner Education

Title III – ***English Language Learners*** – funds are to be used for approved English Language Learner assistance. To ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet. LEAs ***must*** provide:

(1) high-quality language instructional programs based on scientific research on teaching Limited English Proficient (LEP) children

(2) high-quality professional development that is designed to improve instruction and assessment of LEP children, scientifically based, and of sufficient intensity and duration.

In 2013-2014, 21,676 EL students were served.

Title IV Part B: 21st Century After School Programs

The 21st Century Community Learning Centers (CCLC) Program is a competitive federal grant for Local Education Agencies (LEAs) and Community or Faith-Based Organizations (CFBOs) to serve students and their families attending schools with poverty levels of 40 percent or higher outside of regular school hours.

Authorized under Title IV, Part B, of the Elementary and Secondary Education Act, the program's specific purposes are to:

- Provide opportunities for academic enrichment to help students meet State and local student performance standards in core academic subjects such as reading and mathematics;
- Offer students a broad array of additional services, programs, and activities that are designed to reinforce and complement the regular academic program of participating students; and
- Offer families of students served by community learning centers opportunities for literacy and related educational development.
- Currently, Utah has over thirty 21st Century Community Learning Center grants, serving nearly 100 school/community sites and over 21,000 students

Title VIIA: Indian Education

Title VII – Indian Education – funds are awarded by the Federal Government. The purpose is to support the efforts of local education agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indians, Native Hawaiian, and Alaska Native students, so that they can meet the same challenging State student academic achievement standards as all other students are expected to meet.

Title VII B: Homeless Education

Title VII B -- McKinney-Vento Homeless Assistance Act – funds are awarded by the number of homeless students identified.

The purpose is:

- To support the efforts of local education agencies to meet the unique educational needs for homeless students
- To ensure that they can meet the same challenging State student academic achievement standards as all other students are expected to meet
- To aide with additional needs, as identified
- Ensure immediate enrollment in school

In 2013-2014, 5,934 homeless students were served.

Math Engineering Science Achievement

Program Details:

MESA is a national initiative to provide Minority and Female students grades 6-12 an opportunity to be involved in extra-curricular experiences in Mathematics, Engineering, and Science. The after-school program is supported by participating schools and districts and challenges students in various academic tasks, with the ultimate goal of increasing the number of women and minorities in STEM.

MESA is funded through the Enhancement for At-Risk Students State fund.

SB 43 Intergenerational Poverty Interventions in Public Schools (IGP)

Intergenerational Poverty Interventions Grant (State) – Provides out-of-school education services that assist students affected by intergenerational poverty in achieving academic success. Funding available to LEAs with schools that already have afterschool programs may apply for supplemental grants ranging from $30,000 to $50,000 per site per school year to augment the amount or intensity of services to benefit students affected by Intergenerational Poverty. LEAs with schools that do not have existing afterschool programs may apply for funds ranging from $100,000 - $150,000 per site per school year to establish quality afterschool programs.

ESEA and Special Programs

Ann G. White
Educational Director

Dr. Rebecca Donaldson
Educational Coordinator

-ESEA Instructional Improvement
-Liaison between other sections

Dr. Max Lang	Jeff Ojeda	Sandra Grant	Kreig Kelley	Lisa Wisham	Dr. Jose Enriquez	Rita Brock	Dr. Chuck Foster	Murray Meszaros
Education Specialist -School Instructional Improvement -Title I C: Migrant Education -UCA Specialist	Education Specialist -Title I A School Instructional Improvement -McKinney-Vento -EL Endorsement -UCA Specialist	Education Specialist -ESEA Fiscal Compliance -Reporting -Title I A Monitoring -DMI Monitoring -UCA Specialist	Education Specialist -Title I A Monitoring -DMI TA	Education Specialist -Title IV B: 21st CCLC Intergenerational Poverty -Early Childhood TA -IDEA Preschool -UCA Specialist	Education Specialist -Title III: English Learners -AMAO -WIDA -DMI Monitoring -UCA Specialist	Education Specialist -Highly Impacted Schools -MESA -SIOP -EARS -UCA Specialist	Education Specialist -Title VII, Indian Education	Education Specialist -Title I D: Neglected & Delinquent Youth -(CTE - DCR)

Samuel Paredes
Financial Office Specialist

Ann-Michelle Neal
UMTSS/Federal Programs

Jackie Perkins	Becky Peters	Samantha Anderson	Renee Medina	Kellie Smith	Daphne Prince
Support to Ann White Administrative Secretary -ESEA Data Steward -Website Manager -Contract Manager	Support to Rebecca Donaldson Executive Secretary -School Improvement -Parental Involvement -DMI Help Desk -Computer Support	Support to Jose Enriquez and Lisa Wisham Office Specialist I Jose Enriquez: -Title III Lisa Wisham: -21st CCLC -Intergenerational Poverty - Early Childhood Education Technical Assistance	Support to Sandi Grant, Max Lang, Kreig Kelley, Jeff Ojeda Office Specialist II Max Lang: -Migrant Jeff Ojeda: -McKinney-Vento Sandi Grant: -Monitoring All: -In-state Travel -DMI Help Desk	Section-wide Support Office Specialist II -UCA Help Desk -Out-of-State Travel -DMI Help Desk	Support to Chuck Foster and Rita Brock Office Specialist I Chuck Foster: -Title VII Indian Education Rita Brock: -Enhancement for At-Risk Students (EARS) -MESA -SIOP

USOE INFORMATION TECHNOLOGY

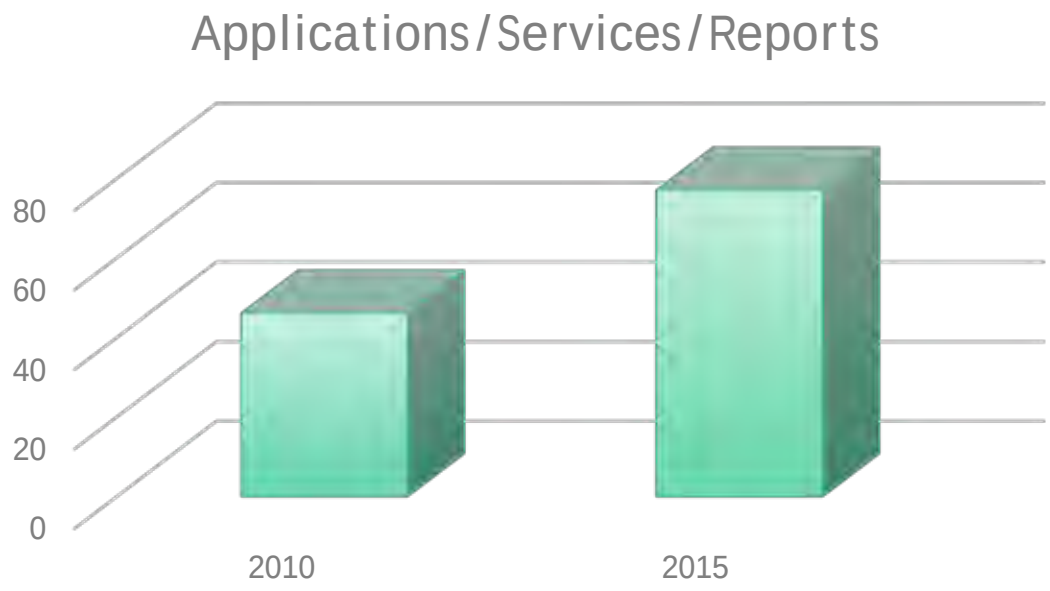
Our mission is to develop and provide cost-effective, broadly based, highly functional information technology services for Utah's public school districts and charter schools, the Utah State Office of Education (USOE), and the Utah State Office of Rehabilitation (USOR). These include:

- Assuring equity among users.
- Implementing cost-effective practices.
- Minimizing duplicative hardware, software, and development.
- Promoting cooperative development and resource sharing in accord with the strategic plan.

Utah STATE OFFICE of Education

APPLICATIONS/SERVICES/REPORTS

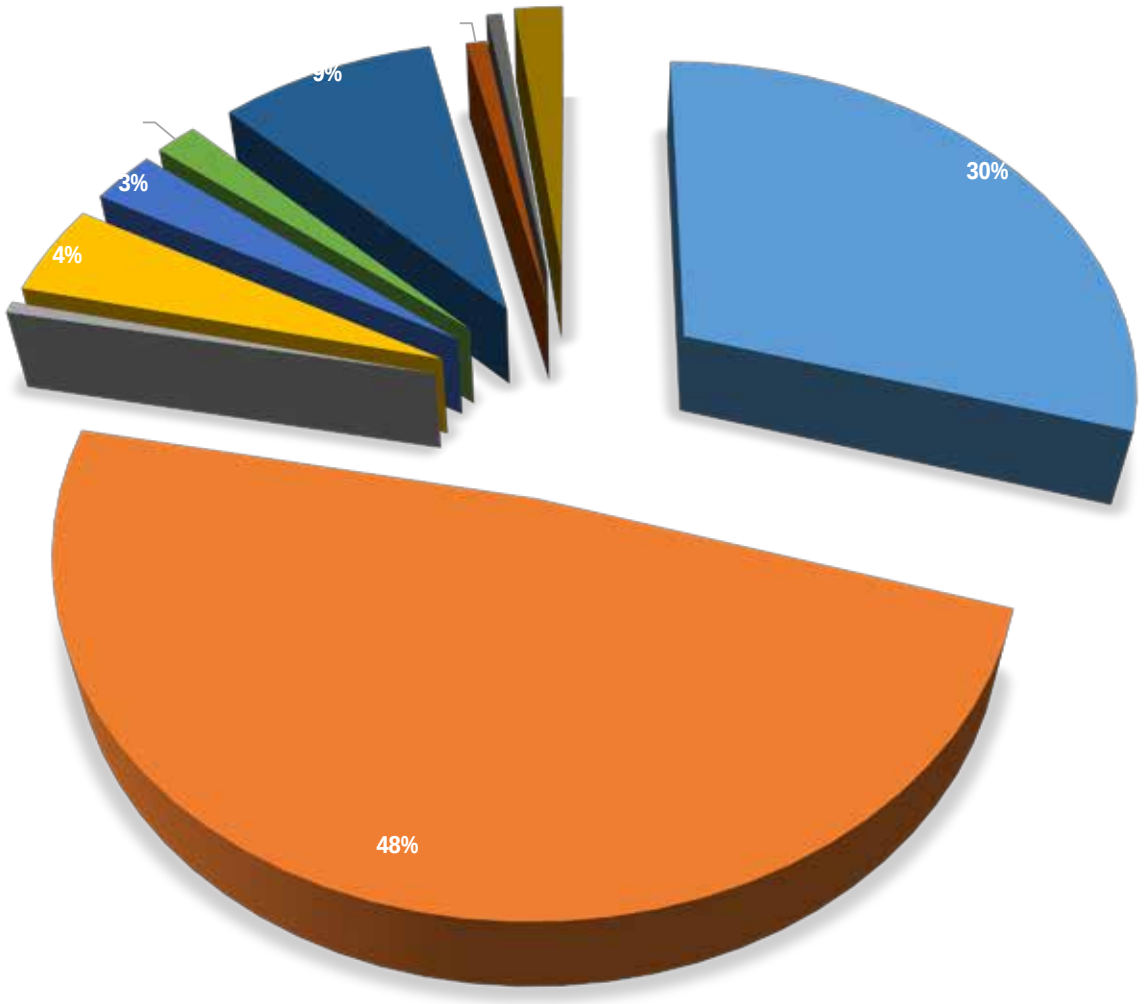
- Approximately 46 applications, services, and reports were managed in 2010.
- Approximately 77 applications, services, and reports are being managed in 2015.



- Applications, services and reports continuing from 2010 to 2015 experienced growth in development, maintenance, data collected, reports required, and support required.
- The next slide shows the applications, services, and reports color-coded; 2010-2015 or current, 2010 only, or added since 2010.

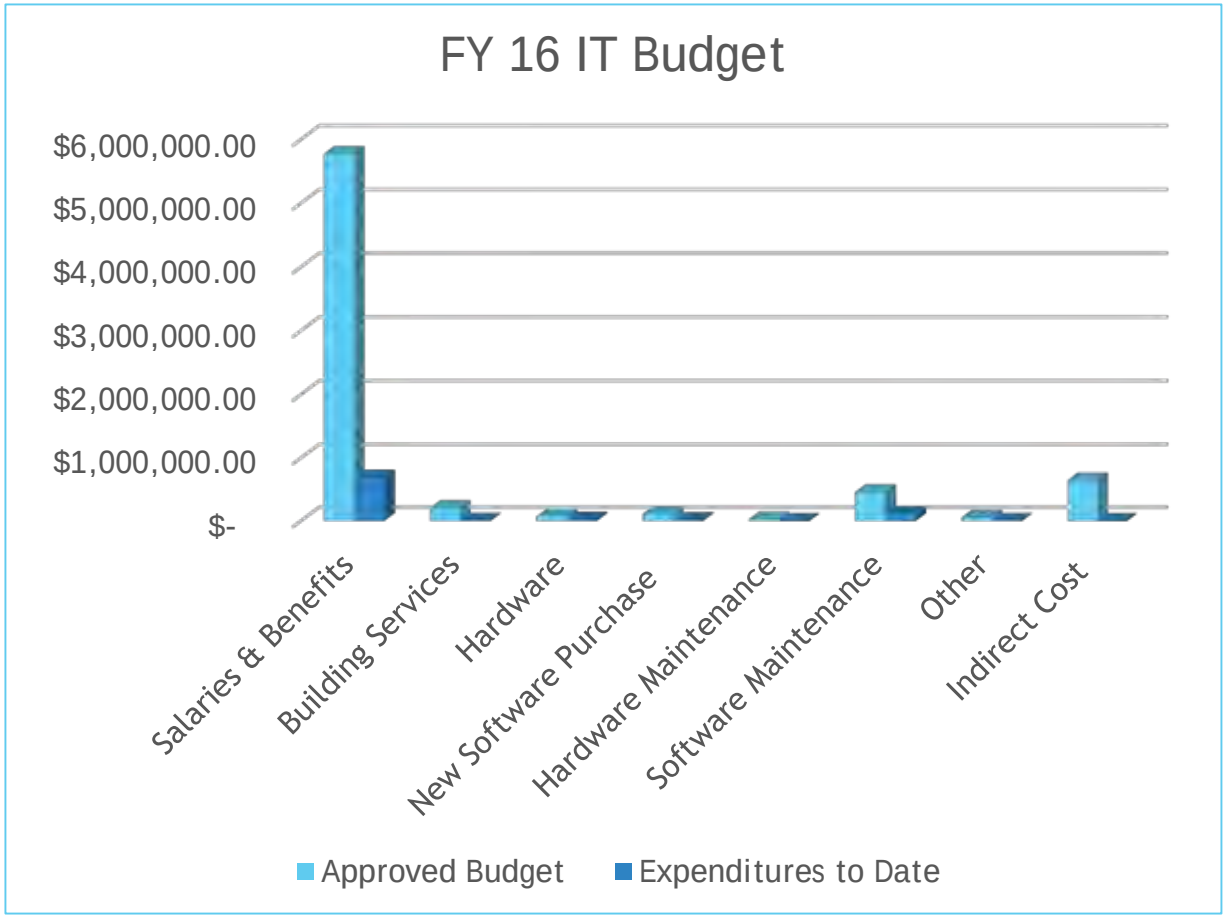
2010 only	2010 thru 2015	Added since 2010			
FIS	Data Warehouse (Education)	RIMS/AIMS – Recommended Instructional Materials System/Automated Instructional Materials System	Automated C-20 Awarded Funds Approval	SEATS - SOEP Enrollment, Approval and Tracking System (Under Development)	Wireless BYOD (Bring Your Own Device)
Clearinghouse	Data Warehouse (Financial)	Security – Desktop, Network, Server	AWARE	SOAR - Student Outcome Accountability Report	Automated Grant Award
LAN Desk	StateDW Download	SERF – State Education Research File	CACTUStoBASE	SOEP – Statewide Online Education Program (ZOHO)	Automated Travel Approval Process
UPASS	EDFacts	SharePoint	Centralized Faxing	Software Approval and Licensing	Automated C-7 Expenditure Approval
UTOS - Utah Test Ordering System	E-mail	SSID - Statewide Student Identifier	Check-out Laptops	TSSP - Teacher Salary Supplement Program	Automated P-2 Position Authorization
Assessment system	EIPTTS/TEDI – Transition from Early Intervention Data Information System	UCA/DMI Tracker – Utah Consolidated Application/Desktop Monitoring Instrument Tracker	CRDC – Civil Rights Data Collection	VOIP (Voice Over IP-phone system)	Automated C-12 Employment Change
ActiveUsers	HMBUpload	UPEFS – Utah Public Education Financial System (aka DataMart)	CTE Survey	University Recommends	DCPS – Disability Case Processing System
Application Training	IRIS – Integrated Rehabilitation Information System	UI - Utah Interactive	KACE	UCAP -Utah Charter Access Point	Employee Security Training
Aspire	IRISUPT	UTIPS – Utah Testing Item Pool System	MSP - Minimum School Program Under development	UPIPS – Utah Program Improvement Planning System	
BASE - Budget and Accountability System for Education	IRIStoBASE	UTopia - Utah Online Performance Information for Adult Education	ORS – Online Reporting Services	UDA - Utah Data Alliance	
C-8	MAPS – Migrant Assessment Performance System	USOE Website	PACE/UCAS – Prepare, Access, Complete, Economic Success/Utah Comprehensive Accountability System	UTREx - Utah eTranscript and Record Exchange	
CACTUS - Comprehensive Administration of Credentials for Teachers in Utah Schools	Media Services	Web Services	Precision Exams	Good-Email encryption/protection for mobile devices	
CNPweb - Child Nutrition Program Web Application	MOVEit Secure Site	Wireless	PFC Security	TRAPS - Advanced Malware prevention	
CSSCAPES – Carson Smith Scholarship Computerized Application for Private Schools	On-Track	YEWS – Year-End Web Survey	School Trust Lands	Redgate SQL Monitoring	
Data Gateway (COGNOS in 2010)	PATI – Program Approval for Technology Instruction	AYP	SAGE – Student Assessment of Growth And Excellence	Cisco ISE	

Approved Budgets FY 16

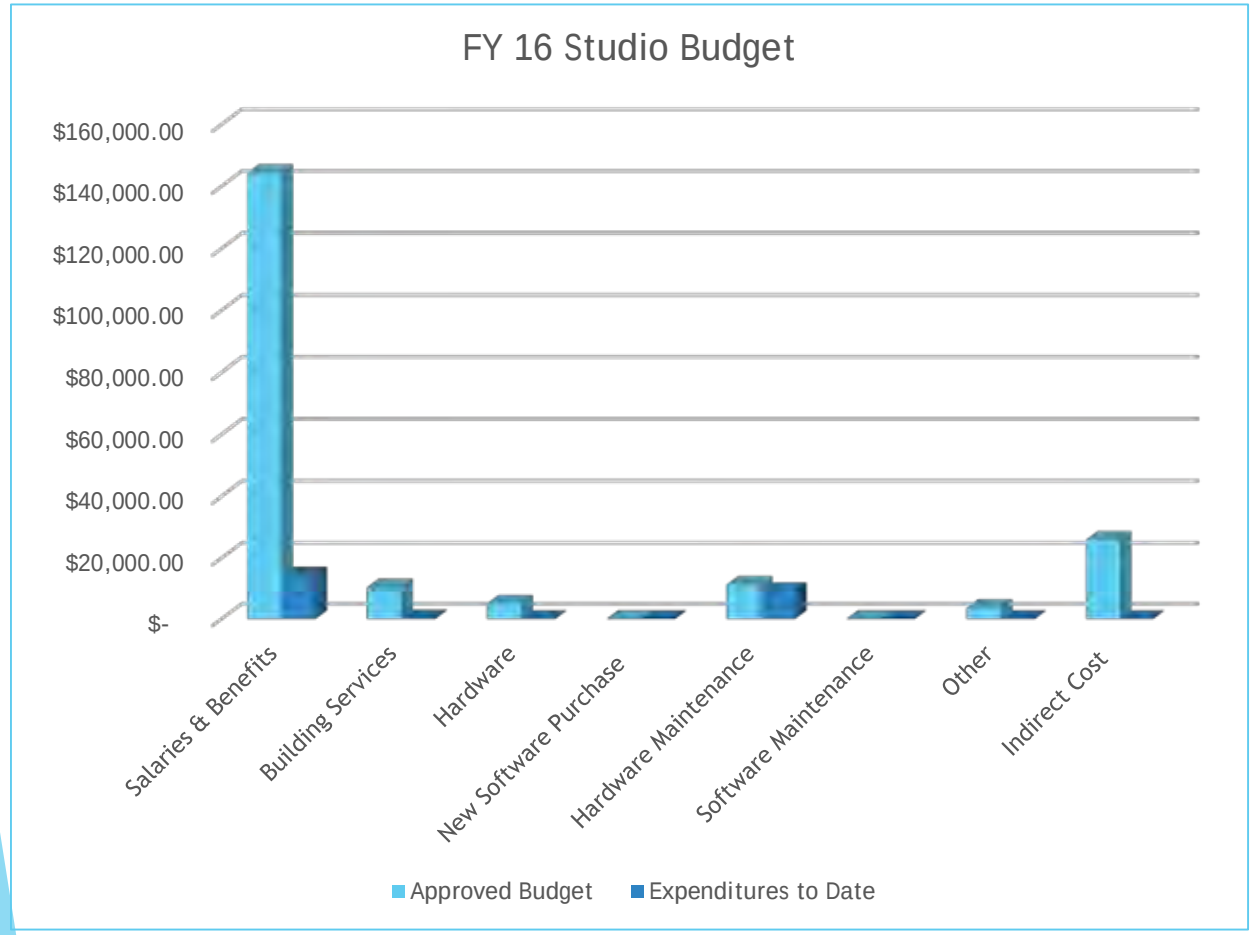


- Indirect Cost Pool (0102 T876)
- IT State Funding (0443 T016 project 11)
- IT State Funding SB59 (0443 T016 project 15)
- IT State Funding Mineral Lease (0443 T046 project 11)
- Risk Mitigation Funding (0443 T016 project 12)
- State Assessment Federal Funds (0443 T765 project 11)
- State Assessment Federal Funds (0443 T766 project 11)
- TA55 State Carryover (0443 TA55 project 11)
- Studio State Funding (0444 T016 project 10)
- Studio Mineral Lease Funding (0444 T046 project 10)

IT and Studio Funding Sources	Approved Budget FY 16
Indirect Cost Pool (0102 T876)	$ 2,235,472.00
IT State Funding (0443 T016 project 11)	$ 3,641,000.00
IT State Funding SB59 (0443 T016 project 15)	$ 40,800.00
IT State Funding Mineral Lease (0443 T046 project 11)	$ 333,400.00
Risk Mitigation Funding (0443 T016 project 12)	$ 200,000.00
State Assessment Federal Funds (0443 T765 project 11)	$ 130,430.00
State Assessment Federal Funds (0443 T766 project 11)	$ 676,000.00
TA55 State Carryover (0443 TA55 project 11)	$ 63,858.00
Studio State Funding (0444 T016 project 10)	$ 48,100.00
Studio Mineral Lease Funding (0444 T046 project 10)	$ 152,420.00

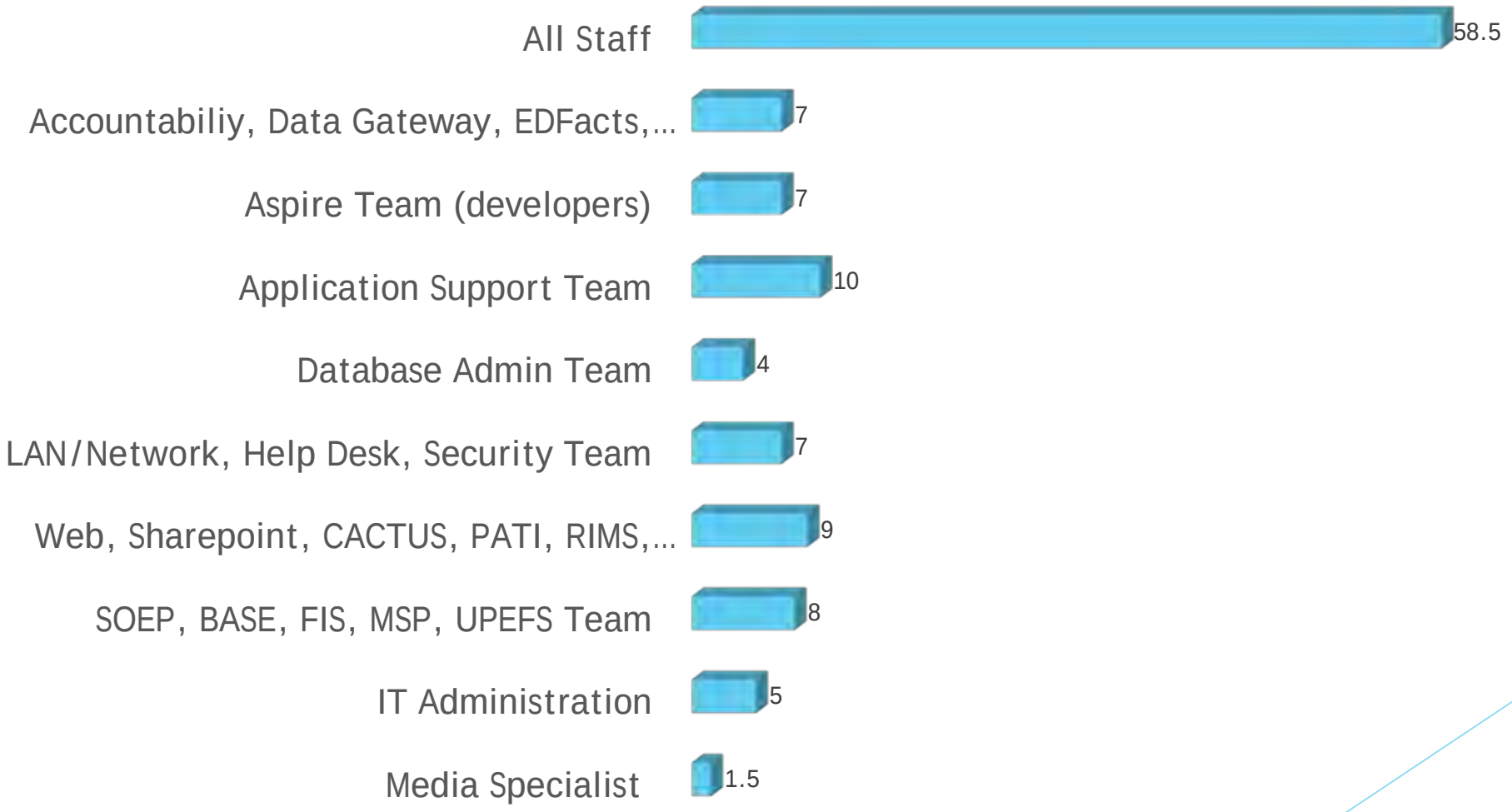


IT Budgets (excluding Studio) Areas of Expenditures	Approved Budget	Expenditures to Date
Salaries & Benefits	$5,769,865.79	$683,370.43
Building Services	$202,672.00	$4,132.29
Hardware	$67,200.00	$20,644.09
New Software Purchase	$107,000.00	$9,906.70
Hardware Maintenance	$25,000.00	$54.71
Software Maintenance	$455,517.00	$106,399.07
Other	$50,229.00	$2,166.22
Indirect Cost	$643,476.21	$-



Studio Budgets Areas of Expenditures	Approved Budget	Expenditures to Date
Salaries & Benefits	$144,301.00	$14,252.86
Building Services	$10,308.00	$176.67
Hardware	$5,000.00	$ -
New Software Purchase	$ -	$ -
Hardware Maintenance	$11,241.00	$9,017.90
Software Maintenance	$ -	$ -
Other	$3,559.00	$ -
Indirect Cost	$25,974.00	$ -

IT STAFF

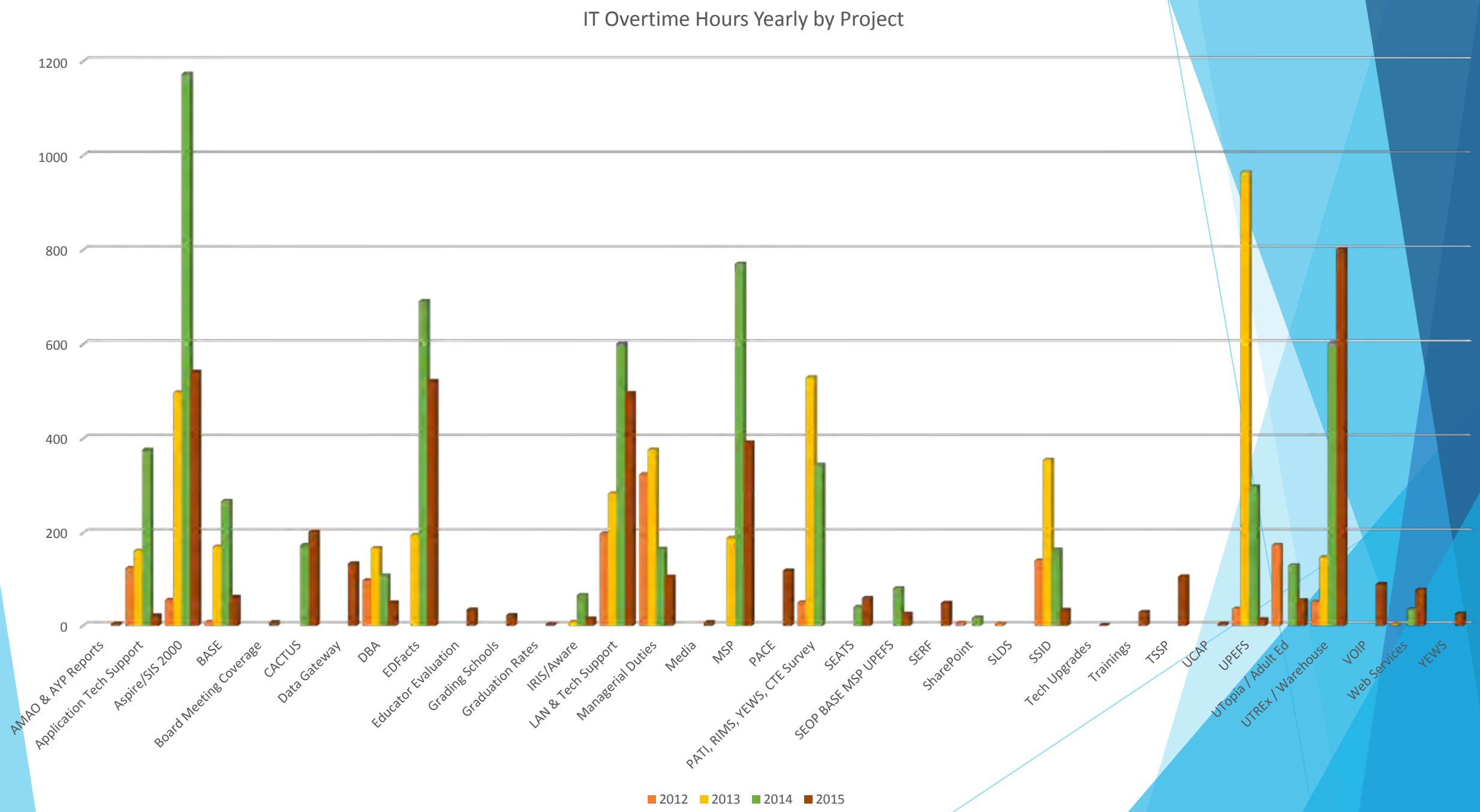

All Staff
58.5
Accountabiliy, Data Gateway, EDFacts,...
7
Aspire Team (developers)
7
Application Support Team
10
Database Admin Team
4
LAN/Network, Help Desk, Security Team
7
Web, Sharepoint, CACTUS, PATI, RIMS,...
9
SOEP, BASE, FIS, MSP, UPEFS Team
8
IT Administration
5
Media Specialist
1.5

Overtime Comparison – FY12, 13, 14, 15

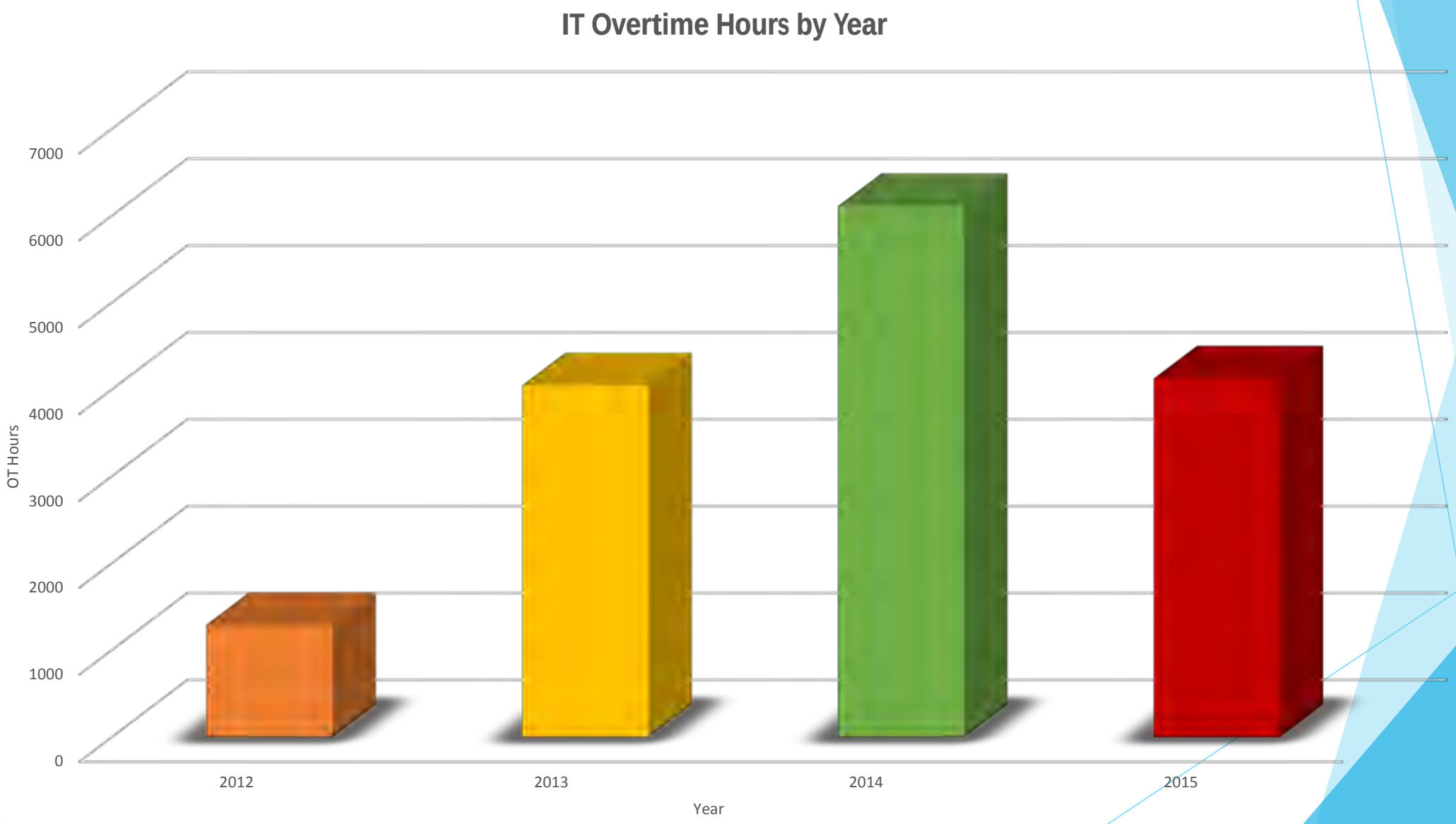
	2012	2013	2014	2015
July	143.25	169.13	419.64	478.39
Aug	223.5	296.77	778.89	319.77
Sept	67.63	250.53	481.77	315.25
Oct	130.77	417.01	384.77	357.75
Nov	91	323.81	571.78	399.25
Dec	27.76	172.5	329.78	336.75
Jan	41	247.25	515.13	379.25
Feb	57.01	265.75	505.01	299.64
Mar	91.25	444.25	425.65	210.82
Apr	165.76	311.64	536.92	166.5
May	112.76	422.51	528.66	307.26
June	140.51	725.39	632.27	555.71
	1292.2	4046.54	6110.27	4126.34

Overtime has increased over the years due to **new applications and projects** being added to the IT workload and **the high turnover rate** experienced between FY13 and 14.

IT Personnel lost;
156 comp hours in calendar year 2012,
241 comp hours in calendar year 2013, and
120 comp hours in calendar year 2014.


IT Overtime Hours Yearly by Project
1200
1000
800
600
400
200
0
AMAO & AYP Reports
Application Tech Support
Aspire/SIS 2000
BASE
Board Meeting Coverage
CACTUS
Data Gateway
DBA
EDFacts
Educator Evaluation
Grading Schools
Graduation Rates
IRIS/Aware
LAN & Tech Support
Managerial Duties
Media
MSP
PACE
PATI, RIMS, YEWS, CTE Survey
SEATS
SEOP BASE MSP UPEFS
SERF
SharePoint
SLDS
SSID
Tech Upgrades
Trainings
TSSP
UCAP
UPEFS
UTopia / Adult Ed
UTREx / Warehouse
VOIP
Web Services
YEWS
2012
2013
2014
2015

Overtime Comparison – FY12, 13, 14, 15



Area of Expenditure Object Codes

Building Services = 6115,6116,6126,6132,6149,6161,6171, 6300, 6500

Other = 6136,6137,6181,6182,6185,6186,6188,6189,6263,6269,6274,6276,6286,6299,6001,6002, 6003,6005,6006,6007,6052,6053,6055,6056,6057

Hardware = 6467,6469,6470,6471

New Software = 6468,6472,6473,6616

Hardware Maintenance =6580, 6582,6228

Software Maintenance = 6595

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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: September 17- 18, 2015

DISCUSSION: Update on Minimum School Program Automation Project

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Background:
School Finance and Information Technology (IT) have been working jointly on the Minimum School Program Automation Project (MSPA) for the past two years.

Key Points:
With the change in school finance personnel in the past year the project scope and requirements have been revised. The revision and new direction has extended the time line of the completion of the project.

Anticipated Action:
School Finance and IT will update the Finance Committee on the progress made on MSPA and provide additional insight on the project plans and time lines.

Contact: Scott Jones, Associate Superintendent, 801 538-7514
Natalie Grange, School Finance Director, 801 538-7668
Jerry Winkler, Information Technology Director, 801-538-7842

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

DRAFT -Revised 8/15/2015

MSP Automation System Specs

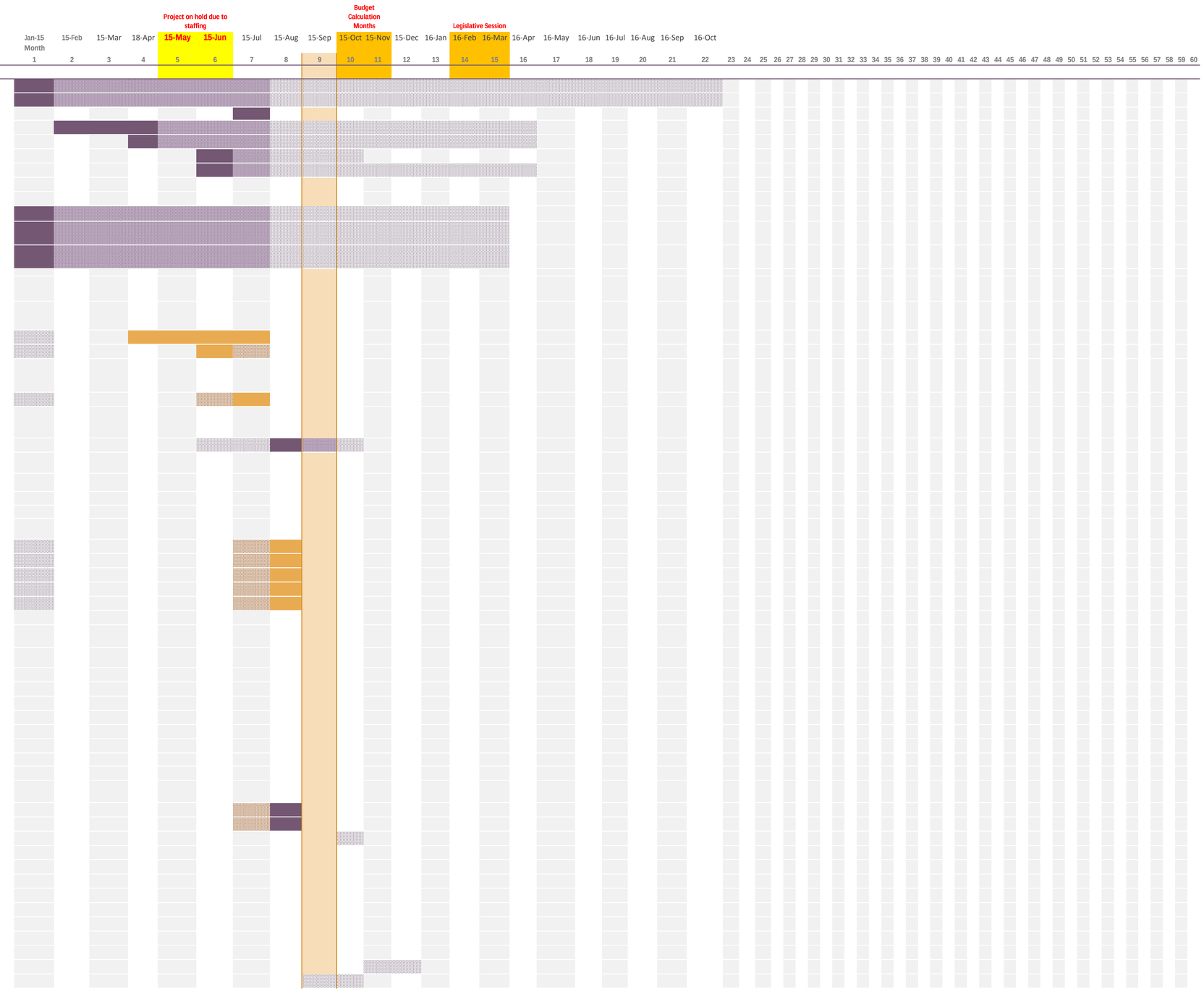
B=Basic Program
RB= Related to Basic (below the line)
Most of the MSPA processes have existing documentation= revising and revising to new "Specs" is the current approach

Month Highlight: 9

Plan | Actual | % Complete | Actual (beyond plan) | % Complete (beyond plan)

Project on hold due to staffing: 15-May, 15-Jun
Budget Calculation Months: 15-Oct, 15-Nov
Legislative Session: 16-Feb, 16-Mar

ACTIVITY	PLAN START	PLAN DURATION	ACTUAL START	ACTUAL DURATION	PERCENT COMPLETE
SYSTEM PLANNING					
Define the processes and capabilities of system	1	22	1	7	10%
Define Internal Controls	1	22	1	7	10%
Define MSP process time frames	7	1	7	1	100%
Identify source data/systems	2	15	2	6	55%
Define reports, retention, audit trail	4	13	4	4	30%
Training provided to IT/IA	6	5	6	2	25%
Develop and build analytical reviews/scenarios in system	6	11	6	2	5%
INDIVIDUAL PROCESSES					
Review statue and board rule/ determine compliance for each "line item or	1	15	1	7	15%
Simplify calculations, eliminate redundancies, achieve transparency for each calculation	1	15	1	7	15%
Write MSP process manual/MSPA process manual (define internal controls)	1	15	1	7	5%
FREQUENCY 1: Beginning of BUDGET Year (Agreed upon priority of October 1, 2015)					
DATA SOURCES					
25- LEA Master List	1	1	4	4	100%
215- YEAR End ADM (LEA/School/District of Residence level reports)	1	1	6	2	85%
To do: define analytical reports, create templates, define internal controls "sign offs or approvals" Roadblock: no policy on data changes/exceptions. Must create "append table" in warehouse and a board rule to finalize.					
205-October 1 Headcounts (LEA/School/District of Residence level reports)	1	1	7		75%
To do: define analytical reports, create templates, define internal controls "sign offs or approvals" Roadblock: no policy on data changes/exceptions. Must create "append table" in warehouse and a board rule to finalize.					
75/85- CDC Projections for October 1 next school year	6	5	8	2	15%
Pending: The SQL that pulls UTREX reports and the SQL that runs for 75/85 do not create the same reports. DATA/Stats review SQL (not material differences)					
included in 85 charter projections from UCAP (or spreadsheet)					
included in 85 Health Department data used in 75/85					
Inclued in 85 County lists					
Calculations and Determinations of Appropriation Line Items					
Calculation of WPUs	1	1	8		50%
Calculation of K and 1-12 WPU $ B	1	1	8		50%
Calculation of Class Size Reduction B	1	1	8		40%
Calculation of District Admin Costs B	1	1	8		40%
Calculation of Charter admin Costs RB	1	1	8		40%
65 WPU summary file B					
FREQUENCY 2: Beginning of BUDGET Year - cont'd after Oct 1 priority					
DATA SOURCES					
December 1 Special Education Counts (UTREX)		2			
Qualifying NESS Schools (CACTUS)		1			
NESS Regression tables (SF created)		?			
Prostaff % from (CACTUS)		2			
Property Tax Collections ((NESS, LRF, Voted and Board, Capital Outlay) (USTC data)		2			
Assessed Valuations NESS, LRF, Voted and Board, Capital Outlay (USTC data)		2			
CDC Assessed Valuations		1			
Immunization Compliance by LEA (DOH)		1			
MSP Calculations and Determinations of Appropriation Line Items					
Calculation of Foreign Exchange WPU B	8	1	8		75%
Calculation of Early Grad B	8	1	8		30%
Immunization	10	1			
Calculation Prostaff B		3			0%
Calculation of NESS B		4			0%
Special Education-Add on B		4			0%
Special Education -Self Contained B		2			
Special Education Pre School B		3			
Special Educaiton Extended Year Program B		2			
Special Education State Programs B		2			
CTE Add on B	?	?	?		
District Local Replacement B	11	2			
Charter Local Replacement RB	9	2			40%



Voted Levy Guarantee Program (Regular and MBG) B	9	3	10%
Board Levy Guarantee Program (Regular and MBG) B	9	3	10%
Capital Foundation programs (Regular and MBG) B	11	2	10%
Capital Outlay programs (Regular and MBG) B	11	2	10%
Flex Allocation RB			
Educator Salary Adjustments RB			
Balance of local revenue/state revenue	11	3	

FREQUENCY 3: Budget - July 1 (Beginning of FY distributions)

DATA SOURCES

AFR APR data transportation		2
Miles/Minutes and other data input Transporation		

MSP Calculations and Determinations of Appropriation Line Items

Transportion To/From RB

Transportation Guarantee program RB

Teacher Supplies RB

Law and Licensing Committee - Board Room

Time for public comment may be provided prior to each item

All versions of rules presented will be accessible at
http://schools.utah.gov/law/Administrative-Rules/USBE.aspx

ACTION: Approval of Previous Meeting Minutes	Tab 4-K
ACTION: New School Approval - Athlos Academy of Utah	Tab 4-L
ACTION: R277-533 *District Educator Evaluation Systems* (Amendment)	Tab 4-M
ACTION: R277-100 *Rulemaking Policy* (Continuation and Amendment)	Tab 4-N
ACTION: R277-611 *Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools* (Continuation and Amendment)	Tab 4-O
ACTION: R280-203 *Certification Requirements for Interpreters/Transliterators for the Hearing Impaired* (Amendment) and Policy and Procedures Governing the Certification of Interpreters and Transliterators	Tab 4-P
ACTION: Least Restrictive Behavior Interventions (LRBI) Technical Assistance Manual	Tab 4-Q
DISCUSSION: R277-477 *Distribution of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program*	Tab 4-R
ACTION: R277-606 *Public School Student Dropout Recovery* (New/Amendment)	Tab 4-S
ACTION: R277-438 *Dual Enrollment* (Amendment)	Tab 4-T
ACTION: R277-494 *Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities* (Amendment and Continuation)	Tab 4-U

USBE Law and Licensing Committee Minutes

August 6, 2015

Members Present: Leslie Castle, Linda Hansen, David Crandall, Terryl Warner; Committee staff Angie Stallings, Cybil Prideaux

Members Absent: David L. Thomas

Others Present: Chris Lacombe, Carol Lear, Matt Bowman, Tim Donaldson, Paula Plant, Dawn Davies, Debi Tabor, Marlies Burns, Cynthia K. Phillips, DeLaina Tonks, Cory Kent, Tracey M. Watson, Jeannie Rowland, Linda Alder, Chase Clyde, Tina Smith, Erin Preston, Glenna Gallo, Karre Nevarez, Stacey Hutchings, Cheryl Phipps, Sara Jones, Barbi Foust

The Committee meeting was called to order at 6:02 p.m. by Leslie Castle.

Paraeducator to Teacher Scholarships (PETTS) Program

COMMITTEE INFORMATION: The Law and Licensing Committee received a report from Special Education staff regarding the PETTS Scholarship process and committee decisions.

Charter Amendment Request from Weilenmann School of Discovery

COMMITTEE ACTION: The Law and Licensing Committee heard a request from Weilenmann School of Discovery governing board and discussed the request.

COMMITTEE MOTION: The Committee voted unanimously to recommend that the Board approve the Weilenmann School of Discovery governing board's request as outlined in the amendment documentation, waiving the timeline portion of R277-482.

Utah Statute, Board Rules and Policies in regard to the Statewide Online Education Program

COMMITTEE DISCUSSION: The Law and Licensing Committee discussed the issues related to the Statewide Online Education Program and provided direction to staff for revisions to Board rules.

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

COMMITTEE ACTION: The Law and Licensing Committee reviewed, discussed and made changes of a repeal/reenact of R277-477 on second reading.

Changes included:

- Lines 167: insert "and" after semicolon
- Line 169: delete semicolon, insert period
- Lines 170-182: delete
- Lines 204-215: delete
- Line 216: renumber subsection

COMMITTEE MOTION: The Committee voted unanimously to repeal/reenact R277-477 as amended on second reading and recommend that the Board approve it on third and final reading.

R277-491 *School Community Councils*

COMMITTEE ACTION: The Law and Licensing Committee reviewed and discussed the repeal/reenact of R277-491 on second reading.

COMMITTEE MOTION: The Committee voted unanimously to repeal/reenact R277-491 as amended on second reading and recommend that the Board approve it on third and final reading.

R277-533 *Educator Effectiveness Component Requirements* (New)

COMMITTEE ACTION: The Law and Licensing Committee reviewed and discussed R277-533 on first reading.

COMMITTEE MOTION: The Committee voted unanimously to recommend the Board discuss R277-533 and table R277-533 for further committee discussion on third and final reading in September.

R277-100 *Rulemaking Policy* (Continuation and Amendment)

COMMITTEE ACTION: The Law and Licensing Committee reviewed and discussed R277-100 on first reading and gave direction to staff for further amendments.

COMMITTEE MOTION: The Committee moved to table R277-100 until the September meeting to consider further amendments.

R277-207 *Utah Professional Practices Advisory Commission (UPPAC) Disciplinary Presumptions*

COMMITTEE ACTION: The Law and Licensing Committee reviewed and discussed R277-207 on first reading.

COMMITTEE MOTION: The Committee voted unanimously to approve R277-207 on first reading as amended and recommended the Board consider approving R277-207 on second reading.

R277-514 and R277-517 (Repeal), R277-200 through R277-206 (Amendment) and R277-515 and R277-516 (Amendment)

COMMITTEE ACTION: The Law and Licensing Committee reviewed and discussed the repeal of R277-514 and R277-517 on first reading. The Committee reviewed and discussed amendments to R277-200 through R277-206, R277-515, and R277-516 on first reading. The Law and Licensing Committee adopted the following amendment to R277-203:

- Lines 151, 153, 155, 157: insert "or the victim's family" after "victim."

COMMITTEE MOTION:

- The Committee voted unanimously to repeal R277-514 and R277-517 on first reading and recommend the Board approve the repeal on second and third reading.
- The Committee voted unanimously to approve R277-200 through R277-206, R277-515, and R277-516 on first reading as amended and recommend the Board approve the rules on second and third reading.

R277-417 *Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation* (Amendment)

COMMITTEE ACTION: The Law and Licensing Committee reviewed and discussed R277-417 on first reading.

COMMITTEE MOTION: The Committee voted unanimously to approve R277-417 on first reading and recommend the Board approve R277-417 on second reading.

R277-438 *Dual Enrollment* (Amendment)

COMMITTEE ACTION: The Law and Licensing Committee took no action on R277-438.

COMMITTEE MOTION: The Committee voted unanimously to table R277-438 until the September meeting.

R277-494 *Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities* (Amendment and Continuation)

COMMITTEE ACTION: The Law and Licensing Committee took no action on R277-494.

COMMITTEE MOTION: The Committee voted unanimously to table R277-494 until the September meeting.

Meeting adjourned at 9:30 p.m.

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: New school approval – Athlos Academy of Utah

Background: The State Charter School Board (SCSB) is charged in UCA 53A-1a-501.6 with authorizing and promoting the establishment of charter schools. The SCSB heard presentations from nine applicant groups seeking to open in the 2016-2017 school year and held governing board capacity interviews with each. The purpose of the presentations and interviews was to determine if the applicants met at least one of the purposes of charter schools (UCA 53A-1a-503) and could provide evidence that the school's governing board was knowledgeable and capable of overseeing a public school receiving state taxpayer dollars.

To be approved under UCA 53A-1a-501.9, an applicant had to demonstrate it employed a new and creative method to meet the unique learning style and needs of students. According to statute, the Board must submit a request to the Legislature for funding for schools approved under this section of code. To be approved under UCA 53A-1a-502.5, an applicant had to demonstrate it was located in a high growth area of the state and commit to giving preferential enrollment to students within a two-mile radius of the school. Athlos Academy of Utah was approved under both.

Key Points: Athlos Academy of Utah was authorized by the SCSB in January 2015 and first came before the Board for approval in April 2015. The Board identified specific concerns with the application and sent it back to the SCSB for further consideration. Over the past four months, SCSB members and staff have researched, reviewed data, and met with the five (5) governing board members to ensure all concerns were fully resolved (i.e., role of the Education Service Provider, role of governing board in employee hiring and supervision, distinguishing characteristics of three pillars).

The full charter application can be found at http://schools.utah.gov/charterschools/State-Charter-School-Board/2015-Board-Meetings/January-2015.aspx.

Anticipated Action: The Law & Licensing Committee will consider approving Athlos Academy of Utah to open in the 2016-2017 school year as outlined in its application. If approved by the Committee, the Board will consider approving the application.

Contact: 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 Andy Lavin Phone 801-809-5206

3. Mailing Address (authorized agent) 78 S 300 E City North Salt Lake

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:

   Andy Lavin, Chair
   Todd Bingham
   Tyson Horrocks
   Brian Jackson
   Carrie Carter Reall

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:

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 have worked with this applicant consistently since April 2014 to ensure all concerns of the SCSB and USBE have been resolved.

16. Votes of the SCSB in approving the charter school application (original):

Recommended full approval: Tim Beagley, Dean Brockbank, Robb Enger, Kristin Elinkowski, Howard Headlee, DeLaina Tonks

Not in attendance for vote: Bruce Davis

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-533 *District Educator Evaluation Systems* (New)

Background:

R277-533 received final approval by the Board at its August 7, 2015 meeting. Since that time, additional concerns have been expressed, resulting in changes to the rule.

Key Points:

The updated version of R277-533 requires school districts to report educator evaluations results in the aggregate as opposed to reporting individual educator results.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-533 on second reading and, if approved by the Committee, the Board consider approving R277-533 on third and final reading.

Contact: Sydnee Dickson, 801-538-7515
Angie Stallings, 801-538-7550
Diana Suddreth, 801-538-7739
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R277. Education, Administration.

R277-533. District Educator Evaluation Systems.

R277-533-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;

(b) Title 53A, Chapter 8a, Part 4, Educator Evaluations, which requires the Board to make rules to establish a framework for the evaluation of educators and set policies and procedures related to educator evaluations; and

(c) Subsection 53A-1-401(3), which permits the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is to:

(a) specify the requirements for district Educator Evaluation Systems Policies;

(b) describe the required components of district Educator Evaluation Systems; and

(c) establish requirements for how the Annual Summative Educator Evaluation Rating shall be computed and reported.

R277-533-2. Definitions.

(1) "Attribute" means the process of linking the results of student growth and learning to a specific educator or group of educators using the same SLO or SGP.

(2) "Evaluator" means a person who is responsible for an educator's overall evaluation, including:

(a) professional performance;

(b) student growth;

(c) stakeholder input; and

(d) other indicators of professional improvement.

(3) "PEER Committee" means the Public Educator Evaluation Requirements Committee established by the Superintendent.

(4) "Rater" means a person who conducts an observation of an educator related to an educator's evaluation.

(5) "Student learning objective" or "SLO" means a content and grade[,] or

course specific measurable learning objective that can be used to document student learning over a defined period of time.

(6) “Student growth percentile” or “SGP” means an analytic approach or [(]statistical method[)] for transforming student assessment results into an accountability metric.

(7) “System” means a school district’s educator evaluation system.

(8) “Tested subject” means a subject with an end of course examination in SAGE.

R277-533-3. School District Educator Evaluation Systems.

(1) A local school board shall adopt a district educator evaluation system in consultation with a joint committee established by the local school board as described in Section 53A-8a-403.

(2) A district educator evaluation system shall:

(a) include the components required in Section 53A-8a-405;

(b) include the following four differentiated levels of performance:

(i) highly effective;

(ii) effective;

(iii) emerging/minimally effective; and

(iv) not effective;

(c) use multiple lines of evidence in evaluation, including:

(i) professional performance, as described in Section R277-533-4;

(ii) student growth, as described in Section R277-533-5;

(iii) stakeholder input, as described in Section R277-533-5; and

(iv) other indicators of professional improvement as required by the school district;

(d) require regular conferences between an educator and an evaluator;

(e) provide a process for an educator to contribute additional information to inform the educator’s evaluation at several intervals throughout the process;

(f) measure an educator's professional performance when the educator is working in a professional capacity with students, parents, colleagues, or community members;

(g) provide a process for an educator to:

(i) analyze stakeholder input, including input from [a]parents, students, or teachers;

(ii) analyze data related to performance; and

(iii) develop appropriate responses to the information;

(h) provide a procedure to include an educator's response to stakeholder data in the rating calculation;

(i) include a process for an evaluator to give an educator specific, measurable, actionable, and written direction regarding an educator's needed improvement and recommended course of action;

(j) provide a process for an educator to request a review of the implementation of the educator's evaluation, as described in:

(i) Subsection 53A-8a-406(3); and

(ii) Section R277-533-8;

(k) include multiple observations as described in Section R277-533-4; and

(l) provide a description of the methods for gathering, using, and protecting educator data.

(3) To form the school district's system, a local school board may adopt:

(a) the Utah Model Educator Evaluator System established by the Board;

(b) an adapted system; or

(c) a school district-developed system approved by the PEER Committee, consistent with Rules R277-530, R277-531, and this rule.

(4) The PEER Committee, as described in Rule R277-531, shall review and [approve]evaluate a school district's educator effectiveness [plan]system including:

(a) professional performance;

(b) rater-reliability;

(c) student growth; and

(d) stakeholder input.

(5) The PEER Committee shall [approve]review and evaluate a school district's system.

(6) An educator is responsible for:

(a) improving the educator's performance, using resources offered by the

school district; and

(b) demonstrating acceptable levels of improvement in any designated area of deficiency.

R277-533-4. Evaluators and Standards for Education Observations.

(1) A school district's system shall include observations.

(2) The school district shall use observation tools that:

(a) are aligned with the Utah Effective Teaching Standards and the Educational Leadership Standards described in Rule R277-530 at the indicator level; and

(b) include multiple observations at appropriate intervals.

(3) A school district's evaluation system shall:

(a) include an orientation for all educators conducted by the principal or designee as required in Section 53A-8a-404;

(b) include multiple observation items;

(c) a final rating for each observation item described in Subsection (3)(b); and

(d) include an opportunity for an educator to contribute additional information to inform their rating at several intervals throughout the process.

(4) To ensure a valid evaluation system, a school district shall provide professional development opportunities to all raters and evaluators of licensed educators to:

(a) improve a rater or evaluator's abilities; and

(b) give the rater or evaluator an opportunity to demonstrate the rater's abilities to rate an educator in accordance with:

(i) the Utah Effective Teaching Standards described in Rule R277-530; and

(ii) the Utah Educational Leadership Standards described in Rule R277-530.

(5) A school district shall establish a school district rater reliability plan.

(6) A school district rater reliability plan shall:

(a) require school district to compare a rater's decisions to standardized ratings established by a committee of expert raters;

(b) require a school district to measure a rater's skills and reassess the rater's skills at appropriate intervals to maintain system quality;

(c) designate qualified raters as certified;

([c]d) assure that an educator is rated by a certified rater;

([d]e) require a school district to offer a rater opportunities to improve the rater's skills through instruction and practice; and

([e]f) maintain high standards of rater accuracy.

R277-533-5. Student Growth Calculations and Stakeholder Input.

(1) A Utah educator's contribution to a student's growth and learning shall be delineated into one of the following sets of measures:

(a) SGPs;

(b) SLOs; or

(c) a combination of SGPs and SLOs.

(2) A school district may attribute an SLO to an educator as part of an educator's evaluation in accordance with the school district's system policies.

(3) If a school district attributes an SLO to an educator, the school district shall:

(a) ensure that the SLO includes:

(i) three required components:

(A) learning goals;

(B) assessments; and

(C) targets; and

(ii) learning goals for an educator linked to the appropriate specific content knowledge and skills from the Utah Core Standards;

(b) provide professional development to an educator for the educator to gain the knowledge and skills necessary to sustain wide-scale implementation of an SLO process;

(c) establish a local review process to assist the school district in developing comparability and consistency of SLOs at each grade level or span; and

(d) design a structure and process for providing professional development to the school district's educators and administrators[;].

(4) A school district may attribute an SGP to:

(a) an educator as part of the educator's evaluation if the educator teaches

157 a tested subject;

158 (b) an educator as part of shared attributions; or

159 (c) an administrator.

160 (5)(a) A school district's system shall include a component for stakeholder
161 input for educators, principals, and administrators, which includes annual input from
162 students and parents.

163 (b) In addition to the stakeholder input described in Subsection (5)(a),
164 stakeholder input for principals and other administrators shall include input from
165 teachers and support professionals.

166 (c) A school district may attribute stakeholder input to an educator, principal,
167 or other administrator if the data gathered for the stakeholder input is gathered
168 using:

169 (i) appropriate methods of gathering data as described in the school district's
170 system plan; and

171 (ii) quality practices.

172 (6) A school district's system shall:

173 (a) allow an educator to have an opportunity to respond to stakeholder input;
174 and

175 (b) consider an educator's response described in Subsection (6)(a) as part of
176 the educator's final rating.

177 **R277-533-6. Computing the Annual Summative Rating.**

178 (1) A school district shall base an educator's component ratings on:

179 (a) actual observations of the educator's performance; and

180 (b) educator, evaluator, or other stakeholder data gathered, calculated, or
181 observed that is aligned with standards and rubrics.

182 (2) A school district shall combine an educator's component ratings using the
183 following formula:

184 (a) 70 [~~percent~~]% for professional performance;

185 (b) 20 [~~percent~~]% for student growth; and

186 (c) [[~~ten~~]10 [~~percent~~]% for stakeholder input.

187 (3) A school district shall round component outcomes to the nearest whole

188 number prior to calculating the summative score.

189 (4) A school district shall report summative scores annually for all educators
190 using the following approved terminology for reporting:

191 (d) highly effective 3;

192 (c) effective 2;

193 (b) minimal/emerging effective 1; and

194 (a) not effective 0.

195 **R277-533-7. Minimal or Emerging Effective Category.**

196 If an evaluator rates an educator's performance within the minimal or
197 emerging effective category, the rater shall:

198 (1) designate an educator as emerging effective if:

199 (a) the educator:

200 (i) holds a Level 1 educator license; or

201 (ii) is being served by the school district's Entry Years Enhancement (EYE)
202 program described in Rule R277-522; or

203 (b) the educator:

204 (i) received a new or different teaching or leadership assignment within the
205 last school year; or

206 (ii) is developing in that area; or

207 (2) designate an educator as minimally effective if the educator:

208 (a) holds a Level 2 educator license; and

209 (b) is teaching or leading in a familiar assignment.

210 **R277-533-8. Evaluation Reviews.**

211 (1) An educator who is not satisfied with a summative evaluation may request
212 a review in writing of the summative evaluation within 15 calendar days after
213 receiving the written summative evaluation.

214 (2) A school district shall conduct a review of an educator's summative
215 evaluation:

216 (a) as described in this section; and

217 (b) the requirements of Section 53A-8a-406.

(3) A review described in Subsection (2) shall be conducted:

(a) by a certified rater:

(i) with experience evaluating educators; and

(ii) not employed by the school district; and

(b) in accordance with the Utah Effective Teacher and Educational Leadership Standards described in Rule R277-531.

(4) A certified rater described in Subsection (3) shall review:

(a) the school district's educator evaluation policies and procedures;

(b) the evaluation process conducted for the educator; and

(c) the evaluation data from the professional performance, student growth, and stakeholder input components.

(5) The school district shall determine if the initial educator evaluation was issued in accordance with:

(a) the school district's educator evaluation policies;

(b) the requirements of the performance standards;

(c) Title 53A, Chapter 8a, Public Education Human Resource Management Act;

(d) Rule R277-531; and

(e) this rule.

(6) A certified rater described in Subsection (3) shall report the certified rater's recommendations in writing to the school district's superintendent for action.

R277-533-9. Educator Evaluation Data.

(1) A school district shall report to the Board annually on or before June 30 the information necessary for the Board to make the report required by Section 53A-8a-410.

(2) A school district shall maintain confidential records of the educator effectiveness component data of individual educators in accordance with:

(a) Rule R277-487; and

(b) state law.

(3) A school district's system may be monitored by the Board.

248 **KEY: educator, evaluation**

249 **Date of Enactment of Last Substantive Amendment: 2015**

250 **Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401(3)**

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-100 *Rulemaking Policy* (Continuation and Amendment)

Background:

1. R277-100 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 November 10, 2015. Staff have reviewed R277-100 and determined that the rule continues to be necessary.
2. R277-100 is amended to provide technical and conforming changes to the rule.

Key Points:

1. R277-100 continues to be necessary because it provides rulemaking procedures for the Board as required under the Utah Administrative Rulemaking Act.
2. The amendments provide changes to numbering and terminology throughout the rule.

Anticipated Action:

1. It is proposed that the Law and Licensing Committee consider approving R277-100 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-100 for continuation on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-100, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-100, as amended, on second reading.

Contact: Angie Stallings, 801-538-7550

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

VERSION 1

R277. Education, Administration.

R277-100. Rulemaking Policy.

R277-100-[~~2~~]1. Authority and Purpose.

[~~A.~~](1) This rule is authorized by:

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

(b) [~~by Section~~]Title 63G[~~-3-101 et seq.~~], Chapter 3, the Utah Administrative Rulemaking Act, which specifies procedures for a state agenc[~~ies~~]y to follow in making rules[~~,~~]; and

(c) [~~by~~]Subsection 53A-1-401(3), which authorizes the Board to adopt rules in accordance with its responsibilities.

[~~B.~~](2) The purpose of this rule is to conform the rulemaking procedures of the Board and divisions supervised by the Board to those required under the Utah Administrative Rulemaking Act.

R277-100-[~~1~~]2. Definitions.

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

~~B. "Bulletin" means the Utah State Bulletin.~~]

(1) Terms used in this rule are defined in Section 63G-3-102 and Rule R15.

(2) As used in this rule:

(a) "Board Executive Committee" means the committee established by the Bylaws of the Utah State Board of Education, which comprises the Chair, the Vice Chair, and the Superintendent.

[~~C.~~](b) "DAR" means the[~~ State~~] Division of Administrative Rules created in Subsection 63G-3-401.

~~[D. "Effective date" means the date on which a proposed rule becomes enforceable.~~]

[~~E.~~](c) "Hearing" means an administrative rulemaking hearing.

[~~F.~~](d) "LEA" or local education agency" [~~means a local education agency, including local school boards/public school districts, charter schools, and,~~]for purposes of this rule[~~,~~] includes the Utah Schools for the Deaf and the Blind.

[~~G. "Leadership Committee" means the Executive Committee of the Board as defined in Board Bylaws.~~

~~H. "Publication date" means the date of the Bulletin in which the rule or summary of the rule is printed.~~

~~I. "Rule"~~

~~(1) means a statement made by the Board that applies to a general class of persons, rather than specific persons and:~~

~~(a) implements or interprets a statutory policy;~~

~~(b) prescribes the policy of the Board in policy consistent with Section 53A-1-401(3); or~~

~~(c) prescribes the administration of the Board's functions or describes its organization, procedures, and operations.~~

~~(2) does not include declaratory orders under Section 63G-4-503.~~]

[~~J.~~](e) "Standing committee" means a committee consisting of Board members appointed by the Board [~~Leadership~~]Executive Committee.

[~~K. "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.~~

~~L. "USOE" means the Utah State Office of Education.~~

~~M. "USOR" means the Utah State Office of Rehabilitation.~~]

R277-100-3. Initiation, Amendment, or Repeal of a Rule.

[~~A. The Board may make, amend, or repeal rules.~~

~~(1) Rulemaking is required by the Board when:~~

~~(a) explicitly or implicitly required by statutory or federal mandate; and either~~

~~(b) Board action affects a class of persons; or~~

~~(c) Board action affects the operations of another agency, except as provided in Section R277-100-3A(2)(c).~~

~~(2) Rulemaking is not required by the Board when:~~

~~(a) a procedure or standard is already described in statute;~~

~~(b) Board action affects an individual person, not a class of persons;~~

~~(c) Board action concerns only the internal management of the Board,~~

~~USOR, or USOE;~~

~~(d) the Board or Agency action is a grammatical or other insignificant revision that does not affect policy or the application of Board decisions; or~~

~~(e) the Board or Agency action meets the standards of Section 63G-3-201(4).~~

~~B. Public Petition~~]

(1) A[~~ny~~] person may petition the Board to make, amend, or repeal a rule as provided by Subsection 63G-3-601(3) and Rule R15-2.[~~ The petition shall contain the name and address of the person submitting the rule, a written copy of the proposal, a statement concerning the Board's legal authority to act, and the reasons for the proposal. The petition is submitted to the Superintendent.~~]

(2)(a) The Superintendent shall review[~~s~~] a petition[~~s~~] prior to consideration by the Board.[~~ Within 30 days after receiving a petition, the Superintendent does one of the following:~~

~~(a) Notifies the petitioner that the petition has been denied and gives reasons for the denial; or~~

~~(b) Notifies the petitioner that the petition has been accepted, and specifies a date on which rulemaking procedures will be initiated.~~]

(b) The Superintendent shall include in the notice required by Subsections 63G-3-601(5) through (7) any [~~C~~]changes [~~in the petitioner's proposal~~]suggested by the Superintendent [~~are included in the notice~~]to the petition.

(3)(a) A petitioner may appeal a decision made by the Superintendent under Subsections 63G-3-601(5) through (7) by sending a signed request for consideration of the appeal, including a copy of the original [~~proposal~~]petition and copies of correspondence with the Superintendent, if any, to the Board Chair[~~ of the Board~~].

(b) The Chair shall present[~~s~~] the appeal to the Board.

(c) If the Board votes to review the [~~proposal~~]petition, [~~it is~~]the Board shall schedule[~~d~~] the petition for a future meeting of the Board.

(d) The decision of the Board is final.

R277-100-4. Procedures for Making, Amending, or Repealing a Rule.

[~~A. Regular Rules~~]

(1) Prior to submitting a proposed rule to the Board, the Superintendent shall [~~ensure that~~]make a reasonable effort[~~s have been made~~] to solicit information from LEA officials, professional associations, and other affected parties concerning the need for, and content of, the proposed rule.

(2)(a) Upon receiving notice of a proposed rule, the Board [~~Leadership~~]Executive Committee [~~of the Board~~]shall assign[~~s~~] the proposed rule to a standing committee or to the entire Board.

([~~3~~]b) If a[~~ Board~~] standing committee reads a proposed rule initially, the Board shall read the proposed rule[~~ shall be read~~] a second time before the entire Board and the second reading shall include discussion of the standing committee report[~~; and~~].

([~~4~~]c) After the entire Board reads a proposed rule, the Board may[~~ choose to~~]:

([~~a~~]i) consider the rule again at a future meeting with revisions incorporating Board suggestions, by directing the Superintendent to change the proposed rule;

([~~b~~]ii) receive notice of the proposed rule in its final form on the next Board agenda, by directing the Superintendent to put the rule with its effective date on the consent calendar for the Board's next meeting;

([~~c~~]iii) allow the rule to become effective no fewer than 30 days nor more than 120 days after publication in the[~~ State~~] Bulletin if the proposed rule is not rewritten to incorporate public comments or suggestions, by directing the Superintendent to send DAR notice of an effective date for the proposed rule[~~. The date shall be no fewer than 30 days nor more than 90 days after the publication date of the proposed rule~~]; or

([~~d~~]iv) direct the Superintendent to take no further action on the rule.

([~~5~~]d) Following the Board's approval of a proposed rule, the Board shall direct[~~s~~] the Superintendent to prepare a rule analysis form and file the form and a copy of the proposed rule with DAR.

(3) In addition to the persons described in Subsection 63G-3-301(10), [~~T~~]the Superintendent shall also send a copy of the proposed rule or make the rule available electronically to:

[~~(a) persons who have filed a timely request with the Superintendent;~~]

([~~b~~]a) school district superintendents and charter school directors; and

[~~(c) persons who must be given notice by statutory or federal mandate; and~~]

([~~d~~]b) another person[~~s~~] who, in the judgment of the Superintendent, should receive notice.

[~~(6) The Board allows at least 30 days after publication in the Bulletin for public comment on the proposed rule.~~]

(4)(a) The Superintendent shall:

(i) maintain[~~s~~] a file containing a copy of the proposed rule and the rule analysis form[~~,~~]; and

(ii) make[~~s~~] the file available to the public during the regular business hours of the USOE upon request.

(b) The Superintendent shall keep the following in the file:

(i) a [~~W~~]written comment[~~s,~~];

(ii) a note[~~s~~] on a verbal comment[~~s,~~];

(iii) information received electronically[~~,~~]; and

(iv) a hearing record[~~s~~], if any[~~, are kept in the file~~].

[~~(b) Hearings may be held by the Board as described in Section R277-100-6.~~]

(5)([~~c~~]a) The Board may follow Subsection[~~s R277-100-4B or R277-100-4C~~] (6) to amend a rule after reviewing public comment.

([~~d~~]b) During the 30-day comment period, the Board may direct the Superintendent to take no further action on a rule.[~~ The proposed rule automatically expires 90 days after its publication date.~~

~~B. Nonsubstantive Changes in a Rule~~

~~(1) Nonsubstantive changes may be made in a rule under this section both before and after the effective date of the rule.~~

~~(2) A change is nonsubstantive if, in the opinion of the Superintendent, it does not affect Board policy, application of the rule, or results of Board action under the rule.~~

~~(3) To enact a nonsubstantive change, the Superintendent prepares a copy of the new version of the rule and files it with the DAR. The new version is effective~~

~~upon filing.~~

~~C. Substantive Changes in a Proposed Rule~~]

(6)(a) The Board may make a change in a previously published proposed rule prior to its effective date.

(b) The Board shall direct[~~s~~] the Superintendent to:

([~~1~~]i) prepare a new rule analysis form describing the change[~~, and~~]

(ii) file [~~it~~]the form and a copy of the revised propos[~~al~~]ed rule with DAR; and

([~~2~~]iii)(A) notify DAR of the effective date of the revised rule[~~.~~]; or

(B) allow [~~T~~]the rule [~~will~~]to automatically become effective 30 days after its new publication date[~~ if no other date is specified~~].

[~~D. Emergency Rules~~

~~(1) An emergency rule may be adopted under this section if the Superintendent finds that delay resulting from following normal procedures will:~~

~~(a) result in imminent peril to the public health, safety or welfare;~~

~~(b) cause an imminent budget reduction because of budget restraints or federal requirements; or~~

~~(c) place the Board in violation of federal or state law.~~]

([~~2~~]7)(a) The Superintendent shall notif[~~ies~~]y the Board Chair of the need to enact an emergency rule.

([~~3~~]b) If the Board Chair concurs in the recommendation, the Superintendent shall:

([~~a~~]i) prepare[~~s~~] and file[~~s~~] a copy of the proposed emergency rule and the rule analysis form with DAR, stating the specific reason[~~s~~] for the adoption of the rule;

([~~b~~]ii) notif[~~ies~~]y DAR of the effective date and the lapsing date for the proposed emergency rule[~~. If no effective date is specified, the proposed emergency rule becomes effective on the filing date. If no lapsing date is specified, the proposed emergency rule lapses 120 days after the filing date. No emergency rule may remain in effect for more than 120 days~~]; and

([~~c~~]iii) mail[~~s~~] a copy of the rule analysis form to the members of the Board and to persons specified in Subsection [~~R277-100-4A(5)~~](3).

R277-100-5. Formal Adoption by the Board of Procedures, Handbooks, and Manuals[~~, and Reference to those Documents in Rules~~].

[~~A.~~](1)(a) Under Board direction, a division[~~s~~] under the supervision of the Board[~~,~~] may periodically develop or amend [~~various~~]a policy manual[~~s~~] or policy handbook[~~s which may not necessarily qualify to be~~] that does not meet the definition of a rule[~~s or are not suitable for the normal rulemaking procedures~~].

(b) [~~These~~]A division shall[~~ be~~] present[~~ed~~] a policy manual or handbook described in Subsection (1)(a) to the Board for [~~purposes of~~]the Board's formal adoption or amendment.

[~~B.~~](2) An LEA[~~s~~] shall have electronic access to [~~such documents which are to be~~]the policy manual or handbook considered for adoption by the Board.

[~~C. LEAs shall comply with the provisions of such documents, after the formal adoption or amendment by the Board of a USOE policy manual or policy handbook.~~]

[~~D.~~](3) Following formal review by the Board, the Board's designation of a handbook, manual, or similar document as a policy manual or policy handbook is conclusive for purposes of this rule.

R277-100-6. Hearings.

[~~A. When to hold hearings~~]

(1)(a) For a hearing that is mandatory under Subsection 63G-3-302(2), the Board shall follow the procedures and requirements of:

(i) Section 63G-3-302;

(ii) Rule R15-1; and

(iii) Subsections (6) and (7).

(b) For a hearing that is voluntary, the Board shall follow the procedures and requirements of:

(i) Section 63G-3-302;

(ii) Rule 15-1, except as provided by this section; and

(iii) this section.

([~~1~~]2)(a) The Board may hold a hearing[~~s~~] during a regular or special meeting.

[~~(2) The Board shall hold hearings if:~~

~~(a) required by state or federal law; or~~

~~(b) an affected agency, ten persons, or an organization having not fewer than ten members submits a written request for a hearing to the Superintendent not more than 15 days after the publication date of the proposed rule, amendment, or rule repeal. The hearing shall be held within 30 days of receipt of the request.~~

~~B. Hearing Procedures~~

~~(1) Notice of hearing regarding proposed rules published in the Bulletin is provided by:~~

~~(a) publication of the hearing date, time, place, and subject matter in the Bulletin;~~

~~(b) posting of the notice of information contained on the rule analysis form in a place frequented by the public consistent with Title 52, Chapter 4, Open and Public Meetings Act;~~

~~(c) sending persons who receive rule analysis forms under Section R277-100-4A(5) written notice of any changes made in the notice information contained on the rule analysis form;~~

~~(d) giving further notice required by law or regulation; and~~

~~(e) sending notice to those requesting the hearing, if the hearing is requested under Section R277-100-6A(2)(b).~~

~~(2) Notice of hearings held prior to proposing the rule is given by:~~

~~(a) posting the hearing date, time, place, and subject in a place frequented by the public consistent with Title 52, Chapter 4, Open and Public Meetings Act; and~~

~~(b) providing the notice information to persons specified in Section R277-100-4A(1).~~]

[~~C.~~](b) Notwithstanding Subsection R15-1-5(2):

(i) [~~T~~]the Board may hold the hearing itself[~~,~~] or appoint any person who can fairly conduct the hearing, other than the Superintendent, [~~to be the~~]as a hearing officer[~~.~~]; and

(ii) [~~T~~]the hearing officer shall know rulemaking procedures, but may not be directly responsible for administering the rule.

[~~D. Conducting the Hearing~~

~~(1) Upon opening the hearing, the hearing officer explains the purpose of the hearing and invites orderly, germane comment. The hearing officer may set time limits for speakers and otherwise control prudent use of time.~~]

([~~2~~]c) The hearing officer shall rule[~~s~~] on a question[~~s~~] of relevance and redundancy.[~~ Oaths, cross-examination, and rules of evidence are not required. The hearing is conducted as an open, informal, orderly, and informative meeting.~~]

(3) Notwithstanding Subsection R15-1-5(4)(b), [~~A~~]a person familiar with the rule at issue may be asked to be present at the hearing to respond to inquiries and to provide information.

(4)[~~ The hearing officer may invite written comment to be submitted at the hearing or within a reasonable time thereafter.~~] A [~~W~~]written comment[~~s~~] shall include the name, address, and, if applicable, the organization represented by the person making the comment[~~s~~].[~~ Written comment or electronically received comment shall be appended to the hearing minutes.~~

~~E. The Record~~

~~(1) The hearing officer or a person appointed to take minutes records the name, address, and organization represented by each person speaking at the hearing, and a brief summary of the remarks.~~

~~(2) In the alternative, a hearing may be recorded by audio or video.~~

~~(3) Hearing minutes, a hearing recording (if available), a copy of the proposed rule, written comments, the findings and recommendations of the hearing officer, the decision of the Board, and other pertinent documents constitute the record of the hearing. The record is maintained in a file available to the public at the USOE during regular business hours by appointment.~~

~~F. Findings and Recommendations~~]

([~~1~~]5)(a) The hearing officer shall make[~~s~~] written findings and recommendations, including any facts pertinent to the hearing, recommendations for Board action, and reasons for the recommendations.

([~~2~~]b) The hearing officer shall transmit[~~s~~] the findings, recommendations, and the complete record of the hearing to the Board as soon as possible following the close of the hearing.

([~~3~~]c) [~~When~~]If the Board conducts the hearing, the Chair shall prepare[~~s~~] written findings, the decision, and reasons for the decision.

[~~G. The Decision~~]

([~~1~~]6)(a)(i) The Board shall issue[~~s~~] a written decision as soon as possible after the close of the hearing and before the rule becomes effective.

(ii) The decision shall state[~~s~~]:

(A) whether the proposed rule will be adopted, changed, or withdrawn;

(B) any alternative action, such as whether a rule will be proposed on the subject matter of the hearing; and

(C) reasons for the decision.

(iii) The written decision is included in the hearing record.

([~~2~~]b) If the hearing is held under Subsection [~~R277-100-6A(2)~~](1)(a), the Board shall mail[~~s~~] a copy of or send[~~s~~] electronically the decision to the person who requested the hearing.

[~~H. A decision of the Board may be appealed to a district court.~~]

R277-100-7. Board Review of Rules.

[~~A. Five Year Review~~

~~(1) The Board reviews each rule within five years of its effective date and at five year intervals thereafter.~~]

([~~2~~]1) The Superintendent shall coordinate with DAR to ensure that [~~all Administrative rules are~~]the Board adequately review[~~ed by the Board~~] a rule prior to the five year review deadline.

([~~3~~]2) The Superintendent shall complete [~~A~~]all [~~other~~]paperwork [~~shall be completed by the Superintendent~~]to repeal or reenact [~~the~~]a rule[~~s~~].

[~~B. Declaratory Judgments on the Applicability of a Rule~~

~~(1) An interested person may petition the Board for a ruling on the applicability of a particular Board provision, rule, or order in a stated case by filing a petition for a declaratory judgment with the Superintendent.~~

~~(2) The petition shall contain the petitioner's name, address, and phone number; the Board provision, rule, or order; and a statement of the facts of the case.~~

~~The petition shall be filed within six months of the application of the rule to the interested party or to a person represented by the interested party.~~

~~(3) Within 15 days of the filing of the petition, the Superintendent makes a recommendation to the Board regarding the applicability of the provision, rule, or order to the case.~~

~~(4) Prior to issuing a decision, the Board may:~~

~~(a) conduct a hearing on the matter under Section R277-100-6. The hearing shall begin no sooner than 15 days and no later than 45 days after receiving the petition; or~~

~~(b) appoint a staff member to conduct an investigation of the case. The investigator makes a recommendation to the Board as soon as possible after the close of the investigation.~~

~~(5) The Board notifies the petitioner by certified mail of its decision to conduct a hearing or investigation. Notice includes the time, date, and place of the hearing and the name of the hearing officer; or, in the case of an investigation, the name of the staff member responsible for conducting the investigation.~~

~~(6) The Board issues a ruling regarding the applicability of the provision, rule, or order within 60 days of the filing of the petition, or if a hearing is held, as soon as possible after the close of a hearing. The Board's ruling includes reasons for the decision and is sent by certified mail to the petitioner.~~

~~(7) The Superintendent maintains a complete copy of the Board's current rules for public inspection at the Superintendent's Office during regular business hours.~~]

KEY: administrative procedures, rules and procedures

Date of Enactment or Last Substantive Amendment: [~~January 10, 2012~~]2015

Notice of Continuation: [~~November 11, 2010~~]2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 63G-3-101 et seq.; 53A-1-401(3)

LEAST
RESTRICTIVE
BEHAVIORAL
INTERVENTIONS

DRAFT

LRBI
Technical Assistance Manual

Positive Behavioral Supports & Selection of Least Restrictive Behavioral Interventions

SEPTEMBER 2015

State of Utah
Office of Education

Brad C. Smith.
State Superintendent of Public Instruction

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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
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SEPTEMBER 2015

Positive Behavioral Supports & Selection of Least Restrictive Behavioral Interventions

Acknowledgements

*Utah created the **Least Restrictive Behavior Interventions** (**LRBI**) in 1992, and in 2014 appointed a multidisciplinary statewide task force to revise the **Least Restrictive Behavioral Interventions Technical Assistance Manual**. 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.*

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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; Lassen, Steele, and Sailor, 2006; Luiselli, Putnam, Handler, and Feinberg, 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 compilation 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) Rules.

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.

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II 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)

II-A STANDARDS FOR STUDENT CONDUCT & DISCIPLINE POLICIES

UTAH CODE	USBE RULE	CONTENT
53A-11-901	**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.

II-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).

II-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).

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(Table 1 Cont'd)

II-D GROUNDS FOR DISCIPLINARY ACTION INCLUDING REMOVAL FROM SCHOOL

UTAH CODE	USBE RULE	CONTENT
53A-11-101	**R277-613**	Bulling, 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 scho
53A-11-905	**R277-609**	Delegation of authority to suspend or expel. Procedure for suspension and readmiss
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-11-904	**R277-609-6**	Parent/guardian notification and court referral.
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 **Title IX.E.2.** **Section 9532**	**R277-483-4**	Disruptive student behavior. (Consequences). 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-11-904	**R277-609-3**	LEA responsibility to develop plans.
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-15-13	**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).
-15-13	**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- EVALUATION & REPORTING

H CODE	USBE RULE	CONTENT
3A-11-101.7	**R277-607**	Truancy – Notice of truancy – Failure to cooperate with school authorities – Habitual truant citation. (Habitual truancy citation).
53A 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**	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-11-904	**R277-609-4**	Implementation - data collection ESIs.
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).

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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.

(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.
• Standards and procedures for emergency safety interventions.

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.

Teaching and Learning Environments (Utah Effective Teaching Standards) (R277-514-4)

The USOE has published standards that describe what teaching and learning look like in public schools. These standards align closely with USBE rules regarding student conduct and instruction on behavior expectations, as well as with the need for orderly learning environments.

(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).

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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.

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II — LAWS, RULES, & POLICIES RELATED TO STUDENT CONDUCT

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.

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.

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

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 including 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 [illegible] 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, at the consent of the student's teacher or teachers, to attend classes 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 school. The parent or guardian of a suspended student and the designated school official may enlist the cooperation of the DCFS, 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 coordination 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 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 truancies 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.

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.

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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 (R277-609-4)

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

R277-609-6

If a crisis situation occurs and an emergency safety intervention is used, a school shall immediately notify a student's parent or guardian.

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.

R277-609-3

LEA policies shall include procedures for ongoing training of appropriate school personnel in crisis intervention training and emergency safety interventions.

Bullying and Hazing (R277-613; 53A-11a-101-102; 53A-11-301-302; 53A-11-401-403)

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. Training 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.

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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.

R277-609-4

An LEA shall have procedures for the collection, maintenance, and periodic review of documentation or records of the use of emergency safety interventions at schools within the LEA. The Superintendent shall define the procedures for the collection, maintenance, and review of records. In addition, the LEA shall provide documentation of any school, program, or LEA's use of emergency safety interventions to the Superintendent annually.

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, RULES, & 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	
P.L. 101-350	Americans with Disabilities Act (ADA) (1990).
B- CIVIL RIGHTS OF STUDENTS WITH DISABILITIES	
P.L. 93-112	Section 504 of the Vocational Rehabilitation Act of 1973.
C- EDUCATIONAL RIGHTS OF STUDENTS WITH DISABILITIES	
P.L. 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
P.L. 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 VH–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.

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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, LEAs, 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 (United States Department of Education, Office for Civil Rights [OCR], 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.I.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 Individualized Education Program (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 (FBA) 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 his/her 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 IAES 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 VH–I)

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 appeal(s).

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 authorizes to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

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II — LAWS, RULES, & POLICIES RELATED TO STUDENT CONDUCT

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, Vaillancourt, Rossen, Politt, 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 multidisciplinary 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 (d) 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 the 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, et al., 2011).

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(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://sswaa.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.
Utah School Counselor Association: http://www.utschoolcounselor.org/
Utah Association of School Psychologists: http://uasp.squarespace.com/

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)" (12).

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. The MTSS model also focuses on expanding parent involvement, 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.

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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.cayci.osu.edu/school/occmsi/occmsiimplementguide/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 (Fixen & 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-Palmer, 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. School-wide PBIS provides an operational framework
for achieving these outcomes.

Most 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 a 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.18).

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 school-wide PBIS need to have a behavioral data collection system that is consistent and efficient, and a leadership/implementation team that includes administrative support.

School-wide 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.

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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)	Universal preventive and proactive practices are implemented using valid and reliable data, following a team approach school-wide. 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.) 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 in 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)
Targeted Interventions	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. 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: • 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
Individual Interventions	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. 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.

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/lang_art/elem/ThreeTier.htm
http://www.schools.utah.gov/sars/servicesinfo/pdfs/3-tierread.pdf

http://www.schools.utah.gov/curr/mathsec/Home/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).

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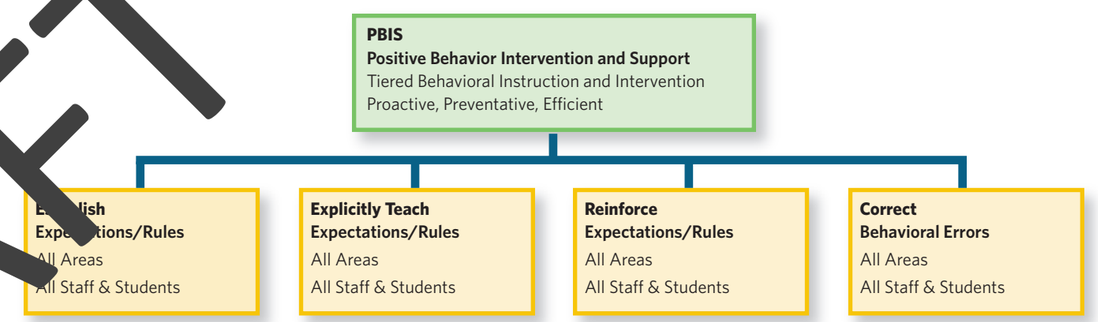
(Table 9)

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. (Appendix XIII—Classroom Management Checklist)

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 avoids 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, & LeBrun, 2008).

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.

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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... • 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... • 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... • Use kind words • Take care of school property • Listen to the speaker with my eyes and ears	We are **RESPECTFUL** by... • Being in seat when bell rings • Relating discussion to current topic • Listening when others are talking
I am **RESPONSIBLE** when I... • Follow directions quickly • Am where I am supposed to be • Am prepared for instruction • Use peaceful words to solve problems	We are **RESPONSIBLE** by... • 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 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).

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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, 2002; 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 actors 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, 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, Garrison, & Howard, 1998).

(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 on academic instruction.
Frees teachers from correcting misbehavior.	When students perform routine functions smoothly, teachers can focus on catching them being good and no longer need to take care of instructional tasks, review student work, and provide less corrections.
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, Rhode, Evans, & Morgan 2013).

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.

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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, Rhode, Reavis, 2010).

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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. (Jenson, et. al, 2010).

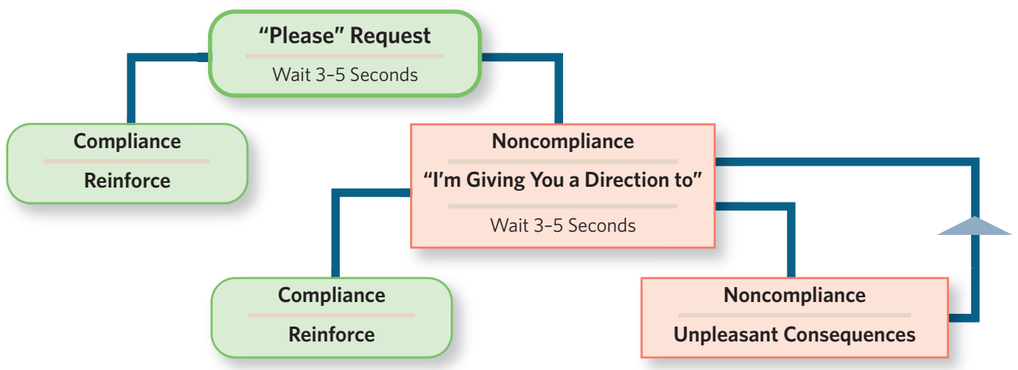
(Table 18)

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 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 amoung students is using a "precision request" (Jenson, et. al, 2010).

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, "[illegible] 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
• Verbal Praise	• Redirection
• Point Systems	• Precision Request
• Extra Classroom Privileges	• Loss of Free Privilege
• Tangible Rewards	• Interclass Time Out
• Public Notifications	• Document of Conduct
• Home Communications	• Out of Class Time Out/Detention
Mystery Motivator? (Surprise Reinforcer)	Serious Behavior Clause(s) • Visit to Principal • Suspension

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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 122).

(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 application for secondary classrooms also.

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(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 in 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?

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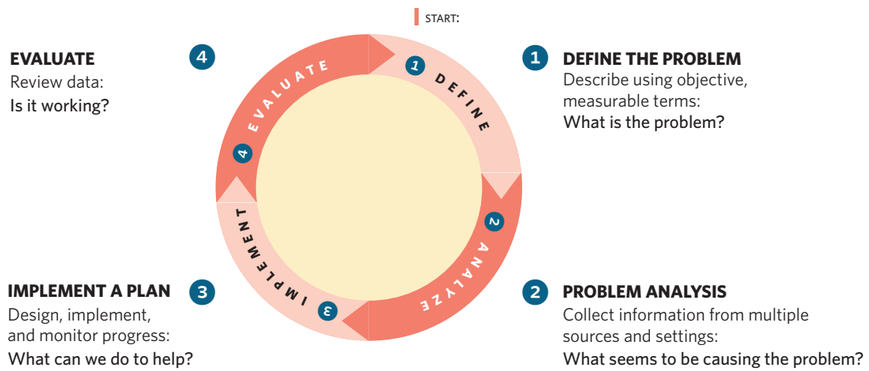
This thinking process can be applied to all students in a system, to small groups of students, and to individual students.

THE PROBLEM SOLVING PROCESS



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. 115).

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 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 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 & Jenson, 1988) .

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.

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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 taking the toy of a peer or adult as a way of expressing needs. A kindergarten student 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. School staff should obtain signed parent or guidance permission prior to conducting a FBA.

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 & Schock, 2011). 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	**Social Positive:** A person presents a stimulus contingent upon behavior that increases future likelihood of that behavior. **Example:** Peers giggle when George yells "chicken" in the classroom. George continues to yell "chicken" when his peers are present.	**Social Negative:** A person removes a stimulus contingent upon behavior that increases future likelihood of that behavior. **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.
Automatic	**Automatic Positive:** The behavior produces a form of pleasurable sensory stimulation. **Example:** When Sheila is left alone, she begins flapping her hands and twirling in circles. Sheila continues to flap and twirl.	**Automatic Negative:** The behavior removes unplea sensory stimulation. **Example:** The noise level in the classroom ca discomfort for Brady. Brady runs from the room escape discomfort.

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 ews
- Data ews

Indi methods can yield valuable information that can be u to guid bsequent assessments but is usually not reliable enough to be th le method used to determine function. Examples of forms that can u ed as part of indirect FBA have been included in the Appendix.

Dir unctional Behavior Assessment

ct FBA consists of actually observing the problem behavior(s) in natural environment and identifying the conditions that surround th urrences (i.e., the context). It may also, in the case of func analysis, involve manipulation of events in order to determine the environmental events that contribute to or maintain lem 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**
Example: Time for Alyssa to work.	Example: Alyssa begins throwing materials.	Example: Teacher removes Alyssa's work materials.

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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 those responsible for developing a BIP.

(Table 26)

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. • Indirect FBA • Direct FBA – 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 & Schock, 2011).

(Table 27)

Considerations for Developing a BIP
1 Develop a clear and measurable definition of target behavior.
2 Develop a 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: • 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.)

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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 authorization 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 (Chistle, Jolivette, & Nelson, 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.
• Students 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 white students.
• Students who come from single-parent homes are suspended two to four times more than those living in two-parent homes.
• Students who were suspended have a "C" or lower GPA.

(Advocates for Children and Youth, 2006; American Academy of Pediatrics, 2003; Clark, 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)

Setting 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, 2006; American Academy of Pediatrics, 2003; Clark, n.d.; Delisio, 2007; Peterson, 2007)

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.
• Provide time for the student to meet with the school counselor or student support staff to discuss and attempt to resolve the [illegible].
• Implement an effective in-school suspension program.

(Advocates for Children and Youth, 2006; American Academy of Pediatrics, 2003; Clark, n.d.; Delisio, 2007; Peterson, 2007)

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 have 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/she 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.

(Jenson, et. al, 2013)

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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 these 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)

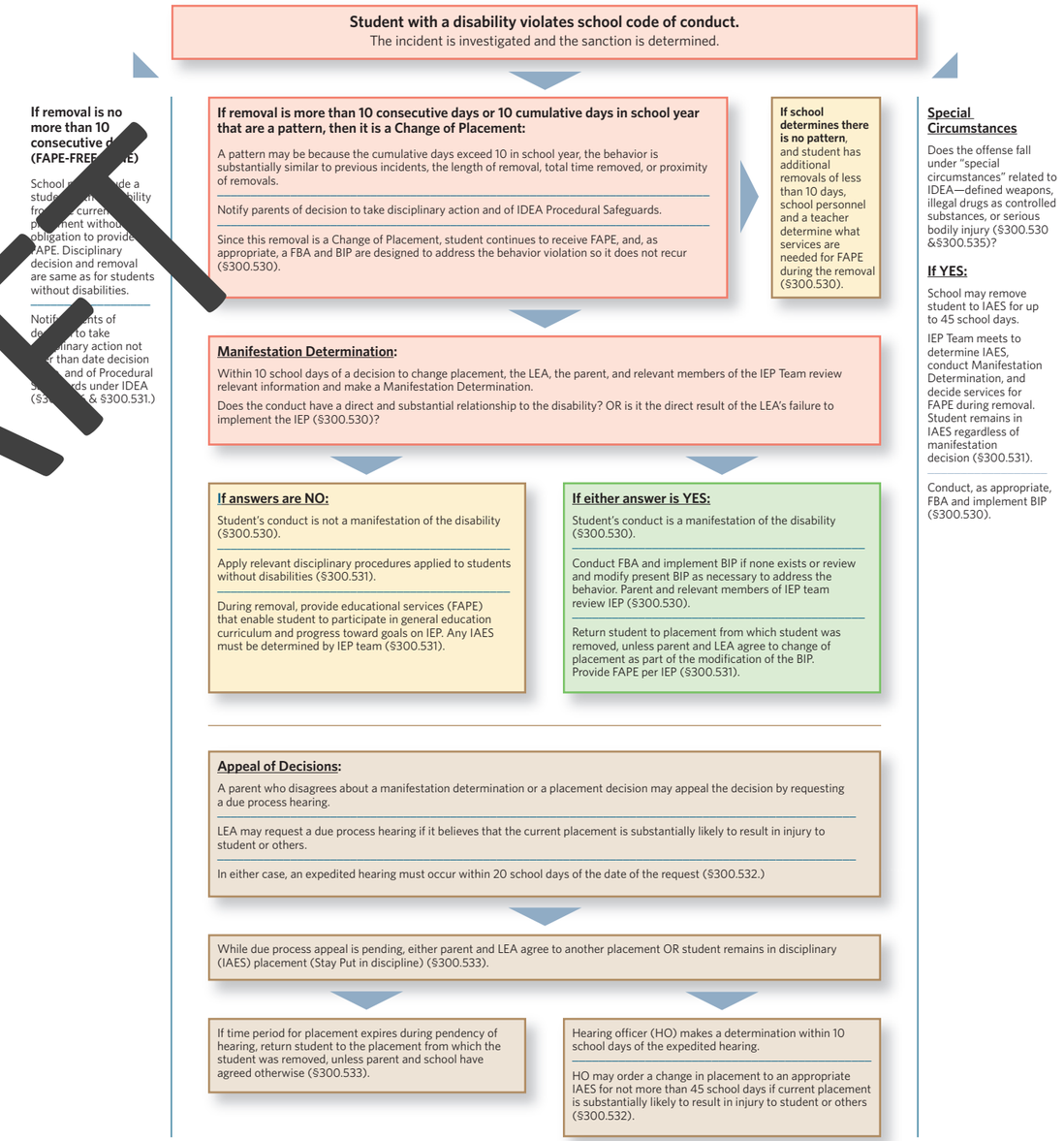
Rules for Removal of Students with Disabilities (§300.530)
1 For students with disabilities, the due process rights for concurrent or cumulative suspensions of ten days or less are the same as for students without disabilities.
2 Consequences involving removal are the same for students with disabilities 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 proce[illegible].
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 cha[illegible] 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 [illegible] services provided, there is no need for further due process.
5 A principal can change the educational placement of a student with disabilities under special circumstances, a[illegible]cted in IDEA disci[illegible] requirements (§300.530V.B.1). School personnel may remove a student to an interim alternative educational (IA[illegible]etting for not m[illegible] than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's dis[illegible], if the stude[illegible] • Carries a weapon to or possesses a weapon at school, on school grounds, or to a school function under the jurisdiction [illegible] 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 upon another person while at school, on school premises, or at a school function under the jurisdiction of 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.

(Jenson, et. al, 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.



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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 & Jenson, 1988).

As intervention procedures are considered and selected by multi-disciplinary 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 33)

Factors in 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 (e.g., ESIs). 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.

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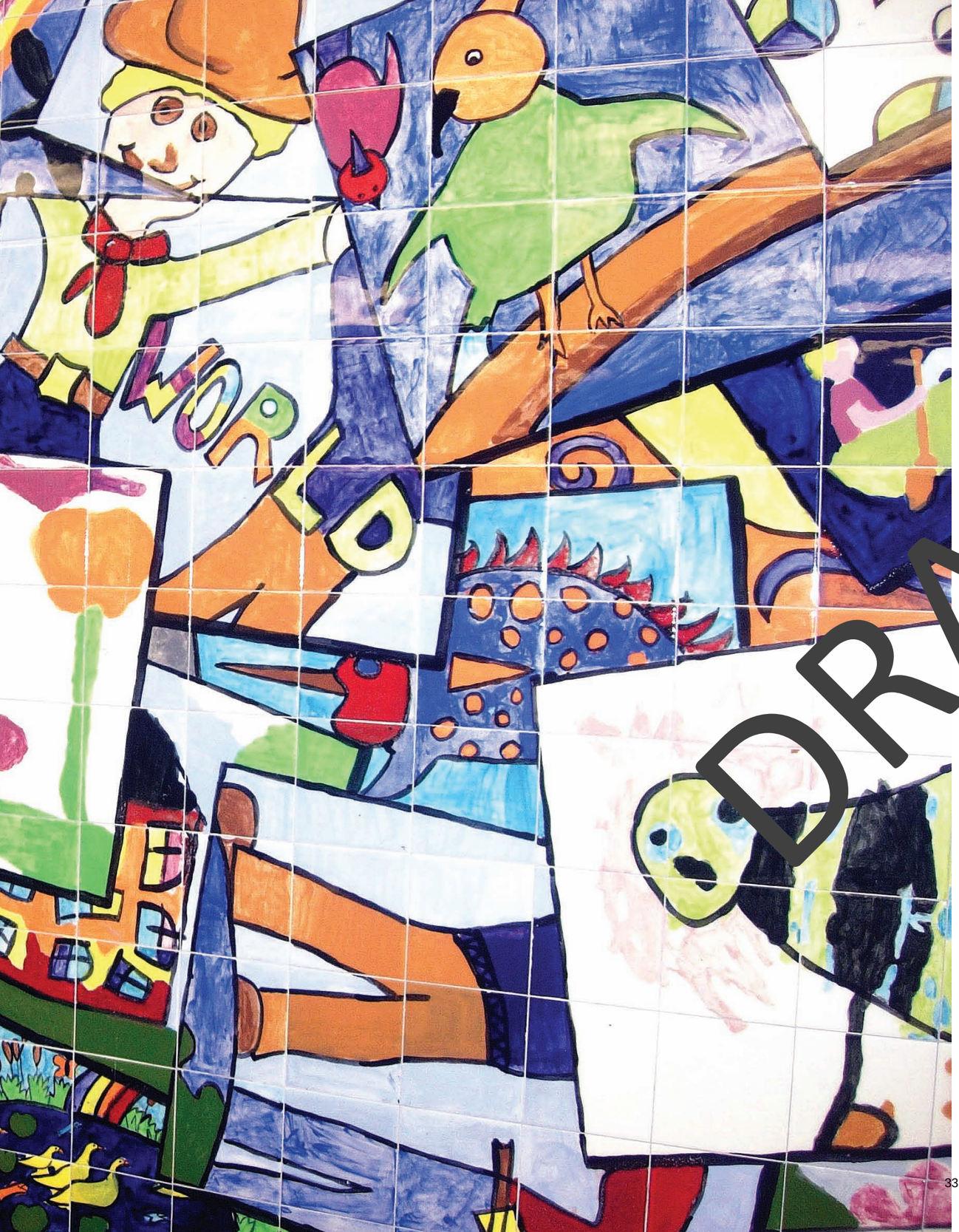

VIII CRISIS MANAGEMENT

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 to 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 to the 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: Standards for LEA Discipine Plans and Emergency Safety Interventions, which limits the use of physical restraint and seclusionary time out to those situations in which a student's behavior poses an imminent danger to himself/herself and/or others. Neither seclusionary time out 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 of 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.I.(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.

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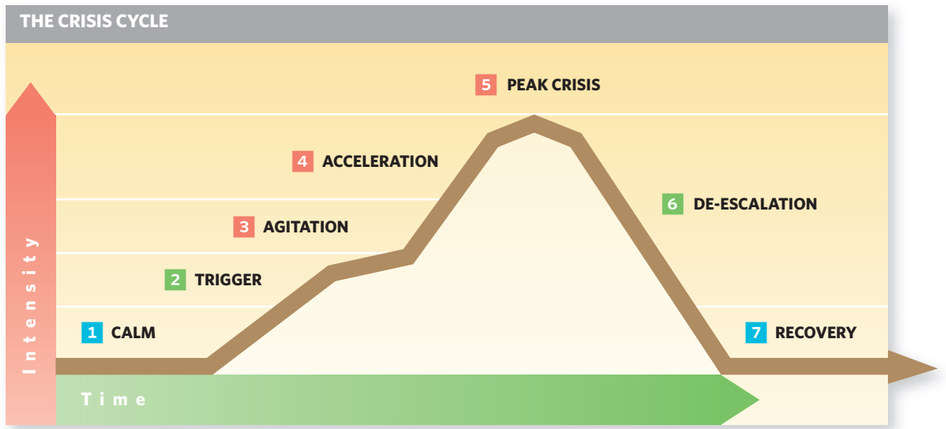
VIII-B CYCLE OF ACTING-OUT BEHAVIORS: CRISIS CYCLE

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 phases involve an escalated interaction between the teacher(s) and student that is intense, explosive, and often unsafe. It is when the phases reach peak crisis 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: XI—ADDITIONAL TECHNICAL ASSISTANCE / D—Phases of the Crisis Cycle and XIII—APPENDIX / 16—Crisis Management Plan.

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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 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.

Immediate Danger:

Immediate danger means the danger of physical violence/aggression toward 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, 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 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.

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.

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 a safe 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.
4 School employees may not place a student in a selcusionary timeout for more than 30 minutes.

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 seclusionary time out immediately when the student no longer presents an immediate danger to self and/or others. School employees may not place a student in a selcusionary timeout for more than 30 minutes. 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: Seclusionary time out 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. 115). In-school suspension (ISS) is also not seclusionary time out. In-school suspension does not typically involve the student being isolated from adults and peers, and thus does not meet the definition of seclusionary time out.

VIII-D DOCUMENTATION

Any time an ESI is used with any student, it must be documented winthin the Student Informatioin Systems (SIS) records. (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 (seclusionary time out 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) as required in R277-609-6.
- 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 restraints, except protective or stabilizing or required by law, or 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, 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 seclusionary time out and physical restraint can have very serious consequences, including, most tragically, death. Furthermore, there continues to be no evidence that using seclusionary time out 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 seclusionary time out 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 35)

- *School Is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools,* National Disability Rights Network, www.NDRN.org
- *Seclusion 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 School House?* 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.

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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.

Annually, 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 R277-609 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 when requested.

Members of the LEA ESI Committee should include:

- Two LEA Administrators
- 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 should 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 Agency (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 Stupport 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 Agency (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. Where LEA staff members think they have appropriate training to implement specific behavioral intervention procedures appropriately, it is their responsibility to request needed training from LEA.

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IX-C EMERGENCY SAFETY INTERVENTIONS (ESI) & INDIVIDUALIZED EDUCATION PROGRAMS (IEP)

Since seclusionary time out and physical restraint must 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 rule.

Seclusionary time out 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. Seclusionary time out 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.I.(b)(5)(a).

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.

If the frequency of the student behavior requiring ESIs exceeds these limits, child find system §300.109 and §300.111 should be considered with students not qualified under IDEA; for students qualified under IDEA, modifications need to be made to the IEP or existing BIP, or a new BIP must be considered.

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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.

(IX-C: Additional Technical Assistance, pg 117).

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 (R277-609).

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 implemented across the continuum but at differing levels of intensity. Specifically, these interventions are selected, designed, and used based on the needs of students. For example, self-management may be implemented with an entire class (i.e., as a universal strategy) to support general classroom behaviors. It may also be used with one student to provide support for target behaviors requiring modification based on student need, as identified through data.

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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	No
U-2	Assistive Technology	No	No
U-3	Behavior Momentum	No	No
U-4	Chaining/Sequencing	No	No
U-5	Contingent Observation	No	No
U-6	Differential Reinforcement	No	No
U-6a	Differential Reinforcement of Other Behaviors (DRO)	No	No
U-6b	Differential Reinforcement of High Rates (DRH)	No	No
U-6c	Differential Reinforcement of Low Rates (DRL)	No	No
U-6d	Differential Reinforcement of Alternative/Replacement Behavior (DRA)	No	No
U-6e	Differential Reinforcement of Incompatible Behavior (DRI)	No	No
U-6f	Differential Reinforcement of Functional Communicative Behavior (DRC)	No	No
U-7	Direct Instruction	No	No
U-8	Environmental Engineering	No	No
U-9	Fading	No	No
U-10	Group Reinforcement Response Contingency	No	No
U-11	High Rates of Positive Responses From Teachers	No	No
U-12	Instructional Pacing	No	No
U-13	Monitoring Performance	No	
U-14	Parent Conference	No	No
U-15	Parent Training	No	No
U-16	Positive Reinforcement	No	No
U-16a	Continuous Schedule of Reinforcement	No	
U-16b	Intermittent Schedule of Reinforcement	No	No
U-16bi	Ratio Schedules of Reinforcement	No	No
U-16bii	Interval Schedules of Reinforcement	No	No
U-17	Prompting/Cueing	No	No
U-18	Redirection	No	No
U-19	Rules/Expectations	No	No
U-20	Staff Training (Ongoing)	No	No
U-21	Structured Daily Schedule	No	No
U-22	Supervision	No	No

U-1 Appropriate and Motivating Instructional Practices

A curriculum/core instruction which challenges students while enabling them to achieve success.

IMPLEMENTATION

- 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.

CONSIDERATIONS

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.

DATA SOURCES

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.

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/sca/

U-2 Assistive Technology

Any item, piece of equipment, product or system used to increase, maintain, or improve functional capabilities of students.

IMPLEMENTATION

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:

- Communication
- Reading
- Learning/studying
- Math
- Motor aspects of writing
- Computer access
- Composing written material

CONSIDERATIONS

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.

Bausch, M. E., Ault, M. J., & Hasselbring, T. S. (2006). *Assistive Technology Planner: From IEP Consideration to Classroom Implementation.* Lexington, NY: National Assistive Technology Research Institute.
IRIS Center video module on "Assistive Technology: An Overview." http://iris.peabody.vanderbilt.edu/module/at/
Lancioni, G. E. & Singh, N. N. (2014). *Assistive Technologies for People with Diverse Abilities.* New York, NY: Springer.

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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
• 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.	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.	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.

Rhode, G., Jenson, 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/BehavMoment.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
• 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 student doesn't make progress on a task, it may be that it needs to be task-analyzed further (broken into even smaller steps).	As each new behavioral step is added, only the most recent step needs to be reinforced.

Bancroft, S. L., Weiss, J. S., Libby, M. E., & Ahearn, W. H. (2011). 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.txautism.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
• Have student move away from activity. • Have student observe the other students. • Reinforce student demonstrating appropriate behavior. • Prompt the student to rejoin the group. • Continu[illegible] reinforce appropriate beha[illegible]	The observation will usually be for a brief time. (One- to five-minute periods are as effective as longer ones.)

University of Mis[illegible]ntervention Brief: Contingent Observation. http://ebi.missouri.edu/wp-content/uploads/2011/09/Sit-and-Watch.pdf

Alberto, P., Heflin, L. J., [illegible]drews, D. (2002). Use of the timeout ribbon procedure during community-based instruction. *Behavior Modification*, 26, 297–311.

Kostewicz, D. (2010). A r[illegible] of timeout ribbons. *The Behavior Analyst Today*, 11(2), 95–104.

U[illegible] 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
• 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.	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.	Frequency data on the number of times the student performs the behavior during a 5–10 minute interval. Fidelity data can be collected by using a beeper or vibrator to see if student uses the alternative behavior. Student could receive a raffle ticket each time he/she is on task.

Rhode, G., Jenson, 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/bi2/cresource/#content

USOE LRBI Information Sheet on "Differential Reinforcement." http://www.iseesam.com/teachall/text/behavior/LRBIpdfs/Differential.pdf

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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
• 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.	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 alternative for reducing the frequency of undesirable behaviors to that of reductive (punitive) approaches such as response cost or punishment. 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.	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 FBA, 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.

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." http://iris.peabody.vanderbilt.edu/module/bi2/cresource/#content

Vismara, L., Bogin, J., & Sullivan, L. (2010). *Differential reinforcement of other behaviors: Steps for Implementation*. National Professional Development Center on Autism Spectrum Disorders. http://autismpdc.fpg.unc.edu/sites/autismpdc.fpg.unc.edu/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
• 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.	DRH is an effective tool to increase the occurrence of a behavior. Expectations should be high but achievable; it is important that the student feel success.	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.

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." http://iris.peabody.vanderbilt.edu/module/bi2/cresource/#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
• Provide students with student contracts based on predetermined behavior. • Use reinforcements that the student 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 student moves in to maintain phase.	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 student have? When you have established the reinforcement and baseline, explain to the student the contract that has been established.	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.).

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." http://iris.peabody.vanderbilt.edu/module/bi2/cresource/#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
• Reinforce a student for having appropriate behavior. • When the student displays inappropriate behavior, the behavior is ignored. For example, 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.	Ignoring inappropriate behavior may be rewarding for some students.	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.

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.stephaniepeterson.org/grant_materials/content/DRA/dra.html

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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
• 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.	Select behaviors that are already in the student's ability to perform. Select a replacement behavior that will be naturally reinforced by the environment. Replacement behavior should be accomplished with the same amount of effort or less. 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.	Frequency or event recording—number of times the replacement behavior is performed in an identified setting or situation. Fidelity data on student.

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." http://iris.peabody.vanderbilt.edu/module/bi2/cresource/#content

Autism Internet Modules on "Differential Reinforcement." http://www.autisminternetmodules.org/

Sigafoos, J., Green, V. A., Payne, D., O'Reilly, M. F., & Lancioni, G. E. (2009). A classroom-based antecedent intervention reduces obsessive-repetitive behavior in anadolescent 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
• 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.	The instructor ignores inappropriate behavior and reinforces a communication skill that leads to a needed reward, activity, or alternative.	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.

Rhode, G., Jenson, 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://autismpdc.fpg.unc.edu/content/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
• 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.	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. 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.	Use frequency data to determine how many correct/incorrect responses were given during instructional time. One example may be to see what specific steps were correct and incorrect in solving a math problem. May use checklists, etc. to collect fidelity data. Have teachers or observers check off whether direct instruction was implemented as part of the lesson.

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.nifdi.org/resources/downloads/cat_view/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
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. • Determine the instructional format used most frequently. • Arrange student seating. • Designate specific purposes to each area of the classroom.	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, students with autism might need quiet, while students with Attention Deficit Hyperactivity Disorder (ADHD) might respond well to low background music.	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. 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.

OSEP Center on PBIS classroom checklists and environmental inventory checklist. http://www.pbis.org/pbis_resource_detail_page.aspx?Type=4&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.

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U-9 Fading

The gradual elimination of cues, prompts, reminders, or suggestions that control a specific response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Teacher models. • Teacher uses full physical gesture/ prompt. • Verbal prompt. • Student independently completes task. • Gradually fade out prompts.	Provide only necessary prompts when teaching. For students who are nonverbal, teachers can determine an accommodation to embed sight words into pictures, and eventually fade out the pictures. Also, teach functional sight words and gradually fade the survival sign pictures.	Latency recording and/or frequency recording. Record, if necessary, which prompt is used.

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://autismpdc.fpg.unc.edu/content/time-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
• Select a contingency. • Set a criterion. • Choose consequences. • Give feedback.	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.	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.

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
• 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.	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.	Frequency data on the number of positive reinforcements given.

Rhodes, R. L., Ryndak, D. L., Jackson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.

Reavis, H. K., Jansen, 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
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: • Maintain a brisk pace. • Vary the pace. • Ask questions for understanding and give corrective feedback. • Manage classroom behavior.	A brisk pace of instruction enhances student attention and increases the number of response opportunities. Appropriate pacing may decrease disruptive behavior. Regular formative assessment is required to keep instructional pace at the proper rate. Perhaps the most important component of good instructional pacing is offering lots of opportunities for student response. Student responses should be monitored for understanding.	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.

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/di

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U-13 Monitoring Performance

Collecting specific information systematically and consistently on a student's academic or behavioral performance.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	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.	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.

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-assesment-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
• 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.	If parents are English language learners, provide interpreters. Use flexible scheduling for parents who may have special considerations.	Keep phone logs of communication with parents. Use sign-in sheet to track meetings with parents. Use parent feedback [illegible] questionnaire would meet address[illegible] areas of concerns/successes).

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., & Diliberto, 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
• Make parents part of the team and establish rapport early on. • 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 proactive or reductive strategies; the former generally come less naturally but tend to be more effective (particularly when combined with reductive techniques).	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.	Using interactive presentation style and positive practice will allow the trainer to monitor parent understanding and skill acquisition. Fidelity: written lesson plans, parent evaluations.

Rhode, G., Jenson, W. & Hepworth Neville, M. (2010). *The Tough Kid Parent Book*. Eugene, OR: Pacific Northwest.

Baughan, D.R., Christiansen, E., & Jenson, W.R. (2005). Behavioral parent trainings as a treatment for externalizing behaviors and other externalizing behavior 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
• Identify and define desired behaviors to increase. • Choose reinforcers (e.g., tokens, candy, etc.). • Deliver positive praise with reward and monitor student progress.	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.	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.

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://autismpdc.fpg.unc.edu/sites/autismpdc.fpg.unc.edu/files/Reinforcement_Steps-Positive.pdf

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U-16a Continuous Schedule of Reinforcement

A schedule of reinforcement in which each occurrence of a response is reinforced.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	Determine what is reinforcing to the student (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, paraeducator, or other students). Provide a schedule to fade reinforcement.	Tally sheets. Use a clicker to count high-level occurrences, then transfer to tracking sheet. Use of tangible object (marbles, toothpicks, etc.).

Lucynzki, K. C., & Hanley, 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
• Reinforcement occurs randomly when the appropriate behavior is being observed. For example, if Bobby is seen on task he is reinforced with verbal praise, but not every time he is seen on task.	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.	Frequency data on how often reinforc was given for appropriate behavio Fidelity data gathered by the freq of undesired behavior compared to t 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).

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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 i hibited (fixed ratio) or by (variab tio). • Pai forcement with verbal praise.	Be cautious of a post-reinforcement pause. If a student knows there is a fixed number of responses to earn a reward, he/she will work hard immediately preceding the reinforcement to quickly gain access to the stimulus. However, following the reinforcement, the student's production may decrease because reinforcement seems far away. That is, misbehaviors and academic errors increase immediately following a reinforcer.	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, & Sturney, P. (2009). The effects of fixed ratio values on concurrent mands and play responses. *Behavior Modification*, 33(2), 199–206.

Hausman, N. L., Ingvarsso T., & Kahng, S. (2014). A comparison of reinforcement schedules to increase independent responding in individuals with intellectual disab s. *Journal of Applied Behavior Analysis*, 47(1), 155–159.

U- i Interval Schedules of Reinforcement

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
• Select target behavior. • Determine time interval the reinforcement will be delivered. • Pair reinforcement with verbal praise.	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.	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.

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U-17 Prompting/Cueing

Presentation of a cue (visual, auditory, or physical) in order to facilitate a given response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	Remember that it is important to fade prompts over time to prevent students from becoming prompt dependent. Also, physical prompts may not be appropriate for some students, so each situation should be carefully evaluated before deciding what levels of prompting to use. Most-to-least prompting may be appropriate for students who need more assistance to learn the steps of a task such as hand washing.	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. Fidelity data may be taken by observing whether the facilitator present prompts and cues during instruction.

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.fpg.unc.edu/content/prompting-module-menu

Faul, A., Stepensky, K., & Simonse, 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
• 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.	Provide positive reinforcement. Use positive communication when redirected.	Record data on how [illegible] times stude[illegible] was redirected (frequen[illegible]

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.fpg.unc.edu/sites/autismpdc.fpg.unc.edu/files/ResponseInterruption_Steps.pdf

U-19 Rules/Expectations

Behavioral expectations for whole school, classroom, and transitional environments.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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-exa[illegible]es. • Post [illegible] rules and review them f[illegible] [illegible]einforce[illegible]dents often for following the rules.	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.	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. Fidelity data gathered by interviewing students to see if they are able to identify rules and expectations for each environment.

Rhode, G., Jenson, W. R., [illegible] H. K. (2010). The Tough Kid Book: Practical Classroom Management Strategies (2nd ed). Eugene, OR: Pacific Northwest.

Jen[illegible] W. R., Rhodes, G., Evans, C., & Morgan, D. (2013). The Tough Kid's Principal Briefcase. Eugene, OR: Pacific Northwest.

[illegible] 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)

Professional development activities conducted for general and special educators, paraeducators, and administrators to gain and maintain competencies in the strategies required for them to be effective.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Assess staff skills and needs. • Select training method. • Provide support, incentives, and follow-up. • Provide coaching and mentoring to ensure implementation of new skill.	All staff training should emphasize research-validated procedures.	Staff performance evaluation, implementation fidelity data, and program evaluation.

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

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U-21 Structured Daily Schedule

A daily outline of classroom activities designed to maximize student learning.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	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 students to more easily understand it). Structured daily schedules are key to increasing appropriate behaviors and decreasing inappropriate behaviors.	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. 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.

Hume, K. (2009). Steps for implementation: Visual schedules. National Professional Development Center on Autism Spectrum Disorders. http://autismpdc.fpg.unc.edu/sites/autismpdc.fpg.unc.edu/files/VisualSchedules_Steps.pdf

Spriggs, A. D., Gast, 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
• If necessary, monitor students on a daily basis. • Provide support/supervision training with teachers and paraeducators.	Know who your students are. Observe your students. Provide positive behavioral supports.	Provide an observation checklist. Frequency data (how many times student is being supervised).

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.iseesam.com/teachall/text/behavior/LRBIpdfs/Supervision.pdf

X-B TARGETED 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

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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
• 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. • Identify consequences for negative behavior. • Write behavior contract. • Discuss and sign contract with student and anyone else involved. • Implement and monitor progress.	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.	Frequency of office discipline referral forms, number of safe school violations, and both in-school suspensions and out-of-school suspensions. Fidelity data by having student self-monitor contract and explain the behavior.

Jenson, W., Rhode,G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.
Rhode, G., Jenson, W. R., Reavis, 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://pbiswworld.com/tier-2/behavior-contract/

T-2 Behavior Education Program (BEP)

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
• 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 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.	The 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. 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.	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). Fidelity: DBRC (completed and initialed, data graphed), record of reinforcements earned.

Crone, 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 Inidividual Students (2nd ed)*. Eugene, OR: Pacific Northwest.
Jenson, W.R., Sprick, R., Sprick, J., Majszak, H.,Phosaly, L. (2013) *Absenteeism & Truancy Interventions & Universal Procedures*. Eugene, OR: Pacific Northwest.
"Check-On Check-Out Model Video" https://www.youtube.com/watch?v=ERX8yLRKs48

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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., Phosaly, 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
• 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 a 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: 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
• 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: • 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., Phosaly, 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
• 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.

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T-7 Peer Tutoring

The use of same- or cross-age peers for academic tutoring, structured social engagement, or peer "buddies."

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Tutors must be taught how to teach. • The teacher models examples and non-examples of the process of peer tutoring. • Tutors must be taught what to do if tutee does not comply. • Teacher assigns partners. • Tutors must be given the option to drop out at any time without penalty.	It is important for students to play both the role of the tutor and tutee. Expectations and learning objectives should be clearly outlined. Break steps into precise, easy-to-follow directions. Initially, peer tutoring should be undertaken only with close and ongoing teacher supervision to ensure success.	Classroom observations. Student feedback. Fidelity data gathered by keeping a daily tutoring log.

Rathvon, N. (2008). *Effective School Internvetions: Evidence-Based Strategies for Improving Student Outcomes Second Edition*. New York, New York: Guilford Press.
Shapiro, E. (2010). *Academic Skills Problems: Direct Assessment and Intervention Fourth Edition*. New York, New York: Guilford Press.
Reavis, 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.

T-8 Planned Ignoring

Either teacher or student ignores inappropriate behavior of other student(s).

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• This strategy is appropriate with students who are seeking attention using inappropriate behaviors. • Do not respond to student's inappropriate behavior. • Do not make eye contact, talk, argue or interact in any way. Act emotionally neutral by not looking angry or upset. • Appear involved in another activity, or direct attention to students who are being appropriate. • Planned ignoring should never be used with dangerous behaviors.	An extinction burst is likely to occur before the total extinction of the behavior. Expect the behavior to worsen before it gradually gets better. It is especially important to keep ignoring the student's negative behavior during this time. It is also imperative to reinforce the student immediately once he/she uses an appropriate method of communicating, behaving, etc. Peers may reinforce the student, so it may be necessary to use a group contingency or other method to encourage peers to ignore behavior as well.	Duration recording for the length of the negative behavior occurs, or e recording for frequency of behavi depending on the type of behavior t be ignored.

Sprick, R. (2012). *The Teacher's Encyclpedia of Behavior Management 100 problems/500 Plans: Second Edition*. Eugene OR: Pacific Northwest.
Kazdin, A. (2012). *Behavior Modification in Applied Settings: Seventh Edition*. Longrove, IL: Waveland Press.
CHAMPS "Planned Ignoring" https://www.youtube.com/watch?v=xMwPsNM7wx8

T-9 Precision Requests

Precise verbal statements made by staff to enhance compliance of students.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Say the student's name and then "please..." with specific request. • If the student does not comply with directions after a short delay (five seconds), say the student's name and then "I need you to..." with a specific request. • If the student does not comply with the directio en after another short delay (five nds), say the student's name a "You need to..." with the same ectio • If the stude mplies, reinforce him/her appro ely. • If he/she does not ply, appropriate co quences need to follow the non-mpliance. Deliver instructions for restitution in a utral voice of voice. • dent begins to engage in inap propriate behavior again, start the restitution activity again. • Be on the lookout during the day to comment on positive behaviors.	Precision requests are specific, clear, and made directly to the student. They should be related to the inappropriate behavior.	Trial/opportunity-based data can be collected by adding up the number of commands and the number of compliances and dividing the total to get a percentage or rate of compliance. Reduction in numbers of non-compliance. Implementation, checking whether the steps were followed, and assessing the environment.

Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.
Bowen, J., Jenson, W. R., & Clark, E. (2004). *School-Based Interventions for Students with Behavior Problems*. New York, New York: Springer Science + Business Media, Inc.
MacKay, S., McLaughlin, T. F., Weber, K., & Derby, K. M. (2001). The use of precision request to decrease noncompliance in the home and neighborhood: A case study. *Child & Family Behavior Therapy*, 23(3), 41–50.

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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
• 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; teach and practice to fluency and reinforce both accurate self-evaluation and appropriate behavior.	The desired behavior must be taught using other procedures. Young children may not respond well to self-management interventions.	Self-management system.

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=self+management+

T-11 Social Skills Instruction

Individual or group instruction designed to teach appropriate interaction with adults and peers.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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. • Do 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.	For students with a skill deficit in a specific social skill area (e.g., how to perform skills, when to perform skills, etc.).	Methods used to monitor progress on social skills performance can include the following: • Frequency recording. • Duration recording. • Time sampling procedures. • Latency recording. • Response ratio.

Bellini (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.

Mary, 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.

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T-12 Stimulus Cueing

Use of a random auditory or visual cue to prompt appropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Explain to target students (or class) the exact behaviors they are excepted 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.	A beeper tape with a tone at random intervals is an example.	Fidelity measures. Outcome measures.

MotivAider. Thief River Falls, MN: Behavioral Dynamics, Inc. http://habitchange.com/

Althouse, B. R., Jenson, W. R., Likins, M., Morgan. D. P. (1999). *Get'em on Task.* Longmont, CO: Sopris West.

Spriggs, A.D., Gast, 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.

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
• 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.	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. 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. When giving student a token, specify the reason the student earned the token.	Frequency data gathered on how many times tokens were received for appropriate behavior. Reduction of inappropriate behavior. Fidelity data gathered by asking students how they earn tokens.

Re[illegible]K., Sweeten, T. M., Jenson, W. R., Morgan, D. P., Andrews, D. J., & Fister, S., (1996). *Best Practices: Behavioral and Educational Strategies for Teachers.* [illegible]mont, CO: Sopris West Publishers, Inc.

[illegible]usser, E.H., Bray, Melissa, A. Kehle, T., Jenson, W.R.(2001). Reducing Disruptive Behaviors in Students with Serious Emotional Disturbance. [illegible]*l Psychology Review 30* (2), 294–304.

Ch[illegible]m Interventions for Children with ADHD: http://www.uams.edu/add/token.htm

Applic[illegible]ns: 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
• 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.	Feedback must be consistent. This intervention is best implemented if a scheduled time is set aside to review student performance. Student performance should be tracked and recorded. It should be given in a positive manner from an adult the student trusts. Expected student behavior should be reviewed frequently.	Percentage data recorded on number of points a student earned on tracking sheet. Fidelity data collected by student accomplishing target behavior. Student should be able to explain the expected behavior. Student progress is graphed to show improvement.

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/htmdocs/interventions/behavior/edtchng.php

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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
• 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.	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.	Frequency data record each incidence of verbal reprimand. Reduction of inappropriate behavior.

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
• 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 some dramatic positive change. Compose the essential information and the video clips into a multimedia Power Point presentation. Present it to your students and celebrate their success.	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. Parental permission is required to take pictures and video of the students. For non-readers, a verbal recording of the essential information can be incorporated into the PowerPoint. For nonverbal students, use whichever mode of communication they use. A video clip of them communicating successfully will likely increase their communication attempts.	Record decrease of inappropriate behavior or increase of targeted skills to assess effectiveness. 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: • Appropriate behaviors. • Schedules/routines. • Language development. • Classroom expectations. • Social skills. • Independent living skills. • Literacy/comprehension. • Academic concepts. 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.

*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, W.A

Bellini, S., & Akullian, J. (2007). A Meta-Analysis of Video Modeling and Video Self Modeling Interventions for Children and Adolscents 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

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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
• Select a location and specific task. • Specify the amount of time. • Collect and review data.	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.	Design and use a data collection system. For example, each time the intervention is used, an instructor might record the following: • Date. • Problem behavior. • Length of the work detail. • The student's reaction.

X-C INDIVIDUAL INTERVENTIONS

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 Discretionn
I-5	Mechanical Restraint (for Bus)	Yes	Yes
I-6	Over-Correction	Staff Discretion	No
[illegible]	Positive Practice Over-Correction	Staff Discretion	No
I-6b	Restitutional 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

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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
• Student is required to stay at school additional hours, usually to complete an academic assignment. • Student must be well supervised and shouldn't be allowed idle free time. • Student should have a purposeful activity to work on during detention. This may include a behavior processing activity to reexamine what went wrong during his/her infraction and what they could do better the next time.	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 LEA's policy before developing a detention program.	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. Administrators should make periodic, random observations in order to see if detention is being carried out in the recommended manner.

Kerr, M.M., & Nelson, C.M. (1998). *Strategies for Managing Behavior Problems in the Classroom: Third Edition*. Upper Saddle River, NJ: Prentice-Hall, Inc.
Jenson, W., Rhode,G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.

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
• Select a location for lunch detention in an isolated, quiet area. • Post the rules in a conspicuous place. • Assign student a seat. • Provide the student with the opportunity to eat.	To be effective, the detention must occur in a non-reinforcing environment, with no reinforcement from the adult supervisor.	Frequency count on lunch detention log noting student's name, date, time arrived, and time dismissed.

Jenson, W., Rhode, G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.
National Association for School Psychologists "Fair and Effective Discipline for All Students: Best Practice Strategies for Educators." http://www.nasponline.org/communications/spawareness/effdiscipfs.pdf

I-3 Food Delay

Delay of food for a specified period of time, contingent on inappropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Pinpoint the behavior. • Specify when and for how long food will be delayed. • Obtain parent(s)' notification. • Inform administration and food service. • Explain program to student. • Collect and review data.	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. If food is delayed too long, the student may increase the misbehavior.	Design and use a data collection system. For example, each time the intervention is used, an instructor might record the following: • Date. • Problem behavior. • How long food was delayed. • The student's reaction.

Jenson, W. R., Rhodes, G., Evans, C., & Morgan, D. (2013). *The Tough Kid's Principal Briefcase*. Eugene, OR: Pacific Northwest.

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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
• In advance, decide on a place for ISS (e.g., carrel, 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).	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 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. Parents should be informed when ISS is used. Care should be taken that students do not miss out on valuable instructional time.	Keep an ISS log. Teachers should document frequency, duration, and location of ISS. Fidelity: written ISS procedures, faculty training in ISS, ISS log.

Jenson, W., Rhode, G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.

Reavis, 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
• Make certain that all staff who implements 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).	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. Bus personnel must be properly trained in the use of the harness, including its emergency release. 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.	Follow appropriate documentation procedures from specific LEA policy.

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
• Give a verbal cue. • Follow the verbal cue with timeout from positive reinforcement. • Proceed with restitutional activity. • Minimize attention. • Observe the student.	For all over-correction procedures, forceful physical guidance/manual restraint and forceful physical guidance are not suggested by best practice.	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.

Bowen, J., Jenson, W.R., Clark, E. (2004). *School-Based Interventions for Students with Behavior Problems*. New York, New York: Springer.

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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
• 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/text/behavior/LRBIpdfs/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
• Make certain that all staff who implements individual interventions are thoroughly trained in the proper procedures. • Staff should refer to specific LEA policy and procedures relating to the usage of 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.

Response Cost

Contingent withdrawal of a specific amount of available reinforcers following an inappropriate response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Decide on a method to give out reinforcers. • Pinpoint behaviors to be defined. • 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., Sailer, 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://ebi.missouri.edu/?s=response+cost

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I-9 Required Relaxation

Spending a fixed period of time in relaxation following each occurrence of an upsetting behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	Frequency data that records the number of times the behavior occurs. Duration of the required relaxation.

Merrell, K. W., Whitcomb, S. A., Parisi, 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/ca/app/breathe2relax/id425720246
Android: https://play.google.com/store.apps/details?id=org.t2health.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
• This procedure requires making arrangements with the other teacher in advance. • 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., 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.

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
• If student displays inappropriate behavior, the reinforcing activity is removed for a certain amount of time and then given back.	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.

Wolf[illegible], C. H. (2001). The [illegible]any views of "time-out." Teaching strategies. *Journal of Early Education and Family Review*. 8, 18–28.

N[illegible]al Association of School Psychologists "Temper Tantrums" http://www.nasponline.org/resources/behavior/tantrums_ho.aspx

[illegible]nner, G.J., Nelson, J.R., Sanders, E.A., Ralston, N.C. (2012). Behavior Intervention for students with externalizing behavior problems: Primary-level standard protocol. *[illegible]eptional 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
• Establish designated area/setting to which the student can be referred. • Establish the amount of time the student will be in the time out setting (1 min. per year of the age of the student). • While in the time out area the student should not be addressed by staff or other students. • When amount of time in time out area is complete, student will return to the activity previously engaged in to maintain normal activity. • Student 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 student (inform students 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 student 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., 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.

Teacher's Workshop: http://www.teachersworkshop.com/twshop/relationaldisc.html

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XI EMERGENCY SAFETY INTERVENTIONS

(Table 41)

Interventions	Parental Notifications	Behavior Expert on SS Team	LEA ESI Committee Involvement	References
E.1 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. *Journal of Applied Behavior Analysis*, 30(1), 105–120. General Accounting Office (1999). *Improper Restraint or Seclusion Use Places People At Risk.* Washington, DC: Author.
E.2 Seclusionary Time Out "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 in accordance with the requirements of R392-200 and R710-4-3 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.), *The effects of punishment on human behavior*. 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. *Journal of Special Education*, 11, 457–467.

Refer to: USBE R277-609 Standards for LEA Discipline Plans and Emergency Safety Interventions.

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XI-A EMERGENCY CONTACT FORM

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 (Activity/event that occurred before the behavior)	Behavior (Measurable and observable)	Consequence (Events that follow the behavior)

3 What ESI was used 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):

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.

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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. • 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. • 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. • 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 (e.g., ten seconds), and the behavior is marked if it occurs any time within the interval. • 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. • 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. • Example: Completed student assignments.

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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 an IEP team, including the parent(s), have important information to contribute.

Direct assessment methods (functional analysis (FA): 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 needs 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.

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. 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 when 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 criterion 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.

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XII-D PHASES OF THE CRISIS CYCLE

(Table 47)

Phases	Description
Calm	Behavior is appropriate, cooperative, and responsive to the teacher's instructional practices. During this phase the student is able to exhibit the essential behaviors to succeed in the classroom. These behaviors include: (**a**) on-task, (**b**) following rules, (**c**) responding to praise, (**d**) initiating appropriate behavior, and (**e**) responding to goals and success. Overall behavior is cooperative and acceptable.
Triggers	Triggers are defined as those events that set off the cycle of inappropriate behaviors. The trigger/s serves to increase the behavior level of the student. There are two types of triggers occurring in this phrase: (**a**) school-based and (**b**) non-school based. Overall behavior involves a series of unresolved problems.
Acceleration	During the acceleration phrase student behavior becomes focused and directed towards others. The student can exhibit a number of behaviors with features of engaging some other person: (**a**) questioning and arguing, (**b**) defiance or noncompliance, (**c**) off-task, (**d**) provocation of others, (**e**) whining and crying, (**f**) escape and avoidance, (**g**) threats and intimidation, (**h**) verbal abuse, and (**i**) destruction of property. Overall behavior is staff-engaging, leading to further negative interactions.
Peak	The peak phase represents the most serious or intense behaviors. Behaviors are characterized by disruptions so serious that class cannot continue or continues with difficulty. Also, peak behaviors can become a threat to the safety of self or others. These peak behaviors include: (**a**) serious destruction of property, (**b**) physical attacks, (**c**) self-abuse, (**d**) severe tantrums, and (**e**) running away. Overall behavior is out of control.
De-escalation	The de-escalation phase marks the beginning of the student's disengagement and reduction in intensity of behavior. There is clear lack of focus and appearances of distraction. The common behaviors in this phase are: (**a**) confusion, (**b**) reconciliation, (**c**) withdrawal, (**d**) denial, (**e**) blaming other, (**f**) avoidance of discussion, and (**g**) avoidance of debriefing. Overall behavior shows confusion and lack of focus.
Recovery	In the final phase recovery, the student returns to a normal calm state. The student is able to participate in instructional activities. The specific behaviors for this recovery phrase are: (**a**) independent work or activities, (**b**) appropriate behavior in group work, (**c**) subdued behavior in class discussions, and (**d**) defensive or cautious behaviors. Overall behavior shows an eagerness for busy work and reluctance to interact.

(Colvin, G., (2004). Managing the Cycle of Acting-Out Behavior in the Classroom. Eugene, OR; Behavior Associates.)

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XII — ADDITIONAL TECHNICAL ASSISTANCE

Notes

XIII APPENDIX

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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	• Not posted • Not large • Not referred to frequently ❑	• Posted • Large • Not referred to frequently ❑	• Posted • Large • Referred to frequently ❑
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	• 0–1 routines established *OR* • Procedures not systematically taught ❑	• 2–3 routines established • Procedures systematically taught ❑	• At least 4 routines established • Procedures systematically taught ❑
3 Are transitions between activities structured (e.g., moving from one activity to the next; cues to initiate transitions)? U-17/U-19	• On average, takes the class about 4 minutes or more to transition ❑	• On average, takes the class about 2–3 minutes to transition ❑	• On average, takes the class under 1 minute to transition ❑
4 Is unstructured time kept to a minimum? U-17/U-19	• More than 45 minutes of unstructured time across the school day ❑	• 20–45 minutes of unstructured time across the school day ❑	• Less than 20 minutes of unstructured time across the school day ❑
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	• Inappropriately arranged • Inappropriately organized ❑	• Appropriately arranged, but disorganized *OR* • Inappropriately arranged, but organized ❑	• Appropriately arranged • Appropriately organized ❑
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	• Not in place • Not in use ❑	• In place • Not in use ❑	• In place • Regularly maintained ❑
7 Are there clearly defined and appropriately used classroom spaces (e.g., art area, computers, reading zone, homework center)? U-8	• No defined areas • Not used ❑	• Somewhat defined areas • Appropriately used ❑	• Clearly defined areas • Appropriately used ❑
8 Do all students have a clear and unobstructed view of the teacher and/or instructional area? U-8	• Less than 75% of students have a clear view ❑	• At least 75% of students have a clear view ❑	• 100% students of have a clear view ❑
9 Do students have adequate space or storage for personal belongings (e.g., backpack, lunch bags, learning materials/supplies, coats)? U-8	• Some or none have a designated space ❑	• Most students have a designated space ❑	• All students have a designated space ❑
10 Is there an adequate number of supplies or materials for students and are materials accessible? U-8	• Inadequate • Inaccessible ❑	• Adequate, but inaccessible *OR* • Inadequate, but accessible ❑	• Adequate • Accessible ❑
CLASSROOM ENVIRONMENT TOTALS			

BEHAVIOR MANAGEMENT

ITEM	RED	YELLOW	GREEN
1 Are the classroom rules/expectations posted (3–5 rules, positively stated)? U-19	• 0–1 rules posted ❑	• 3–5 rules posted ❑	• Rules are positively stated ❑
2 Have the rules/expectations been systematically taught and reviewed regularly (e.g., beginning of the year, after breaks, monthly)? U-7/U-19	• Not systematically taught • Not reviewed regularly ❑	• Systematically taught • Not reviewed regularly ❑	• Systematically taught • Rules are reviewed regularly ❑
3 Are procedures to address students who are following classroom rules and expectations posted, taught, and consistently implemented? U-6/U-18	• Not Posted OR • Posted, but not taught or implemented ❑	• Posted and taught • Inconsistently implemented ❑	• Posted and taught • Consistently implemented ❑
4 Are procedures to address students who are not following classroom rules and expectations posted, taught, and consistently implemented? U-6/U-15	• Not Posted OR • Posted, but not taught or implemented ❑	• Posted and taught • Inconsistently implemented ❑	• Posted and taught • Consistently implemented ❑
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	• No positive consequences • No preference assessments ❑	• Positive consequences • No preference assessments ❑	• Positive consequences • Regular preference assessments ❑
6 Is there at least a 4:1 ratio of positive to negative consequences for academic and behavioral responses implemented? Examples of positive: verbal praise, thumbs up, points on a point chart, and classroom bucks Examples of negative: redirections, verbal reprimand, school detention, and response cost U-16/T-13	• About 1:1 ratio of positive to negative consequences, or less ❑	• About 2:1 ratio of positive to negative consequences ❑	• At least 4:1 ratio of positive to negative consequences ❑
7 Is students' performance monitored by circulating among students (i.e., moving around the room while students are working)? U-22	• No defined areas • Not used ❑	• Sometimes ❑	• Almost Always ❑
8 How often are you standing in the front of the class and/or sitting at your desk? U-22	• Almost always ❑	• Sometimes ❑	• Infrequently ❑
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	• No ❑	• Yes, but inconsistently used ❑	• Yes, and consistently used ❑
10 Are precision requests used to increase student compliance? T-9	• No ❑	• Yes, but inconsistently used ❑	• Yes, and consistently used ❑
BEHAVIOR MANAGEMENT TOTALS			

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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 ❑	• Yes, but only at the end of a term ❑	• Yes, frequently ❑
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 ❑	• Yes, but only at the end of a term ❑	• Yes, frequently ❑
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 ❑	• Frequent opportunities to respond • 2–3 strategies/methods ❑	• Frequent opportunities to respond • 4 or more strategies ❑
4 Are procedures to address students who are not following classroom rules and expectations posted, taught, and consistently implemented? **U-7/U-18**	• Infrequently ❑	• Sometimes ❑	• Almost always ❑
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 ❑	• Yes, about 5–7 types of instructional strategies used across the week ❑	• Yes, about 8–10 types of instructional strategies used across the week ❑
6 Do you have knowledge of individual student needs and have intervention plans or strategies in place (e.g., students with 504 Plans, IEPs)? **U-1/U-13**	• Unsure of student needs • Unsure of intervention plans ❑	• Some students *OR* • Some interventions in place ❑	• All students • All interventions in ❑
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.

Reg[illegible]	Brief Summary of Results	Other	Brief Summary of Results
[illegible]ent Infor[illegible]on:		Behavior Checklist Rating/Scale: Name of Instruments:	
[illegible]rvations:		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:	

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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 whom 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
- ❑ afternoon
- ❑ before/after school
- ❑ lunch/recess

WHAT events or conditions occur right before the behavior?
- ❑ teacher request
- ❑ a consequence has been imposed
- ❑ unexpected schedule change
- ❑ other

WHERE does the behavior occur the most?
- ❑ regular classroom
- ❑ cafeteria
- ❑ hallways
- ❑ other

WHO is present when the problem behavior is likely to occur?
- ❑ teacher
- ❑ peers
- ❑ paraeducator
- ❑ other

HOW OFTEN does the behavior typically occur?
- ❑ times per day
- ❑ times per week
- ❑ 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	
1 _____	2 _____	3 _____	4 _____	TOTAL SCORE: _____
5 _____	5 _____	6 _____	7 _____	MEAN SCORE: _____ _____
9 _____	10 _____	11 _____	12 _____	_____ _____
13 _____	14 _____	15 _____	16 _____	RELATIVE RANKING: _____

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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)

- ❑ Hand raising/Asking for help/"Sure I will"
- ❑ Short break—e.g., break cards/tickets, scheduled breaks
- ❑ Peer interaction skills
- ❑ Sensory break
- ❑ Responds to choices—e.g., choice of work tasks, preferred activities or interests, offer negotiations
- ❑ Express frustration/feelings appropriately—e.g., cool down, problem solving ("I" messages), relaxation, diversion, re-direct into activity
- ❑ Other _____
- ❑ Other _____
- ❑ Other _____

Instructional Interventions for Teaching Replacement Behavior:

What will be taught?	When (frequency)?	Who will teach?	How skills [illegible] monitored across [illegible]ngs?

Instructional Interventions for Teaching Replacement Behavior:

Antecedent/trigger	Strategy based on antecedent/trigger

Consequence Intervention—POSITIVE:	**Consequence Intervention—NEGATIVE:**

Student: _____ Grade: _____ DOB: _____

Data Collection Method of Target and Appropriate/Positive Behavior:	**Data Number/Percentage indicating Increase/Decrease in both Target Behavior and Appropriate/Positive Behavior:** (To be filled out during Initial Behavior Plan Review Meeting)

[illegible]ergency [illegible]ty Interventions and Possible Side Effects:

- ❑ **Not Applicabl[illegible]**
- ❑ **Other** _____
- ❑ **Seclusionary Time[illegible]**
  St[illegible]dent is placed in a s[illegible]vised setting for a specified period of time. [illegible]dent may become aggressive or injure themselves or staff when being [illegible]aken to a time-out room.
- ❑ **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.

[illegible] Collection Method:

- ❑ **N[illegible]pplicable**
- ❑ **Time-out Logs and Graphs**
- ❑ **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 _____

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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 I's as needed.			**Strategies to encourage Replacement Behavior/ enhance relationship with the student:**
LRBI Code	LRBI Description	Special Considerations	1
			2
			3
			4
			5

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	

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A-4 ABC OBSERVATION FORM

Antecedent-Behavior-Consequence

Student: _____ Observer: _____

Date: _____ Time: _____ Activity: _____

Context of Incident:

Antecedent:

Behavior:

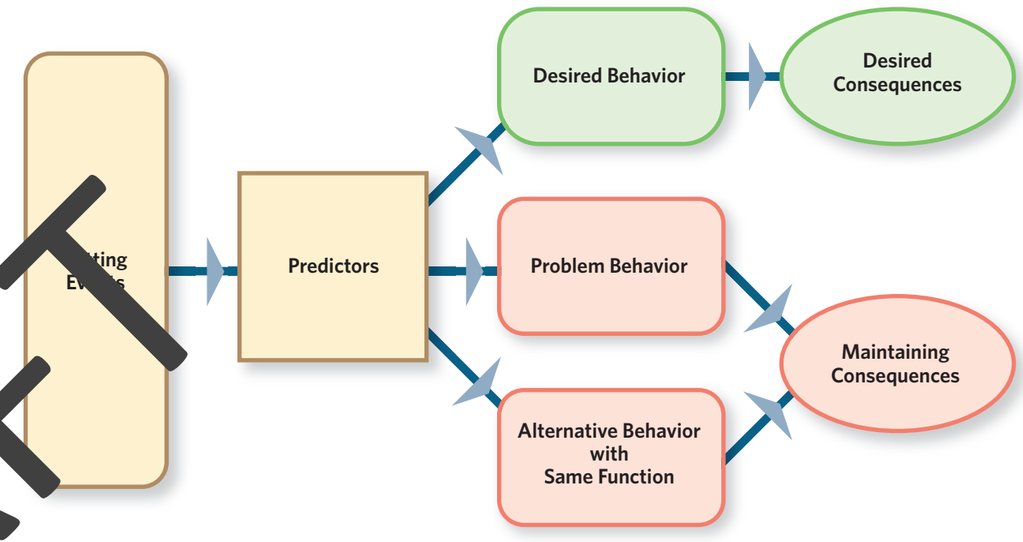
Consequence:

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., Honer, R.H., Sprague, J.R., Storeyand Newtow, J.S. (1995). *Functional assessment and programs development for problem behavior: A practical handbook* (2nd edition), Brooks/Cole Publishing Company.

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A-6 DATA TRIANGULATION CHART

Student: _____ Date: _____

Source 1	Source 2	Source 3
Summary: Antecedents:		

Student: _____ Date: _____

Source 1	Source 2	Source 3
Summary: Antecedents:		

A-7 SCATTER PLOT FORM

Student: _____ Observer: _____

Starting Date: _____ Date of Completion: _____

❑ High Rate of Behavior ❑ Low Rate of Behavior ❑ None of the Behavior

Time in 5-minute Intervals	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10

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A-8 BEHAVIORAL GRAPHING FORM

Student: _____ Behavior: _____

School: _____ Tracking Period: _____

15															
14															
13															
12															
11															
10															
9															
8															
7															
6															
5															
4															
3															
2															
1															
0															
Date	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F

15															
14															
13															
12															
11															
10															
9															
8															
7															
6															
5															
4															
3															
2															
1															
0															
Date	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F

A-9 DURATION DATA RECORDING FORM

Student: _____ Class: _____

Target Behavior/Objective: _____

DATE	INCIDENT	START/END	DURATION	INITIALS
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
	15			
	16			
	17			
	18			
	19			
	20			

Notes/Observations:

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A-10 EMERGENCY SAFETY INTERVENTIONS COMMITTEE MEETING FORM

MEMBERS IN ATTENDANCE:

NAME	POSITION

Teacher Reporting Accountability:

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NEW FOLLOW-UP ITEMS:

- **Elementary Schools—New Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

- **Secondary Schools—New Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

- **Special Schools—New Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

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:

-
-
-
-

rall training issues or considerations:

-
-
-
-
-
-

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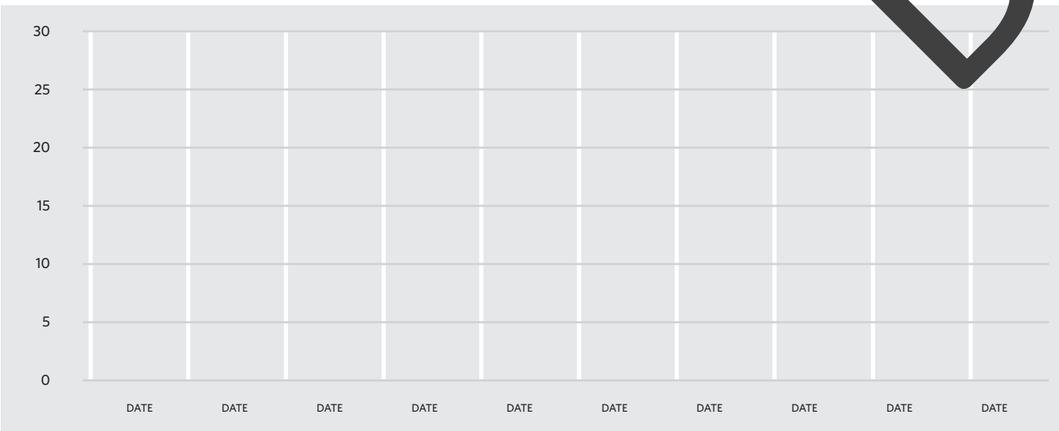
A-11 PHYSICAL RESTRAINT LOG

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

Time



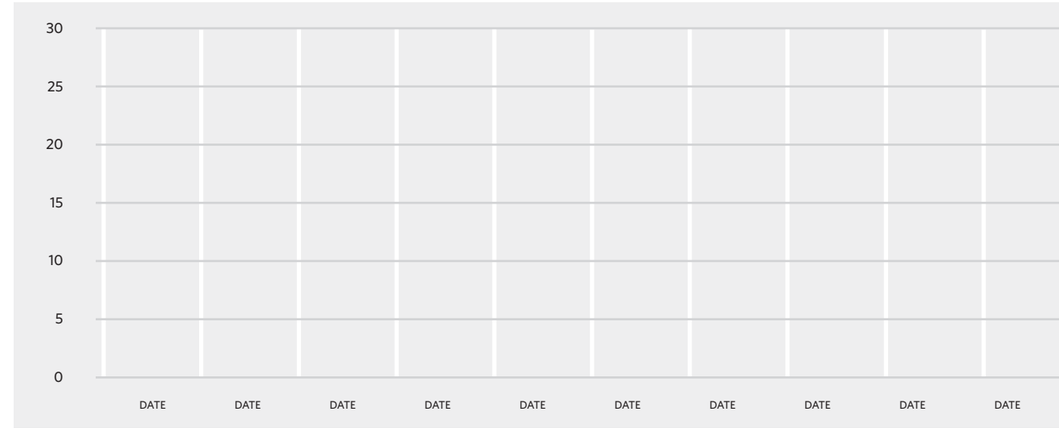
A-12 SECLUSIONARY TIME OUT LOG

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

Time



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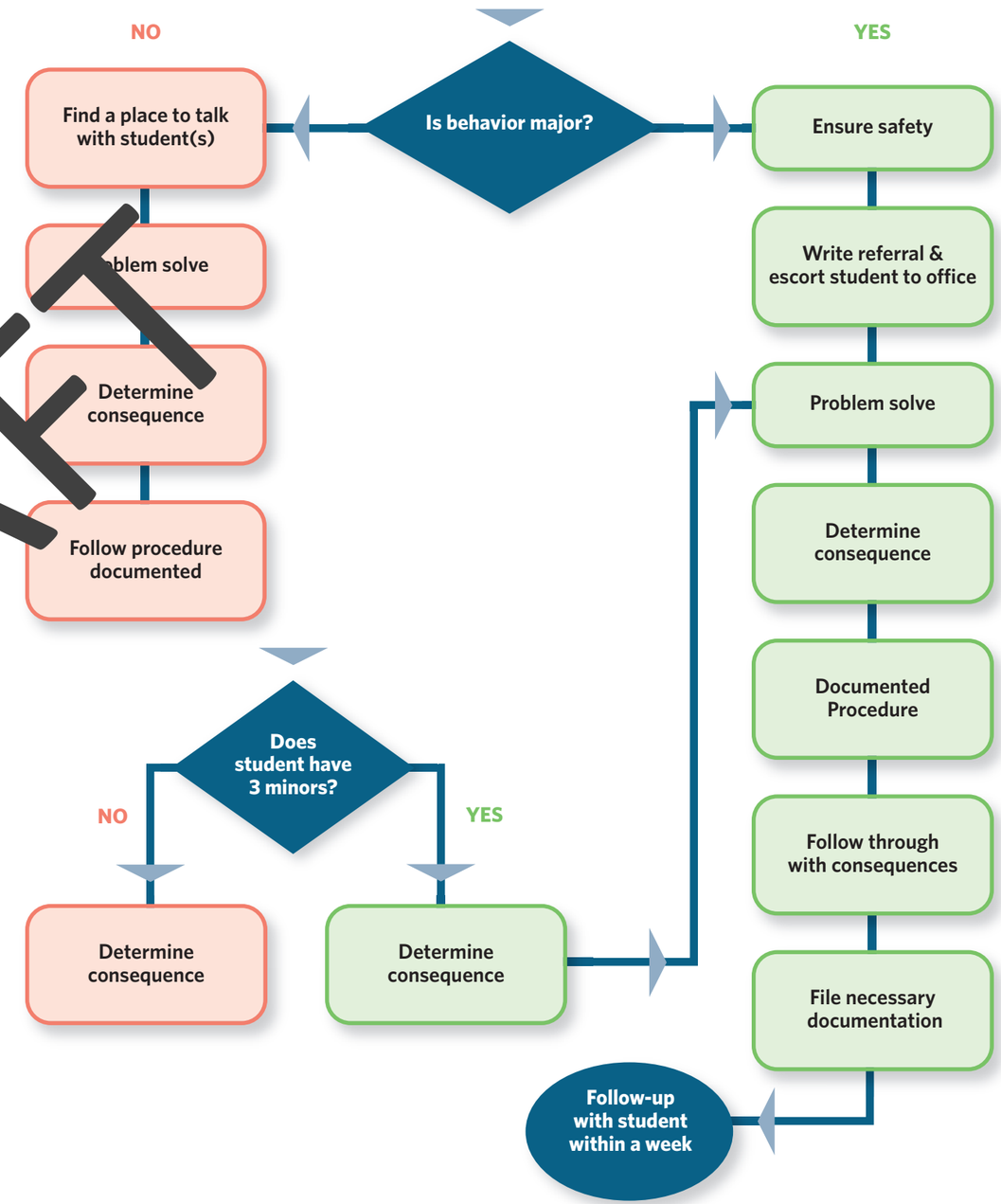
A-13 OFFICE DISCIPLINE CHECKLIST

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	[illegible]
Consider your categories—do you need any of the following categories?	Yes	[illegible]
• Student grade level	[illegible]	No
• Others involved	Yes	[illegible]
• Consequences	Yes	No
• Possible motivation (function)	[illegible]	[illegible]
• 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



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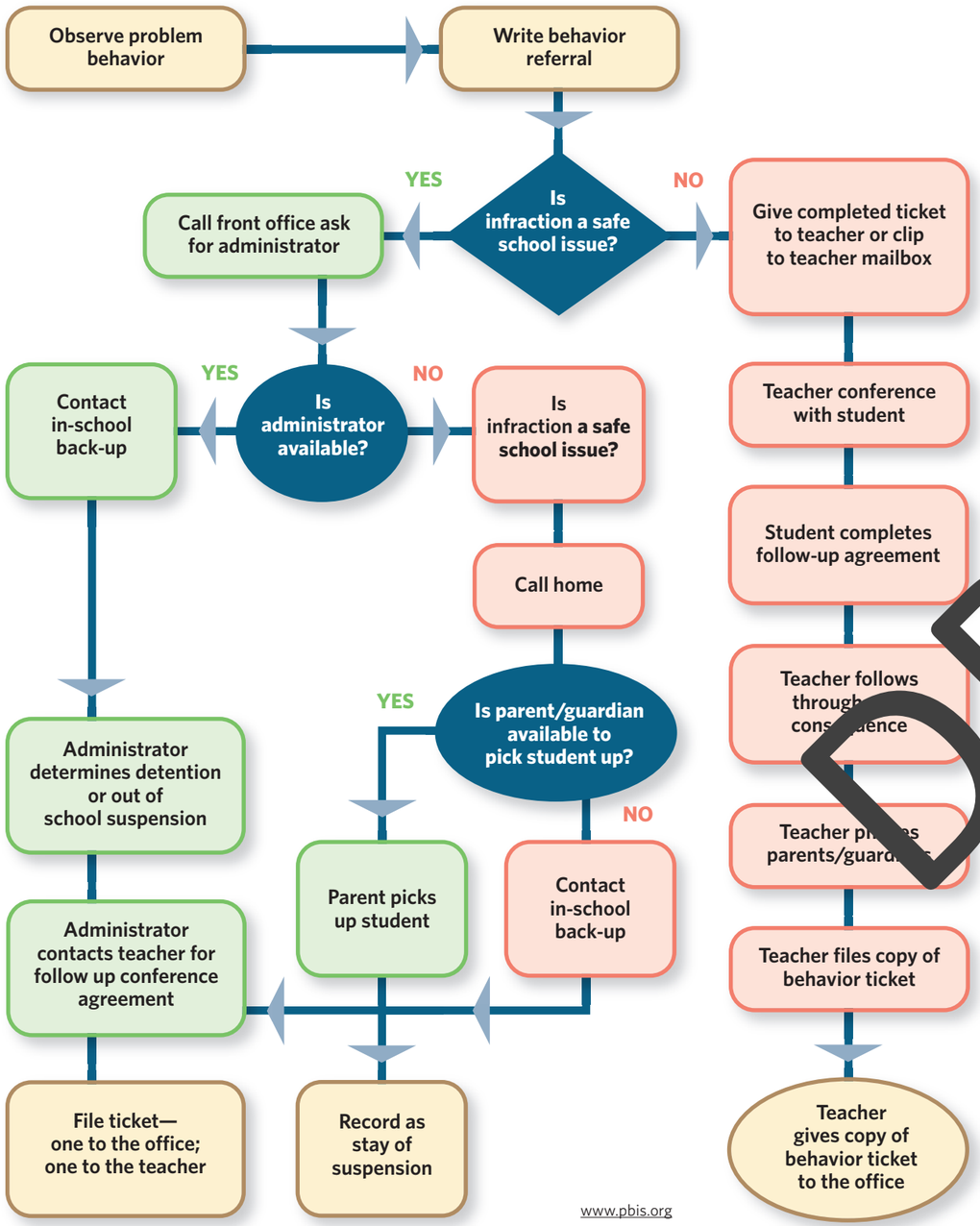
A-15 DETAILED PROCEDURE FOR DEALING WITH MAJOR BEHAVIOR INFRACTIONS



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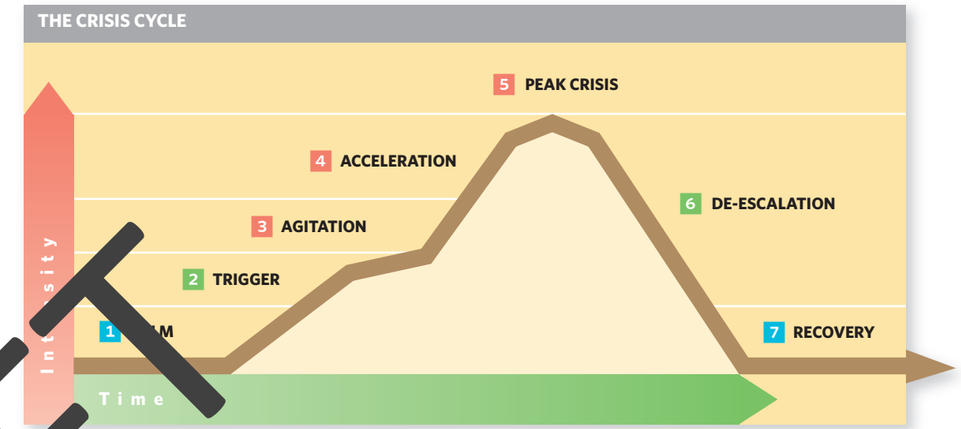
A-16 CRISIS MANAGEMENT PLAN



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: _____

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	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

LEA: _____ Date of Completion: _____

LEA Team Members: _____

UMTSS Representative: _____

INSTRUCTIONS: THE **LEA TEAM** SHOULD COMPLETE THE **LEA PRACTICE PROFILE** FORM WITH THE **UMTSS REPRESENTATIVE,** EVALUATING IMPLEMENTATION OF PRIORITIZED DIRECTIVES IN THE LEA. 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-represented 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 yea.r	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) =					

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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 Guskey 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 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 [illegible] 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).	Acknowledgement 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

LEA: _____ Date of Completion: _____ UMTSS Respresentative: _____

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 PARTICIALLY 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 [illegible] created [illegible] benchmarks for collecting [illegible] implementation [illegible] data [illegible] implementation [illegible] Network—NIRN).	Fidelity and student outcome data are used to inform modifications to implementation (e.g., how can Selection, Training, and Coaching better support fidelity) (NIRN).	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 [illegible] 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, evaluation of coaching fidelity, or use of data to modify coaching structure.	Coaching system not in place for the prioritized professional.	
4 [illegible]ding Leadership [illegible] (BLT) established in schools [illegible]eiving PD that use effective teaming structures to evaluate [illegible]lementation 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.	Resources must be allocated to provide effective PD, including coaching, building level teaming structures, and data systems.	District resources allocated for effective delivery of PD, ongoing follow-up and coaching of the practice, establishment of building-level teams to 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.	

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PROF DEVELOPMENT COMPONENT	SPECIFICATIONS	2 IN PLACE	1 PARTICIALLY IN PLACE	0 NOT IN PLACE	SCORE
10 Implementation and student outcome data are shared regularly w/ stakeholders at multiple levels (SEA, regional, local, individual, community, other agencies). (NIRN)	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 stake-holders (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, coachers, 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 creditable organization and referenced in peer-reviewed journals.	Content has evidence of effectiveness. (effect size > 0.4)	Content has minimal evidence of effectiveness. (effective 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 (Sit & Get, Spray & Pray).	
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, coachers, 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	1 PARTICIALLY 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 and 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: • 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: • 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: • 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: • 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	

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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 that 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 theseries 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 Utah State Board of Education 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 receive IDEA protections.

Fewer than 10 days = Short-Term Removal	More than 10 days = Long-Term Removal
• 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.	• 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 and review IEP. • Consider special factors, supplementary aides and services. • Determine if more assessment data are 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 FBA 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 BIP already has been developed, review the 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 BIP.

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 For purposes of this section, the following definitions apply:

i Controlled substance means a drug or other substance 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).

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 is a training DVD, PowerPoint, and trouble-shooting 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 is a training DVD, PowerPoint and trouble-shooting 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, LEAs, and state education systems operate effectively and efficiently. The complete blueprint can be found at http://www.pbis.org.

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XVII — FREQUENTLY ASKED QUESTIONS (FAQ)

XVII FREQUENTLY ASKED QUESTIONS (FAQ)

What authority do the school and LEA 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 LEA, 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 student's disability; and/or

2 Whether the conduct in question was the direct result of the LEA'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 student'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 student'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 LEA 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 student 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 student carries of possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district.

2 The student 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 LEA.

3 The student has inflicted serious bodily injury upon another person while at school, or school premises, or at a school function under the jurisdiction of the LEA.

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; 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 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 student 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 LEA 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 student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student, that the student is in need of special education and related services.

The parent of the student has requested an evaluation of the student pursuant to IDEA.

3 The teacher of the student or other personnel of the LEA has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of such agency, or to the other supervisory personnel of the agency.

What about a student whose parent has not allowed an evaluation of the student or has refused special education services, or when a previous evaluation has determined that the student was not a student with a disability?

If this student commits an expellable offense, the student may be subject to expulsion.

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XVIII — GLOSSARY OF TERMS

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 LEA to teach ALL students Utah's Core standards and social behavior standards (i.e., PBIS). Assessing student success and selecting practices that are research-based determine effective core instruction.

Curriculum-Based Measuremen (CBM)

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 or there is some certainty that new information will be gained and from 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.

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XVIII — GLOSSARY OF TERMS

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 measureable, 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 Supports (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-based decelerative behavioral intervention (positive or intervention punitive) that temporarily stops or suppresses a behavior.

Reinforcer

A consequent stimulus which increases or maintains the future rate 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 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).

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VERSION 2

R277. Education, Administration.
[~~**R277-100. Rulemaking Policy.**~~
~~**R277-100-1. Definitions.**~~
~~A. "Board" means the Utah State Board of Education.~~
~~B. "Bulletin" means the Utah State Bulletin.~~
~~C. "DAR" means the State Division of Administrative Rules.~~
~~D. "Effective date" means the date on which a proposed rule becomes enforceable.~~
~~E. "Hearing" means an administrative rulemaking hearing.~~
~~F. "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.~~
~~G. "Leadership Committee" means the Executive Committee of the Board as defined in Board Bylaws.~~
~~H. "Publication date" means the date of the Bulletin in which the rule or summary of the rule is printed.~~
~~I. "Rule"~~
~~(1) means a statement made by the Board that applies to a general class of persons, rather than specific persons and:~~
~~(a) implements or interprets a statutory policy;~~
~~(b) prescribes the policy of the Board in policy consistent with Section 53A-1-401(3); or~~
~~(c) prescribes the administration of the Board's functions or describes its organization, procedures, and operations.~~
~~(2) does not include declaratory orders under Section 63G-4-503.~~
~~J. "Standing committee" means a committee consisting of Board members appointed by the Board Leadership Committee.~~
~~K. "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.~~
~~L. "USOE" means the Utah State Office of Education.~~
~~M. "USOR" means the Utah State Office of Rehabilitation.~~

~~**R277-100-2. Authority and Purpose.**~~
~~A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of public education in the Board, by Section 63G-3-101 et seq., the Utah Administrative Rulemaking Act, which specifies procedures for state agencies to follow in making rules, and by Section 53A-1-401(3) which authorizes the Board to adopt rules in accordance with its responsibilities.~~
~~B. The purpose of this rule is to conform the rulemaking procedures of the Board and divisions supervised by the Board to those required under the Utah Administrative Rulemaking Act.~~

~~**R277-100-3. Initiation, Amendment, or Repeal of a Rule.**~~
~~A. The Board may make, amend, or repeal rules.~~
~~(1) Rulemaking is required by the Board when:~~
~~(a) explicitly or implicitly required by statutory or federal mandate; and either~~

~~(b) Board action affects a class of persons; or~~

~~(c) Board action affects the operations of another agency, except as provided in Section R277-100-3A(2)(c).~~

~~(2) Rulemaking is not required by the Board when:~~

~~(a) a procedure or standard is already described in statute;~~

~~(b) Board action affects an individual person, not a class of persons;~~

~~(c) Board action concerns only the internal management of the Board, USOR, or USOE;~~

~~(d) the Board or Agency action is a grammatical or other insignificant revision that does not affect policy or the application of Board decisions; or~~

~~(e) the Board or Agency action meets the standards of Section 63G-3-201(4).~~

~~B. Public Petition~~

~~(1) Any person may petition the Board to make, amend, or repeal a rule. The petition shall contain the name and address of the person submitting the rule, a written copy of the proposal, a statement concerning the Board's legal authority to act, and the reasons for the proposal. The petition is submitted to the Superintendent.~~

~~(2) The Superintendent reviews petitions prior to consideration by the Board. Within 30 days after receiving a petition, the Superintendent does one of the following:~~

~~(a) Notifies the petitioner that the petition has been denied and gives reasons for the denial; or~~

~~(b) Notifies the petitioner that the petition has been accepted, and specifies a date on which rulemaking procedures will be initiated. Changes in the petitioner's proposal suggested by the Superintendent are included in the notice.~~

~~(3) A petitioner may appeal a decision by the Superintendent by sending a signed request for consideration of the appeal, including a copy of the original proposal and copies of correspondence with the Superintendent, if any, to the Chair of the Board. The Chair presents the appeal to the Board. If the Board votes to review the proposal, it is scheduled for a future meeting of the Board. The decision of the Board is final.~~

~~R277-100-4. Procedures for Making, Amending, or Repealing a Rule.~~

~~A. Regular Rules~~

~~(1) Prior to submitting a proposed rule to the Board, the Superintendent shall ensure that reasonable efforts have been made to solicit information from LEA officials, professional associations, and other affected parties concerning the need for, and content of, the proposed rule.~~

~~(2) Upon receiving notice of a proposed rule, the Leadership Committee of the Board assigns the proposed rule to a standing committee or to the entire Board.~~

~~(3) If a Board standing committee reads a proposed rule initially, the rule shall be read a second time before the entire Board and the second reading shall include discussion of the standing committee report; and~~

~~(4) After the entire Board reads a proposed rule, the Board may choose to:~~

~~(a) consider the rule again at a future meeting with revisions incorporating Board suggestions, by directing the Superintendent to change the proposed rule;~~

~~(b) receive notice of the proposed rule in its final form on the next Board agenda, by directing the Superintendent to put the rule with its effective date on the consent~~

~~calendar for the Board's next meeting;~~

~~(c) allow the rule to become effective 30 days after publication in the State Bulletin if the proposed rule is not rewritten to incorporate public comments or suggestions, by directing the Superintendent to send DAR notice of an effective date for the proposed rule. The date shall be no fewer than 30 days nor more than 90 days after the publication date of the proposed rule; or~~

~~(d) direct the Superintendent to take no further action on the rule.~~

~~(5) Following the Board's approval of a proposed rule, the Board directs the Superintendent to prepare a rule analysis form and file the form and a copy of the proposed rule with DAR.~~

~~The Superintendent shall also send a copy of the proposed rule or make the rule available electronically to:~~

~~(a) persons who have filed a timely request with the Superintendent;~~

~~(b) school district superintendents and charter school directors;~~

~~(c) persons who must be given notice by statutory or federal mandate; and~~

~~(d) other persons who, in the judgment of the Superintendent, should receive notice.~~

~~(6) The Board allows at least 30 days after publication in the Bulletin for public comment on the proposed rule.~~

~~(a) The Superintendent maintains a file containing a copy of the proposed rule and the rule analysis form, and makes the file available to the public during the regular business hours of the USOE upon request. Written comments, notes on verbal comments, information received electronically, and hearing records, if any, are kept in the file.~~

~~(b) Hearings may be held by the Board as described in Section R277-100-6.~~

~~(c) The Board may follow Sections R277-100-4B or R277-100-4C to amend a rule after reviewing public comment.~~

~~(d) During the 30-day comment period, the Board may direct the Superintendent to take no further action on a rule. The proposed rule automatically expires 90 days after its publication date.~~

~~B. Nonsubstantive Changes in a Rule~~

~~(1) Nonsubstantive changes may be made in a rule under this section both before and after the effective date of the rule.~~

~~(2) A change is nonsubstantive if, in the opinion of the Superintendent, it does not affect Board policy, application of the rule, or results of Board action under the rule.~~

~~(3) To enact a nonsubstantive change, the Superintendent prepares a copy of the new version of the rule and files it with the DAR. The new version is effective upon filing.~~

~~C. Substantive Changes in a Proposed Rule~~

~~The Board may make a change in a previously published proposed rule prior to its effective date. The Board directs the Superintendent to:~~

~~(1) prepare a new rule analysis form describing the change, and file it and a copy of the revised proposal with DAR; and~~

~~(2) notify DAR of the effective date of the revised rule. The rule will automatically become effective 30 days after its new publication date if no other date is specified.~~

~~D. Emergency Rules~~

~~(1) An emergency rule may be adopted under this section if the Superintendent~~

~~finds that delay resulting from following normal procedures will:~~

~~(a) result in imminent peril to the public health, safety or welfare;~~

~~(b) cause an imminent budget reduction because of budget restraints or federal requirements; or~~

~~(c) place the Board in violation of federal or state law.~~

~~(2) The Superintendent notifies the Board Chair of the need to enact an emergency rule.~~

~~(3) If the Board Chair concurs in the recommendation, the Superintendent:~~

~~(a) prepares and files a copy of the proposed emergency rule and the rule analysis form with DAR, stating specific reasons for the adoption of the rule;~~

~~(b) notifies DAR of the effective date and the lapsing date for the proposed emergency rule. If no effective date is specified, the proposed emergency rule becomes effective on the filing date. If no lapsing date is specified, the proposed emergency rule lapses 120 days after the filing date. No emergency rule may remain in effect for more than 120 days; and~~

~~(c) mails a copy of the rule analysis form to the members of the Board and to persons specified in Section R277-100-4A(5).~~

~~R277-100-5. Formal Adoption by the Board of Procedures, Handbooks, and Manuals, and Reference to those Documents in Rules.~~

~~A. Under Board direction, divisions under the supervision of the Board, periodically develop or amend various policy manuals or policy handbooks which may not necessarily qualify to be rules or are not suitable for the normal rulemaking procedures. These shall be presented to the Board for purposes of formal adoption or amendment.~~

~~B. LEAs shall have electronic access to such documents which are to be considered for adoption by the Board.~~

~~C. LEAs shall comply with the provisions of such documents, after the formal adoption or amendment by the Board of a USOE policy manual or policy handbook.~~

~~D. Following formal review by the Board, the Board's designation of a handbook, manual, or similar document as a policy manual or policy handbook is conclusive for purposes of this rule.~~

~~R277-100-6. Hearings.~~

~~A. When to hold hearings~~

~~(1) The Board may hold hearings during a regular or special meeting.~~

~~(2) The Board shall hold hearings if:~~

~~(a) required by state or federal law; or~~

~~(b) an affected agency, ten persons, or an organization having not fewer than ten members submits a written request for a hearing to the Superintendent not more than 15 days after the publication date of the proposed rule, amendment, or rule repeal. The hearing shall be held within 30 days of receipt of the request.~~

~~B. Hearing Procedures~~

~~(1) Notice of hearing regarding proposed rules published in the Bulletin is provided by:~~

~~(a) publication of the hearing date, time, place, and subject matter in the Bulletin;~~

~~(b) posting of the notice of information contained on the rule analysis form in a place frequented by the public consistent with Title 52, Chapter 4, Open and Public Meetings Act;~~

~~(c) sending persons who receive rule analysis forms under Section R277-100-4A(5) written notice of any changes made in the notice information contained on the rule analysis form;~~

~~(d) giving further notice required by law or regulation; and~~

~~(e) sending notice to those requesting the hearing, if the hearing is requested under Section R277-100-6A(2)(b).~~

~~(2) Notice of hearings held prior to proposing the rule is given by:~~

~~(a) posting the hearing date, time, place, and subject in a place frequented by the public consistent with Title 52, Chapter 4, Open and Public Meetings Act; and~~

~~(b) providing the notice information to persons specified in Section R277-100-4A(1).~~

~~C. The Board may hold the hearing itself, or appoint any person who can fairly conduct the hearing, other than the Superintendent, to be the hearing officer. The hearing officer shall know rulemaking procedures, but may not be directly responsible for administering the rule.~~

~~D. Conducting the Hearing~~

~~(1) Upon opening the hearing, the hearing officer explains the purpose of the hearing and invites orderly, germane comment. The hearing officer may set time limits for speakers and otherwise control prudent use of time.~~

~~(2) The hearing officer rules on questions of relevance and redundancy. Oaths, cross-examination, and rules of evidence are not required. The hearing is conducted as an open, informal, orderly, and informative meeting.~~

~~(3) A person familiar with the rule at issue may be asked to be present at the hearing to respond to inquiries and to provide information.~~

~~(4) The hearing officer may invite written comment to be submitted at the hearing or within a reasonable time thereafter. Written comments shall include the name, address, and, if applicable, the organization represented by the person making the comments. Written comment or electronically received comment shall be appended to the hearing minutes.~~

~~E. The Record~~

~~(1) The hearing officer or a person appointed to take minutes records the name, address, and organization represented by each person speaking at the hearing, and a brief summary of the remarks.~~

~~(2) In the alternative, a hearing may be recorded by audio or video.~~

~~(3) Hearing minutes, a hearing recording (if available), a copy of the proposed rule, written comments, the findings and recommendations of the hearing officer, the decision of the Board, and other pertinent documents constitute the record of the hearing. The record is maintained in a file available to the public at the USOE during regular business hours by appointment.~~

~~F. Findings and Recommendations~~

~~(1) The hearing officer makes written findings and recommendations, including any facts pertinent to the hearing, recommendations for Board action, and reasons for the recommendations.~~

~~(2) The hearing officer transmits the findings, recommendations, and the complete~~

~~record of the hearing to the Board as soon as possible following the close of the hearing.~~

~~(3) When the Board conducts the hearing, the Chair prepares written findings, the decision, and reasons for the decision.~~

~~G. The Decision~~

~~(1) The Board issues a written decision as soon as possible after the close of the hearing and before the rule becomes effective. The decision states whether the proposed rule will be adopted, changed, or withdrawn; any alternative action such as whether a rule will be proposed on the subject matter of the hearing; and reasons for the decision. The written decision is included in the hearing record.~~

~~(2) If the hearing is held under Section R277-100-6A(2), the Board mails a copy of or sends electronically the decision to the person who requested the hearing.~~

~~H. A decision of the Board may be appealed to a district court.~~

~~R277-100-7. Board Review of Rules.~~

~~A. Five Year Review~~

~~(1) The Board reviews each rule within five years of its effective date and at five year intervals thereafter.~~

~~(2) The Superintendent shall coordinate with DAR to ensure that all Administrative rules are adequately reviewed by the Board prior to the five year review deadline.~~

~~(3) All other paperwork shall be completed by the Superintendent to repeal or reenact the rules.~~

~~B. Declaratory Judgments on the Applicability of a Rule~~

~~(1) An interested person may petition the Board for a ruling on the applicability of a particular Board provision, rule, or order in a stated case by filing a petition for a declaratory judgment with the Superintendent.~~

~~(2) The petition shall contain the petitioner's name, address, and phone number; the Board provision, rule, or order; and a statement of the facts of the case. The petition shall be filed within six months of the application of the rule to the interested party or to a person represented by the interested party.~~

~~(3) Within 15 days of the filing of the petition, the Superintendent makes a recommendation to the Board regarding the applicability of the provision, rule, or order to the case.~~

~~(4) Prior to issuing a decision, the Board may:~~

~~(a) conduct a hearing on the matter under Section R277-100-6. The hearing shall begin no sooner than 15 days and no later than 45 days after receiving the petition; or~~

~~(b) appoint a staff member to conduct an investigation of the case. The investigator makes a recommendation to the Board as soon as possible after the close of the investigation.~~

~~(5) The Board notifies the petitioner by certified mail of its decision to conduct a hearing or investigation. Notice includes the time, date, and place of the hearing and the name of the hearing officer; or, in the case of an investigation, the name of the staff member responsible for conducting the investigation.~~

~~(6) The Board issues a ruling regarding the applicability of the provision, rule, or order within 60 days of the filing of the petition, or if a hearing is held, as soon as possible after the close of a hearing. The Board's ruling includes reasons for the decision and is~~

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~~sent by certified mail to the petitioner.~~

~~(7) The Superintendent maintains a complete copy of the Board's current rules for public inspection at the Superintendent's Office during regular business hours.~~]

R277-100. Rulemaking Policy.

R277-100-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;

(b) Title 63G, Chapter 3, the Utah Administrative Rulemaking Act, which specifies procedures for a state agency to follow in making rules; and

(c) Subsection 53A-1-401(3), which authorizes the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is to conform the rulemaking procedures of the Board and divisions supervised by the Board to those required under the Utah Administrative Rulemaking Act.

R277-100-2. Definitions.

(1) Terms used in this rule are defined in Section 63G-3-102 and Rule R15.

(2) As used in this rule:

(a) “Hearing” means an administrative rulemaking hearing.

(b) “LEA” or “local education agency” for purposes of this rule includes the Utah Schools for the Deaf and the Blind.

R277-100-3. Petition for Rulemaking – Appeal.

(1) A person may petition the Board to make, amend, or repeal a rule as provided by Subsection 63G-3-601(3) and Rule R15-2.

(2)(a) The Superintendent shall review a petition prior to consideration by the Board.

(b) The Superintendent shall notify a petitioner of any changes suggested by the Superintendent to the petition.

(3)(a) A petitioner may appeal a decision made by the Superintendent under Subsections 63G-3-601(5) through (7) by sending a signed request for consideration of the appeal, including a copy of the original petition and copies of correspondence with the Superintendent, if any, to the Board Chair.

(b) The Chair shall present the appeal to the Board.

(c) If the Board votes to review the petition, the Board shall schedule the petition for a future meeting of the Board.

(d) The decision of the Board is final.

R277-100-4. Procedures for Making, Amending, or Repealing a Rule.

(1) Prior to submitting a proposed rule to the Board, the Superintendent shall make a reasonable effort to solicit information from LEA officials, professional associations, and other affected parties concerning the need for, and content of, the proposed rule.

(2) In addition to the persons described in Subsection 63G-3-301(10), the Superintendent shall also send a copy of the proposed rule or make the rule available electronically to:

(a) school district superintendents and charter school directors; and

(b) another person who, in the judgment of the Superintendent, should receive notice.

(3)(a) The Superintendent shall:

(i) maintain a file containing a copy of the proposed rule and the rule analysis form; and

(ii) make the file available to the public during the regular business hours of the USOE upon request.

(b) The Superintendent shall keep the following in the file:

(i) a written comment;

(ii) a note on a verbal comment;

(iii) information received electronically; and

(iv) a hearing record, if any.

R277-100-5. Formal Adoption by the Board of Procedures, Handbooks, and Manuals.

(1)(a) Under Board direction, a division under the supervision of the Board may periodically develop or amend a policy manual or policy handbook that does not

meet the definition of a rule.

(b) A division shall present a policy manual or handbook described in Subsection (1)(a) to the Board for the Board's formal adoption or amendment.

(2) An LEA shall have electronic access to the policy manual or handbook considered for adoption by the Board.

(3) Following formal review by the Board, the Board's designation of a handbook, manual, or similar document as a policy manual or policy handbook is conclusive for purposes of this rule.

R277-100-6. Hearings.

(1)(a) For a hearing that is mandatory under Subsection 63G-3-302(2), the Board shall follow the procedures and requirements of:

(i) Section 63G-3-302;

(ii) Rule R15-1; and

(iii) Subsections (6) and (7).

(b) For a hearing that is voluntary, the Board shall follow the procedures and requirements of:

(i) Section 63G-3-302;

(ii) Rule 15-1, except as provided by this section; and

(iii) this section.

(2) Notwithstanding Subsection R15-1-5(2):

(a) the Board may hold the hearing itself or appoint any person who can fairly conduct the hearing, other than the Superintendent, as a hearing officer; and

(b) the hearing officer shall know rulemaking procedures, but may not be directly responsible for administering the rule.

(3) The hearing officer shall rule on a question of relevance and redundancy.

(4) Notwithstanding Subsection R15-1-5(4)(b), a person familiar with the rule at issue may be asked to be present at the hearing to respond to inquiries and to provide information.

(5) A written comment shall include the name, address, and, if applicable, the organization represented by the person making the comment.

(6)(a) The hearing officer shall make written findings and recommendations, including any facts pertinent to the hearing, recommendations for Board action, and reasons for the recommendations.

(b) The hearing officer shall transmit the findings, recommendations, and the complete record of the hearing to the Board as soon as possible following the close of the hearing.

(c) If the Board conducts the hearing, the Chair shall prepare written findings, the decision, and reasons for the decision.

(7)(a)(i) The Board shall issue a written decision as soon as possible after the close of the hearing and before the rule becomes effective.

(ii) The decision shall state:

(A) whether the proposed rule will be adopted, changed, or withdrawn;

(B) any alternative action, such as whether a rule will be proposed on the subject matter of the hearing; and

(C) reasons for the decision.

(iii) The written decision is included in the hearing record.

(b) If the hearing is held under Subsection (1)(a), the Board shall mail a copy of or send electronically the decision to the person who requested the hearing.

KEY: administrative procedures, rules and procedures

Date of Enactment or Last Substantive Amendment: [~~January 10, 2012~~]2015

Notice of Continuation: [~~November 11, 2010~~]2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 63G-3-101 et seq.; 53A-1-401(3)

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-611 *Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools* (Continuation and Amendment)

Background:

1. R277-611 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 November 8, 2015. Staff have reviewed R277-611 and determined that the rule continues to be necessary.
2. R277-611 is amended to provide substantive changes related to the passage of 2015 HB 124 *Education Background Check Amendments* and makes technical and conforming changes to the rule.

Key Points:

1. R277-611 continues to be necessary because it provides standards and procedures for certified firearm instructors to provide firearm safety in the public schools.
2. The amendments provide substantive changes related to the passage of 2015 HB 124 *Education Background Check Amendments* and make technical and conforming changes to the rule.

Anticipated Action:

1. It is proposed that the Law and Licensing Committee consider approving R277-611 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-611 for continuation on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-611, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-611, as amended, on second reading.

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R277. Education, Administration.

R277-611. Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools.

R277-611-[~~2~~]1. Authority and Purpose.

[~~A.~~](1) This rule is authorized [~~under~~]by:

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

(b) Subsection 53A-13-106(5), which directs the Board to make rules specific to limited areas of firearm safety instruction in the public schools[~~,~~]; and

(c) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities.

[B.](2) The purpose of this rule is to:

(a) provide a definition of certified volunteer for purposes of providing firearm safety training in [~~the~~]a public school[~~s~~];[~~ to~~]

(b) direct [~~school districts and charter schools~~]LEAs to designate[~~ a process for designated~~] public school areas that may be used for firearm safety training for adults or students or both;[~~ and to~~]

(c) direct a local board to[~~ have a process or committee or both for~~] review [~~of~~] materials that may be used under the [~~school district's or charter school's~~]LEA's authority to teach firearm safety; and[~~ to~~]

(d) provide for voluntary firearm safety training of public school district employees or school community members or both on public school property at times determined by the local school board [~~of education~~]or local governing board.

R277-611-[~~1~~](2). Definitions.

[~~A.~~](1) "Certified volunteer" means an individual who:

(a) volunteers to teach [~~school district~~]an LEA employee[~~s~~] or student[~~s~~] in [~~the~~]a public school[~~s~~] about firearm safety; and[~~. The individual shall provide documentation of training from designated training entities prior to providing firearm safety instruction to public school students or employees on public school property~~]

(b) is certified as required by Section R277-611-3.

[~~B.~~](2) "Public school classroom[~~s~~] or auditorium[~~s~~]" means a[~~ny~~] classroom

or auditorium in a public school:

(a) identified as available and appropriate; and

(b) designated by [~~the school~~]an LEA, superintendent, or director as available for firearm safety instruction.

[~~C. "Firearm safety education classes" means classes or courses taught by designated individuals during the regular school day or outside of the regular school day as determined by the local board of education.~~]

[~~D. "LEA" means a school district, school or charter school.~~]

R277-611-3. Certified Volunteers and Proof of Certification of Instructors.

[~~A.~~](1)(a) An [~~school district or charter school~~]LEA may allow a volunteer[~~s~~] who [~~have been~~]is certified by the Utah Bureau of Criminal Identification to teach firearm safety on public school property consistent with [~~district~~]LEA policy and direction.

(b) A list of certified firearms instructors by county is available through the Utah Department of Public Safety.

[~~B.~~](2) A certified [~~V~~]volunteer[~~s~~] shall provide documentation of required training to the designated school administrator prior to the advertisement or notice of available training.

[~~C.~~](3) An[~~y~~] individual [~~that~~]who provides or participates in training to a public school age child[~~ren~~] on public school property shall:

(a) [~~have~~]complete[~~d~~] a fingerprint background check and submit to ongoing monitoring consistent with [~~Section 53A-3-410~~]the requirements of Title 53A, Chapter 15, Part 15, Background Checks; and

(b) have [~~had~~]the background check reviewed by [~~appropriate school district~~]an LEA administrator[~~s~~] prior to instructing a public school age student[~~s~~].

(4) A volunteer [~~or instructor shall not be considered~~]is not certified under Subsection 53A-13-106(5)(d) by the [~~school district~~]LEA until the background check process is completed.

R277-611-4. School District Review of Firearm Safety Materials Used in Public Schools.

[~~A.~~](1) A certified [~~V~~]volunteer[~~ firearm safety instructors~~] who [~~have been~~]is approved to provide instruction to a public school-age student[~~s~~] or a public school employee[~~s~~] shall submit material[~~s they~~] that the certified volunteer proposes to use in the[~~ir~~] instruction or training for review by the local [~~LEA~~]school board or local governing board prior to the training.

[~~B. The~~](2) An LEA shall have adequate time to review the submitted material[~~s~~] and [~~shall~~]approve or disapprove the material[~~s~~] in a timely manner.

[~~C.~~](3) An LEA shall use standards for review of materials that include:

([~~1~~]a) [~~A~~]age-appropriateness of material[~~s~~] for the LEA's audience;

([~~2~~](b)) [~~N~~]neither a bias against firearms nor a bias in favor of firearms;

([~~3~~]c) [~~T~~]the selection and approval of material[~~s~~] that would not personally enrich or benefit the certified volunteer[~~ instructor~~]; and

([~~4~~]d) [~~O~~]other reasonable and objective standards that apply to the review of similar instructional material[~~s~~].

R277-611-5. Voluntary Training of Adults and Public Education Employees on Public School Property.

[~~A.~~](1) An LEA may allow a community group[~~s~~] to use public school property for voluntary firearm safety training for a public school employee[~~s~~] or interested community member[~~s.~~

~~B. Community groups shall be allowed to use public school property for voluntary firearm safety training~~] under conditions used to approve public school buildings for non-curriculum uses.

[~~C.~~](2) An LEA shall give the greatest consideration to [~~A~~]availability of space and the safety of school age children and school employees [~~shall be given the greatest consideration~~]in the approval of a request[~~s for~~] to use[~~ of~~] public education property for voluntary firearm safety training and instruction.

R277-611-6. Use of Public School Property for Firearm Safety Instruction.

[~~A.~~](1) An LEA[~~s~~] may designate which classroom[~~s~~] or auditorium[~~s~~] or other appropriate public school area[~~s~~] may be used for firearm safety training or instruction or both.

[~~B.~~](2) An LEA[~~s~~] shall give first priority to curriculum-related groups in allowing firearm safety instruction to be held on public school property.

[~~C.~~](3) An LEA[~~s~~] shall give the safety of all students and community patrons the greatest consideration in allowing for firearm safety instruction or training on public school property.

[~~D.~~](4) If appropriate or necessary, at the LEA's discretion, the LEA may post notice in and around a public school area[~~s that are~~] designated for firearm instruction and training.

[~~E.~~](5) Live ammunition [~~shall~~]may not be brought on public school property as a part of firearm safety instruction.

KEY: firearms, instruction

Date of Enactment or Last Substantive Amendment: [~~November 8, 2010~~]2015

Notice of Continuation: 2015

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-13-106(5); 53A-1-401(3)

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R280-203 *Certification Requirements for Interpreters/Transliterators for the Hearing Impaired* (Amendment)

Background: R280-203 is amended to change terminology and other language to make the rule consistent with the Policies and Procedures Governing Certification of Interpreters and Transliterators Manual (Manual), to update the publishing date of the Manual, and to change the title of the Committee that reviews complaints

Key Points: The amendments to R280-203 change cued speech to cued language, change the title of the committee that reviews complaints from the Commission to the Ethical Standards Subcommittee of the Advisory Board, and provide technical and conforming changes throughout the rule. In addition, to adopt a manual by reference into a rule, the revised rule must provide the published date, including the year, and also reference where to get a copy of the manual. These have been added to the proposed rule. The amendment also provides for ongoing monitoring under the new requirements of Title 53A-15(15) *Background Checks*.

Anticipated Action: The Law and Licensing Committee approved R277-280 on first reading on June 18, 2015. It is proposed that the Law and Licensing Committee consider approving R280-203, as amended, on second reading and, if approved by the Committee, the Board consider approving R280-203, as amended, on third and final reading.

It is also anticipated that the Board will approve the Policies and Procedures Governing Certification of Interpreters and Transliterators manual, as amended.

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R280. Education, Rehabilitation.

R280-203. Certification Requirements for Interpreters[~~/~~] and Transliterators for the Hearing Impaired.

R280-203-[~~2~~]1. Authority and Purpose.

[~~A.~~](1) This rule is authorized by:

(a) Section 53A-24-103, which places the USOR under the policy direction of the Board[~~.~~];

(b) Sections 53A-26a-202 and 53A-26a-303 through 305, which authorize the Board to make rules to implement the Interpreter Services for the Hearing Impaired Act; and

(c) [~~The Board is authorized under~~]Subsection 53A-1-401(3), which authorizes the Board to adopt rules [~~and policies~~]in accordance with its responsibilities.

[~~B.~~](2) The purpose of this rule is to satisfy the directives of Subsection 53A-26a-202(2), including:

([~~1~~]a) certification qualifications provided in the [~~M~~]manual;

([~~2~~]b) procedures governing an application[~~s~~] for certification;

([~~3~~]c) provisions for a fair and impartial method of examination of applicants;[~~and~~]

([~~4~~]d) [~~procedures for determining~~]a definition of unprofessional conduct by interpreters[~~/~~] and transliterators; and

(e) conditions for reinstatement and renewal of certification.

R280-203-[~~1~~]2. Definitions.

[~~A.~~](1) "Advisory board" means the Interpreters Certification Board:

(a) created to assist the Board[~~ created by~~]; and

(b) with the responsibilities [~~of~~]established by Sections 53A-26a-201 and 202.

[~~B. "American Sign Language (ASL), cued speech, and oral interpreting" are types of alternative communications for purposes of this rule.~~]

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

[~~D.~~](2) "Certified interpreter[~~/~~] or transliterator" means [~~an individual~~]a person who:

(a) provides an interpreter[~~/~~] or transliterator service[~~s~~]; and

(b) is certified or qualified as required by state or federal law.

[~~E.~~](3) “Hearing impaired or deaf” means a hearing loss [~~which~~]that:

([~~1~~]a) necessitates the visual acquisition of the language; or

([~~2~~]b) adversely affects the acquisition of language and communication but [~~which~~]that does not preclude the auditory acquisition of language.

[~~F.~~](4) “Interpreter[~~/~~] or transliterator service[~~s~~]” means a service[~~s~~] that facilitates effective communication:

(a) between a hearing person and a person who is hearing impaired or deaf, [~~such as~~]including:

(i) a student to teacher[~~,~~];

(ii) a student to staff; [~~and~~]or

(iii) a student to peer[~~,~~]; and

(b) through:

(i) American Sign Language (ASL) or a language system or code that is modeled after or derived from ASL, in whole or in part[~~, or is in any way derived from ASL~~]; or

(ii) cued [~~speech~~]language.

[~~G.~~](5) “[~~LEA” means a l~~]Local education agency[~~,~~]” or “LEA”[~~ including local school boards/public~~]means:

(a) a school district[~~s,~~];

(b) a charter school[~~s, and, for purposes of this rule,~~]; or

(c) the Utah Schools for the Deaf and the Blind.

[~~H.~~](6) [~~“Policies & Procedures Governing Certification of Interpreters and Transliterators Manual, 2009 (Manual),” hereby incorporated by reference under 63G-3-201(7), means the manual that provides procedures for the certification examination process, renewal of certification, length of certification, levels of certification, examination, scoring, temporary permits, and the disciplinary process for interpreters/transliterators in the event of misconduct.~~] “Manual” means the Policy and Procedures Governing the Certification of Interpreters and Transliterators manual incorporated by reference in Section R280-203-3.

[~~I.~~](7) “USOR” means the Utah State Office of Rehabilitation.

R280-203-3. Incorporation of Policy and Procedure Manual by Reference.

(1) This rule incorporates by reference the Policy and Procedures Governing the Certification of Interpreters and Transliterators manual dated September 2015, which establishes:

(a) the procedure and requirements for certification and certification renewal and exemption;

(b) the length and level of certification;

(c) the definition of unprofessional conduct;

(d) the requirement for continued education; and

(e) the disciplinary process.

(2) A copy of the manual is located at:

(a) http://uip.herokuapp.com/pages/laws_and_policies; and

(b) the Division of Services to the Deaf and Hard of Hearing, Roberts G. Sanderson Community Center of the Deaf and Hard of Hearing at 5709 South 1500 West, Salt Lake City, Utah 84123.

R280-203-[~~3~~]4. Certification Qualifications and Report to the [~~USOE~~]Superintendent.

[~~A.~~](1) A [~~C~~]candidate[~~s~~] for certification shall be at least 18 years old.

[~~B.~~](2) A [~~C~~]candidate[~~s~~] shall pass written and performance evaluations provided by the Division of Services to the Deaf and Hard of Hearing, Utah Interpreter Program.

[~~C.~~](3) A [~~C~~]candidate[~~s~~] shall meet the criteria of Section 53A-26a-302 and the [~~M~~]manual.

[~~D.~~](4) [~~All individuals~~]A person who provides an interpreter[~~/~~] or transliterator service[~~s~~] to an LEA shall complete a background check[~~,~~] and submit to ongoing monitoring, prior to working in an LEA with a student[~~s~~][~~,~~]:

(a) through the[~~ir~~] person's employer [~~or an LEA that contracts for the contractor's services~~]whether the employer is an LEA or an agency that contracts with an LEA; and

(b) in accordance with the requirements of Title 53A, Chapter 15, Part 15, Background Checks.

[~~E.~~](5) An LEA shall identify and report to the [~~USOE~~]Superintendent [~~individuals~~]a person, including a contractor[~~s~~], who provides an interpreter[~~/~~] or transliterator service[~~s~~] to a student[~~s~~] for the LEA, annually upon request.

[~~F.~~](6) An LEA shall identify and report to the [~~USOE~~]Superintendent a student[~~s~~] who receives an interpreter[~~/~~] or transliterator service[~~s together with~~] and the provider of the service[~~s~~], annually upon request.

R280-203-[~~4~~]5. Examination of Applicants for Certification.

The Division of Services for the Deaf and Hard of Hearing, Utah Interpreter[~~s Certification Panel~~] Program staff shall test and rate a candidate[~~s~~] applying for interpreter[~~/~~] or transliterator certification consistent with the [~~M~~]manual.

R280-203-[~~5~~]6. Temporary Exemptions from Certification.

[~~A.~~](1) [~~Individuals may engage in the practice of a certified~~]A person may provide an interpreter[~~/~~] or transliterator [~~in the public schools~~]service without being certified subject to the following circumstances and limitations, and as outlined in the [~~M~~]manual:

([~~1~~]a)(i) a candidate is engaged in providing an interpreters[~~/~~] or transliterator service[~~s~~] while in a training program [~~in a recognized school~~]approved by the Board to the extent the candidate's activities are supervised by qualified staff, or designee[~~,~~];

(ii) the service[~~s are~~] is a defined part of the training program[~~,~~]; and

(iii) if the candidate is providing a service in a public school, the training program has a record that:

(A) the candidate has had a successful fingerprint background check within one year prior to the date of the interpreting[~~/~~] or transliterating service[~~s~~] being provided; or

(B) the candidate is subject to ongoing monitoring as described in Title 53A, Chapter 15, Part 15, Background Checks[~~.~~];

([~~2~~]b)(i) a candidate is engaged in an internship, residency, apprenticeship, or an on-the-job training program approved by the Board while under the supervision of qualified persons[~~,~~]; and

(ii) [~~who have~~]the supervisor has a record of a successful fingerprint background check if the candidate is providing the service in a public school, consistent with [~~Section 53A-3-410(2)~~]Title 53A, Chapter 15, Part 15, Background Checks and Rule R277-516[~~.~~]; or

([~~3~~]c) a candidate meets the criteria consistent with Subsections 53A-26a-305(1)(d) through [~~53A-26a-305~~](f).

[~~B.~~](2) Violation of any limitation identified in [~~R280-203-5~~]this section is grounds for rescission of exemption, denial of certification, or other discipline as determined by the Board.

R280-203-[6]7. Unprofessional Conduct.

[~~A.~~](1) The [~~M~~]manual supplements the definition of unprofessional conduct provided in 53A-26a-502.

[~~B.~~](2) The Board designates the procedure in [~~R280-203-6~~]this section as an informal adjudicative proceeding[~~,~~] under Section 63G-4-203.

[~~C.~~](3) A complaint alleging unprofessional conduct by a certified interpreter[*/*] or transliterator may be filed consistent with the procedure in the [~~M~~]manual.

[~~D.~~](4) A member of the advisory board shall assist the Board in reviewing the recommendation of the [~~Commission~~]Ethical Standards subcommittee of the advisory board, as provided in Subsection 53A-26a-202(3) and upon request by the Board.

[~~E.~~](5) The Board shall make the final disciplinary decision consistent with the [~~M~~]manual.

R280-203-[~~7~~]8. Renewal and Reinstatement.

[~~A.~~](1) [~~An individual~~]A person holding an interpreter[*/*] or transliterator certificate [~~is eligible to~~]may have that certificate renewed as provided in the [~~M~~]manual.

[~~B.~~](2)(a) [~~An individual~~]a person whose interpreter[*/*] or transliterator certificate has been suspended or revoked for unlawful or unprofessional conduct may apply for reinstatement to the Board.

(b) The Board may:

(i) require the applicant for reinstatement to complete the procedure for certification; or

(ii) [~~may,~~]upon consultation with the advisory board, designate the areas of the application process in which the applicant [~~shall~~]will be reviewed.

KEY: certification, interpreters[*f*], transliterators

Date of Enactment or Last Substantive Amendment: [~~January 2,~~] 2015

Notice of Continuation: September 9, 2014

Authorizing, and Implemented or Interpreted Law: 53A-24-103; 53A-1-401(3); 53A-26a-201 and 202, 53A-26a-303 through 53A-26a-305

Policy and Procedures Governing the Certification of Interpreters and Transliterators

September, 2015

Utah State Board of Education
Utah State Office of Rehabilitation
Division of Services to the Deaf and Hard of Hearing--Interpreter Certification Board

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INTRODUCTION

As required by Utah Code Annotated (UCA) 53A-26a, Interpreters Services for the Hearing Impaired Act, the policy and procedures detailed in this document are designed to achieve the provision of quality interpreter and transliterator services. These policies and procedures have been developed by the Utah State Office of Rehabilitation (USOR) Division of Services to the Deaf and Hard of Hearing (DSDHH) Interpreter Certification Board (ICB) and approved by the Utah State Board of Education (USBE).

The policies and procedures outlined in this document are founded on the philosophy that all individuals have the right to a barrier-free environment that allows maximum participation in society based upon capabilities, not limitations.

This document is based on the following principles:

- Utah residents who are deaf or hard of hearing have the right, responsibility, and desire to fully participate in and contribute to the families and communities in which they live.
- The mode of communication should be provided according to the consumer's choice.
- Interpreters, transliterators, and consumers of interpreting/transliterating services will strive to realize the highest possible quality of interpreter provision.
- Utah certified interpreters/transliterators are responsible to accept assignments within the limits of their abilities and practice according to the standards outlined in this document.
- Interpreters/transliterators will provide services in a professional manner consistent with the established Code of Professional Conduct (CPC).

I. PURPOSE AND AUTHORITY

Purpose

According to UCA 53A-26a, the USBE is authorized to create rules governing the certification of interpreters and transliterators for the hearing impaired. The rules shall include the definition of key terms; the creation of an Interpreter Certification Board (ICB); the powers and duties of the ICB; classes of certification; qualifications for certification; certification terms, including expiration and renewal requirements; continuing education requirements; exemptions from certification, including temporary or restricted certification; certification denial and discipline; and the definition of unlawful unprofessional conduct.

Authority

Under Utah Code 53A-26a, the USBE is designated as the entity to oversee the activities by which the directives and purpose of the law are to be satisfied. The USBE designated the USOR to govern all issues related to interpreting.

The ICB has the responsibility to establish policies and procedures by which certification of interpreters and transliterators for the hearing impaired will occur in Utah. The DSDHH, under the direction of USOR, serves as the operational entity by which certification of interpreters and transliterators for the hearing impaired occurs. The DSDHH may, while retaining jurisdiction in the certification procedure, designate specific entities to administer all or part of either the interpretation/ transliteration examination process.

Governing Bodies for the Interpreter Certification Process

Utah State Board of Education (USBE): The elected board that has general control and supervision of the public education system.

Utah State Office of Rehabilitation (USOR): The Utah State Office of Rehabilitation is part of the Utah State Board of Education. USOR works with Utah's citizens living with disabilities seeking information, education, referral, employment, and other services that result in increased independence.

Division of Services to the Deaf and Hard of Hearing (DSDHH): The Division of Services to the Deaf and Hard of Hearing is part of the Utah State Office of Rehabilitation. The DSDHH provides education, advocacy, resources, technology, counseling, employment services, volunteer opportunities, interpreter certification, socials, and other accessible services to enhance the quality of life for people who are Deaf and Hard of Hearing.

Utah Interpreter Program (UIP): The Utah Interpreter Program is part of the DSDHH. UIP is responsible for certifying and regulating sign language interpreters in the state of Utah. UIP maintains a directory of all interpreters authorized to work in the State of Utah. UIP oversees the state certification examination process, as well as the Utah process to recognize national certifications (e.g., Registry of Interpreters for the Deaf [RID], including Certified Deaf Interpreter [CDI]; Educational Interpreter Performance Assessment [EIPA]; National Association of the Deaf [NAD]; and Cued Language Transliterator National Certification [CLTNC] are accepted).

Interpreters Certification Board (ICB): The Utah Interpreters Certification Board, an advisory board to the USBE, governs and addresses issues related to Utah certified interpreters. This board meets on a quarterly basis and is comprised of representatives from the Utah State Office of Education (USOE), Board of Regents, DSDHH, Deaf community members, and interpreting professionals. All meetings are open to the public, with the exception of executive sessions. The ICB shall act as an advisory board to the USBE.

Definitions

deaf: A person with hearing loss who is usually unable to use his or her hearing for the purpose of understanding or communicating through spoken language. Each deaf person is unique in his or her hearing status, ability and/or preferences in communicating using spoken or signed language.

Deaf: A person with hearing loss who is usually unable to use his or her hearing for the purpose of understanding or communicating through spoken language. Deaf individuals share the use of American Sign Language and the common values of Deaf culture. Each Deaf person is unique in his or her hearing status, ability and/or preferences in communicating using spoken or signed language.

Hard of hearing: A person with a hearing loss who usually has enough hearing to feel comfortable communicating through spoken language. Each hard of hearing person is unique in his or her hearing status and ability to communicate using spoken or signed language.

Hearing impaired: The term used in Utah Code 53A-26a intended to include all individuals with hearing loss.

Hearing loss: A partial or total inability to hear. Hearing loss can be mild, moderate, severe, or profound.

For the purpose of this document the term Deaf and hard of hearing is intended to include Deaf, deaf, hard of hearing, hearing impaired, and all persons with hearing loss.

Interpreter: Any person who is certified or recognized by the USBE to render interpreter services.

Transliterator: Any person who is approved or recognized by the USBE to render transliterating services. A person holding a Cued Language Transliterator (CLT) certification.

For the purpose of this document the term interpreter is intended to include interpreters and transliterators.

Interpretation: Services that facilitate effective communication between a hearing person and a person who is hearing impaired, through American Sign Language or a language system or code that is modeled after American Sign Language, in whole or in part, or is in any way derived from American Sign Language.

Transliteration: Facilitation of communication between users of a spoken language and a form of a signed language that is modeled after spoken English, including Cued Language.

For the purpose of this document the term interpretation is intended to include all interpretation, transliteration and cued language transliteration.

Cued speech/language: A visual coded communication system incorporating mouth movements of speech combined with "cues" to make sounds of spoken English distinguishable. An individual who facilitates communication between a hearing person and a person who uses Cued Language is a Cued Language Transliterator (CLT).

Advanced certification: A certification level that is awarded and/or recognized by UIP permanently as long as renewal requirements are met.

Complaint: A written or videotaped allegation against a certified sign language interpreter by an adult party with a vested interest.

Complainant: The party by whom, or for whom, a complaint is being filed.

Certificate: The credential issued to an interpreter by the UIP, under the authority of the USBE, to interpret in Utah. Utah State Certification is property of the State of Utah and the USBE reserves the right to revoke, suspend, or restrict.

Recognition: Certifications, other than Utah State-issued certification, determined to be recognized by the ICB that enable interpreters to be recognized to provide interpreting services in the State of Utah. Recognition is property of the State of Utah and the USBE reserves the right to revoke, suspend, or restrict.

Appeals Committee: A committee of the ICB that oversees any appeals of the certification procedures and the certification denial process.

Ethical Standards Committee (ESC): A committee of the ICB that oversees the complaint process.

Hearing Committee: A subcommittee of the ESC that hears and decides the merit of a complaint who then make a recommendation of action to the ICB and, when appropriate, to the USBE.

Hearing: Proceedings on a complaint for the findings of fact and formulation of a recommendation of action to the ICB and, when applicable, to the USBE.

Certification Examination Committee: A committee of the ICB that oversees the certification examination process.

II. CERTIFICATION PROCESS

Policy

The UIP shall provide a fair and impartial method to determine candidacy for certification as an interpreter. Certification will be based on demonstration of compliance with the requirements established by the USBE in R280-203.

The UIP recognizes its responsibilities under Title II of the American with Disabilities Act (ADA) to provide reasonable and appropriate accommodations to candidates with documented disabilities who demonstrate a need for accommodation.

Requests for accommodations for any part of the certification process should be submitted to the Certification Director by completing the Certification Exam Accommodations Request Form and attaching supporting documentation. Complete information about appropriate supporting documentation can be found on the Certification Accommodations Request Form which can be found on the UIP website.

Procedure

Qualifications for Certification Examination Candidacy

The UIP Certification Director shall determine examination candidacy compliance for certification with the following completed requirements:

1. Candidate must have submitted a completed application for candidacy.
2. Candidate must be of good moral character.
3. Candidate must have a high school diploma, GED, or equivalent.
4. Candidate must be 18 years or older.
5. Candidate must submit the certification examination application fee.

Eligibility for Examination

Knowledge Examination

The knowledge examination is offered by appointment with UIP. The application and fee must be submitted before examination date. UIP will try to accommodate the examination date and time indicated on the application and will notify the applicant of the assigned examination date, time, and location from UIP seven (7) days prior to the examination.

Performance Exam

The UIP designates examination dates annually. The application and fee must be submitted at least 21 days prior to the desired exam date. An examination candidate shall receive his/her assigned exam date, time, and location from UIP at least seven (7) days prior to the exam.

Cancellation Policy

Any cancellation of an approved candidate's exam appointment will result in the assignment of the following penalty:

1. Cancellation one (1) week prior to the date will result in a loss of 50% of the applicable exam fee.
2. Cancellation within 72 hours prior to exam, or failing to appear at all for exam ("no show") will result in 100% loss of the applicable exam fee.

After the candidate notifies the Certification Director that he/she cannot sit for the scheduled written or performance-based examination, the candidate must submit a new application and may be required to pay an additional application fee, but will still be considered an approved candidate. The candidate may then reschedule for an examination date.

Certification Evaluation

The evaluation and passing criteria for each level is recommended by the ICB Certification Examination Committee and approved by the ICB.

The ICB shall appoint a Certification Examination Committee whose selected members shall address examination instruments, materials, and passing criteria. The ICB shall appoint at least five (5) members, including the Certification Director, to serve for a period of two (2) years. Members may serve multiple consecutive terms as the ICB determines appropriate. If, for any reason, a Certification Examination Committee member should have to vacate his/her seat, written notification shall be given to the ICB. The ICB shall then appoint a new member to fill the vacated term.

Examinations

The passing of examinations shall determine qualification for all levels of certification. All examination instruments and materials shall be reviewed by the Utah ICB and approved by the Certification Examination committee prior to the use of the instruments and materials in determining certification qualifications.

Two phases of examination shall be administered to determine if a candidate is qualified for certification.

<u>Phase One: Knowledge Examination</u>

Phase one of the examination process is the knowledge examination. This examination measures the candidate's knowledge of criteria related to the RID/NAD Code of Professional Conduct, Deaf history, field of sign language interpreting, linguistics, and role of the interpreter established by the ICB. The criteria used to evaluate the examination will be made available by UIP. A score of 80% or greater is required to pass the knowledge examination. Passage of the knowledge examination is a prerequisite to register and sit for the performance-based examination at any level. Passage of the knowledge examination is valid for five (5) years from

the date of the test, or while certification remains active.

The knowledge examination shall be given to a candidate who:

1. Is an approved candidate for the certification level that he/she is seeking.
2. Has submitted the application and knowledge examination fee.
3. Has been scheduled for the examination.

Phase Two: Performance-based Examination

Phase two of the certification examination process is a performance-based examination. The performance-based examination evaluates the candidate's knowledge and competency relevant to the certification level for which he/she is a candidate.

The site of the performance-based examination shall be determined and supervised by the Certification Director or his/her designee. The candidate shall complete the examination in the presence of an assigned UIP examination proctor. The candidate is not allowed to have any personal items in the examination area. Any conditions that may detract from a candidate's ability to complete the examination must be reported to the examination proctor immediately so that they may be rectified. The candidate will verify conditions to be satisfactory at the time of examination. Appeals based on examination conditions are allowed up to 30 days after the examination date. Appeals received after notification of examination results will not be considered.

The candidate shall be provided information and/or materials to assist in preparation for the examination. A proctor shall be on site the date of the examination to assist the candidate in the examination process.

The performance-based examination will measure the candidate's ability to effectively interpret based on criteria related to language fluency, interpretation process, professionalism, and message equivalency established by the ICB. The criteria and process used to evaluate the examination will be made available by UIP. A score of 75% or greater is required to pass the performance examination. The candidate's examination shall be recorded and shared with a team of examination raters for evaluation.

The performance-based examination shall be given to a candidate who:

1. Has passed the knowledge examination.
2. Is an approved candidate for the certification level that he/she is seeking.
3. Has submitted the application and performance-based examination fee.
4. Has been scheduled for the examination.

Examination Scheduling

A schedule of examination dates for each calendar year will be determined by the UIP. When an individual has been approved for candidacy, an examination date will be scheduled by a UIP representative based on the preferred examination date indicated on the application and availability for that date. Examination slots will be scheduled in the order of the date they are received. If there are not any examination slots available on the requested examination date,

the candidate will be contacted by a UIP representative to determine the candidate's next preferred examination date. If an application is submitted past the required deadline for a particular exam date, the application will be applied to the next available examination date. The candidate will be notified in writing of the scheduled examination date, time and location.

Performance Examination Administration Process

Within 21 working days of the completion of the examination, the Certification Director shall distribute the candidate's performance examination to a UIP-approved certification examination rating team. A copy of the candidate's recorded performance will be kept on file with the UIP for 120 days from the date of notification of the examination results. If the examination has not been appealed, the recorded footage may be destroyed or used as an inter- and intra-rater reliability tool.

For each certification level, a team of examination raters shall be comprised of members of the community and interpreting profession to evaluate criteria related to ASL/English linguistics, interpretation process, and message equivalency. The evaluation criteria and the rating system shall be determined by the ICB Certification Examination committee. To uphold the integrity of the examination, the ICB Certification Examination committee will determine what information regarding examination criteria shall be made public.

Novice Certification Examination

All components of the Novice performance examination must be passed at the same time in order to successfully acquire Novice Certification. A candidate who does not pass the Novice exam must submit a new application and payment to retake the exam.

Professional Certification Examination

Each component of the Professional examination must be passed in order to successfully acquire Professional Certification. A Professional examination candidate who passes one or more component(s) of the examination shall have 12 months to pass all remaining components. The 12 month period begins from the date of the notification of results letter for the first passed component. If all examination components are not passed within the 12 month period, any passed components are no longer valid and the entire exam (both phases) must be taken again. A candidate who does not pass any portion of the exam must submit a new application and payment to continue in the examination process.

Notification of Examination Results

The candidate shall receive examination results in writing within 16 weeks of the examination date. An individual awaiting examination results may not sit for an additional exam of the same level until they have received results from the current exam.

Appeal of Examination Process

Appeals Committee

The ICB shall appoint an Appeals committee whose selected members shall review appeals regarding the certification process. The ICB shall appoint three (3) members to serve for a period of two (2) years. If, for any reason, an Appeals Committee member should have to vacate his/her seat, written notification shall be given to the ICB. The ICB shall then appoint a new member to fill the vacated term.

An Appeals Committee member shall be disqualified from reviewing an appeal if he/she:

1. Is the person requesting the appeal.
2. Disqualifies himself or herself because of a relationship to the person requesting the appeal.
3. Reports, for any reason, a conflict of interest related to the appeal.

A candidate may file an appeal at the time of examination or at any time up to 30 days from the date of the exam. Appeals received after examination results have been sent and/or the 30-day limit shall not be reviewed. Appeals will be considered solely on the basis of issues related to the examination procedure and/or environmental conditions. Appeals based on examination results shall not be considered.

An appeal must be submitted in writing to the Certification Director. The candidate filing the appeal shall include in the appeal a complete explanation of the event(s) that occurred during the examination session which he/she feels were a deviation from specific examination procedures.

The Certification Director will redact confidential information and forward the redacted appeal to the Appeals Committee for review including any of the following:

1. The candidate's written statement.
2. The candidate's performance exam recorded footage.
3. Documentation submitted by any concerned party.
4. The Policies and Procedures Manual.

Upon review of the aforementioned information, the Appeals Committee shall determine the merit of the appeal as it pertains to examination procedures, and either grant or deny the candidate's appeal. The appeal decision shall be sent to the candidate within 45 days of receiving the request for appeal. If the appeal is granted, the candidate may be scheduled for re-examination, and shall be required to sit only for the examination component(s) he/she failed. No fee shall be charged for an appeal process or for the re-examination should the appeal be granted.

III. CERTIFICATION LEVELS AND RECOGNITIONS

Policy

Certification of interpreters will be based on demonstration of competency developed by the ICB and in compliance of the requirements established by the USBE.

Procedure

Certification Levels

Novice Interpreter: an individual who has demonstrated entry-level skills, knowledge, and judgment to be able to facilitate communication in a variety of situations, excluding more complex, technical, or specialized situations.

Professional/Master Level Interpreter: an individual who has demonstrated the skills, knowledge, and judgment to be able to facilitate communication in almost any situation, including more complex, technical, or specialized situations (UIP no longer offers a Master level examination).

Length of Certification

Novice Certification

The Novice certification is intended for those who are at an entry level to the practice of sign language interpreting. Novice certification will expire after four (4) years. At that time, an advanced level (Utah Professional, RID [including CDI], NIC, NAD ≥4, EIPA ≥4.0, CLTNC, or other certifications determined to be recognized by the ICB) must be achieved in order to continue practicing as an interpreter. Examination for an advanced level must be initiated prior to the completion of the four-year time period.

A Novice interpreter who has been unable to advance his/her certification within the allotted time frame and whose certification is therefore no longer valid may only take the exam again at the Novice level after a waiting period of four (4) years from the date of certification expiration.

A Novice interpreter with extenuating circumstances may request a review from the ICB Appeals Committee by submitting the Appeals Application and any pertinent records to the Certification Director.

Any interpreter may take the appropriate examination to acquire a higher level of certification. Upon notification of passing the Professional level, a new renewal cycle begins. Any existing CEHs earned while a certified at the Novice level will not transfer to the Professional Certification CEH requirement. If an advanced level of certification is attempted but not passed, the interpreter will continue at the current certification level until it expires, is revoked, or the advanced level certification is acquired.

Professional and Master Certification

Professional and Master interpreters function on a four (4) year cycle period of certification

renewal. If all conditions are met during the specified cycle a new four (4) year cycle will begin.

Certification Renewal

There are annual renewal requirements for all certification levels. Renewal of certification for all levels includes the following requirements, which must be met before the expiration date of the certification as listed on the interpreter certification identification card and in UIP records:

Novice

- Payment of annual renewal fee.
- Completion of annual Certification Renewal form.
- Completion of 20 Continuing Education Hours (only CEHs meeting ICB-approved criteria will be accepted).

Professional and Master

- Payment of annual renewal fee.
- Completion of Certification Renewal form.
- Completion of 80 CEHs every four (4) years (only CEHs meeting ICB-approved criteria will be accepted).

If the interpreter allows his/her certification to expire, re-certification will be necessary. This includes taking the Knowledge Exam if it has been more than five (5) years since the interpreter took the Knowledge Exam. If necessary, an interpreter may re-certify at the Professional level at any time, but may only re-certify at the Novice level after four (4) years from date of expiration.

To be considered for certification renewal, an interpreter must submit the Certification Renewal form annually to the UIP prior to the expiration date of his/her current certification. The interpreter may apply for renewal up to 30 days after his/her certification has expired, if he/she submits the applicable late fee and verification that all required CEHs have been earned before the original certification renewal deadline.

Denial of Certification Renewal

An interpreter's certification renewal may be denied for the following reasons:

- Failure to satisfy CEH requirement by the deadline.
- Failure to submit application and/or fee by the deadline.
- Failure to provide proof of a recognized certification from an approved organizations by the deadline.

The UIP shall review each interpreter Certification Renewal form submitted and determine if the qualifications for renewal have been met. UIP will notify the interpreter of renewal or denial within 30 days of receiving the Certification Renewal Form.

Upon notification of lapse of certification or revocation of recognition, the interpreter may request a reinstatement review with the Certification Director by submitting the Appeal form. The interpreter will have seven (7) days from receipt of notification to request a review of the lapse/revocation. The Certification Director will redact confidential information and forward the redacted appeal to the Appeals Committee for review. The Certification Director will notify the interpreter of the reinstatement review decision within 30 days of receiving the request.

One-Time CEH Extension Requirements

An interpreters who have not completed the required number of CEHs by the end of his/her certification cycle can request an extension. This type of extension can only be granted once in a lifetime. An interpreter certified with Novice or EIPA 3.5–3.9 is not eligible for the CEH extension. Requests for a CEH extension should be submitted prior to the cycle deadline, along with the required Certification Renewal form and the renewal fee if the interpreter fails to submit the application and fee by the deadline. If these requirements are not received by the cycle deadline, an additional late fee will be required. If the extension request, Certification Renewal form, and/or fee are requested after the cycle deadline, the required late fee must also be included. Requests must be made within 30 days of notification by UIP of failure to satisfy the CEH requirement.

The following items must be submitted to the UIP for an extension to be considered:

- Current renewal form
- Annual renewal fee
- Late fee, if applicable
- Extension application
- Extension fee

After receipt of all required items by the UIP, the request for an extension will be reviewed by the ICB Appeals Committee. The decision of the committee will be sent to the interpreter via email.

Certification from Other States or Organizations

In addition to Utah interpreter certification, the USBE recognizes the following certifications:

1. Registry of Interpreters for the Deaf (RID), CI, CT, CDI;
2. NAD level IV or above;
3. Educational Interpreter Performance Assessment (EIPA) 4.0 or above;
4. National Interpreter Certification (NIC);
5. Cued Language Transliterator National Certification (CLTNC); and
6. Other certifications determined to be recognized by the ICB.

Certified interpreters shall be required to follow the guidelines, principles, and CPC as outlined by the applicable individual certifying organization and/or the ICB. Interpreters with national certification must apply for recognition of certification annually with the UIP.

An interpreter certified under another state system must apply for and meet the requirements of Utah certification for interpreters prior to practicing in Utah.

Requirements for Utah recognition of each National certification include:

RID/NAD/CLTNC:

- Payment of annual recognition fee
- Completion of annual Certification Renewal form
- A copy of the interpreter's current RID/NAD certification card

EIPA 4.0 or above (Elementary is limited to grade K–6 classroom settings only; Secondary is limited to grade 7–12 classroom settings only):

- Pass the Utah Knowledge Exam or the EIPA Written Exam and Knowledge Standards
- Completion of annual Certification Renewal form
- Payment of annual recognition fee
- Complete 20 state-approved CEHs annually
- EIPA passing score of 4.0 or higher

EIPA 3.5–3.9:

- EIPA scores of 3.5-3.9 may be recognized for a maximum of four (4) years. Renewal requirements for this recognition will be:
  - Pass the Utah Written Exam or the EIPA Written Exam and Knowledge Standards
  - Completion of annual Certification Renewal form
  - Payment of annual recognition fee
  - Completion of 20 state-approved CEHs annually
  - Advance to score of 4.0 or higher by the end of four (4) years or expiration of Novice certification (whichever occurs first)

EIPA scores of 3.5–3.9 are considered to reflect skills equivalent to those of a Novice certified interpreter. Therefore, a combined total of four (4) years will be granted at this level. An interpreter who has been unable to achieve advanced level of certification (i.e. EIPA 4.0 or above, the Professional Level, NAD/RID/NIC, or any other certifications determined to be recognized by the ICB) within four (4) years will not be allowed to renew his/her certification/recognition, and will be subject to a waiting period of four (4) years from the date of certification/recognition expiration to reapply.

Cycles for certification/recognition at the Novice and/or EIPA score of 3.5–3.9 level shall not be permitted to run consecutively. Should an interpreter already certified/recognized with an EIPA score of 3.5–3.9 obtain Novice certification or vice versa during the four (4) years wherein the initial certification/recognition may be renewed, both certifications/recognitions will expire at the end of the initial certification renewal term, and both will be subject to the four (4) year waiting period from the expiration date.

State of Utah Court Approval

An interpreter must meet the requirements set forth by the State of Utah Courts and the ICB to be placed and maintained on the list of court-approved interpreters. Only those interpreters listed may work in the courts. The requirements and list of approved interpreters will be available on the State of Utah Courts and UIP websites. An interpreter who is not on the court approved list and interprets in the courts may be subject to the disciplinary proceedings found in UCA 78B-1-201-211.

IV. EXEMPTIONS FROM CERTIFICATION

Policy

Under Utah Code 53A-26a-305, an individual may engage in the practice of interpreting without being certified if he/she meets the required criteria.

Procedure

To engage in the practice of an interpreter without first certifying, an individual must apply to and be approved by the Certification Director for a temporary permit prior to providing interpreting services.

The temporary permit is intended as a short-term solution to extraordinary circumstances. Exemptions from certification may be issued where the following conditions exist: lack of necessary available interpretive services in any area or community of the state, if the lack of services might be reasonably considered to materially jeopardize compliance with state or federal law.

The temporary permit is granted by the Certification Director to both the requesting entity/employer and the interpreter on a contractual basis. The permit remains in force for the amount of time agreed upon by the sponsoring entity, the interpreter, and the Certification Director as long as the conditions of the professional development plan are met. The maximum time a temporary permit shall remain valid is one (1) year. The requirements of the temporary permit are no longer enforced if the interpreter passes the Utah Certification Examination at any level.

Temporary Permit Holder

An individual who either because of relocation or limited experience and training has not yet achieved Utah Certification may receive a temporary permit. As no level of skill has been ascertained, this person should only provide fundamental communication services in the specific situation for which the permit is granted.

Mentored Permit

A situation may occur in which there are no certified interpreters are available, but not having interpreting services might be reasonably considered to materially jeopardize compliance with state or federal law.

<u>Criteria for Obtaining a Mentored Permit</u>

1. The entity/employer submits an entity/employer application. The entity/employer must demonstrate what steps have been taken to hire a certified interpreter.
2. The entity/employer pays the required fee.
3. The employee/mentored permit candidate submits an employee application, which must include a professional development plan, including the steps he/she plans to take to get certified.

4. The employee passes the skill assessment.

Approval of the request will be given by the Certification Director depending on candidate qualifications (based on skill assessment) and the situation in which the mentoring is taking place. The Certification Director will determine and specify the interpreting assignments allowed under each mentored permit.

Length of Mentored Permit

A mentored permit is renewable every three (3) months for a maximum period of one (1) year. The mentored permit may be revoked if any of the following parties violate the professional development plan: the mentored interpreter, the mentor, or the entity/employer. Further, the mentored permit may be revoked by the Certification Director if any of the parties violate the professional development plan.

Emergency Permit

If an interpreter is certified in another state and relocates to Utah but has not had the opportunity to take the Utah Certification Exam, the interpreter may wish to provide services in Utah while waiting for the next Utah examination opportunity. Such a situation would qualify for an emergency permit. Approval of requests will be given by the Certification Director.

Criteria for Obtaining an Emergency Permit

1. The entity/employer submits an entity/employer application. The employer must state what steps have been taken to hire a certified interpreter.
2. The entity/employer submits the required fee.
3. The employee/candidate submits an employee application, which must include a professional development plan including the steps he/she plans to take to obtain certification.

Length of Emergency Permit

An emergency permit is valid for a maximum of four (4) months to give the interpreter ample time to take the knowledge and performance exam. The Emergency permit may be revoked by the Certification Director if any of the parties outlined above violate the professional development plan.

Student Permit

A student permit may be granted where the individual is providing paid or unpaid interpreting services while in a training program, internship, residency, apprenticeship, or on-the-job training program approved by the USBE. Students may not work alone and must work with an interpreter certified at an advanced level. The permit will be issued for a defined period of time as determined by the training program with the approval of the Certification Director. A permit will be required for each term/semester the student is interpreting through an

internship or practicum.

Criteria for Obtaining a Student Permit

To apply for a student permit, the student must complete the following prior to starting an internship or practicum:

1. Complete and submit a student permit application.
2. Pay the student permit fee.
3. Submit a letter of recommendation from a qualified faculty or staff member.
4. Pass the Utah Knowledge Examination within the past five years. The Knowledge Examination cannot expire during the time the student holds the permit.
5. Sign a waiver, agreeing to abide by the UIP Policies and the NAD-RID CPC.

Programs Approval Process

In order to be considered for a student permit, a student must be attending a training program that has been approved the USBE. Training programs include interpreter training programs (ITPs), internships, residencies, apprenticeships, or on-the-job training programs. Program approval lasts for three (3) years.

In order for the ITP to be approved by the USBE, programs must submit the following to the Certification Director:

1. Program approval application.
2. Organizational Vita and organizational chart.
3. Staff roster of faculty or training staff overseeing student practicums/internships training.
4. Credentials for training personnel.
5. Descriptions of the process of assigning internships/practicum assignments.
6. Application fee.
7. List of students eligible to participate in the internships/practicum appointments prior to interpreting.
8. Record of successful fingerprint background check within one year for any student who will provide interpreting services in a public school.

The Certification Director will review the documents and submit a proposal of program approval or denial to the USBE at their next scheduled meeting. As the USBE only meets monthly, and items are only accepted to the agenda if submitted at least seven days before meetings are scheduled, the program approval process may take up to 60 days. The Certification Director will inform the program of the USBE's approval or denial within seven (7) working days of the USBE meeting. If the USBE denies the approval of a program, the program will also receive a brief explanation of the reason(s) for the denial with any recommended actions for improving the application. The program may then resubmit an updated application for approval.

Lapse in Program Approval

At least 30 days before a training program's approval will expire, the program must reapply for approval in order for student permits to be issued. If a program's approval lapses, all student permits issued under the purview of that program will be immediately revoked. The Certification Director will inform all students whose student permits have been revoked within five (5) working days of the program's lapse in approval.

V. DISCIPLINARY PROCEEDINGS

Policy

The ICB under the direction of the USBE shall revoke, suspend, or restrict the certificate of an interpreter who does not maintain certification and/or requirements of recognition or does not abide by the CPC. Certification/recognition is property of the State of Utah and the USBE reserves the right to revoke, suspend, or restrict it.

Jurisdiction

The jurisdiction of the ESC under the direction of the ICB shall extend to all State of Utah certified sign language interpreters, RID, NIC, NAD, EIPA, CLTNC, or other certifications determined to be recognized by the ICB. Jurisdiction over complaints regarding non-certified interpreters shall be maintained by the State of Utah Attorney General's Office. The ESC shall concern themselves with complaints involving recognized interpreters while providing interpreting services and issues related to the moral character of certified interpreters.

Procedure

Ethical Standards Committee Membership

The ICB shall appoint an ESC whose selected members shall conduct investigations and hearings addressing complaints involving interpreters who are certified/recognized by the State of Utah. The ICB shall appoint members of the ESC to serve for a period of two (2) years. If, for any reason, an ESC member should have to vacate his/her seat on the ESC, written notification shall be given to the ICB. The ICB shall then appoint a new member to fill the vacated term.

The ESC shall be comprised of five (5) to nine (9) members. A Hearing Committee requires a minimum of three (3) members to be assembled when evidence is presented, in order to conduct a hearing, and vote. The ESC chair shall be appointed by the ICB.

Each member of the ESC shall have completed an ICB approved ethical standards hearing training workshop prior to serving on the ESC. Information regarding a complaint brought before the ESC shall be kept strictly confidential. Violation of confidentiality shall be grounds for dismissal from the ESC. Any communication regarding the hearing or discussions shall go through the Certification Director.

An ESC member shall be disqualified from hearing a complaint if he/she:

1. Is the complainant or respondent.
2. Is deemed unable to participate objectively and is disqualified by a majority vote of the ESC.
3. Disqualifies himself or herself because of prior knowledge of the case or relationship to the complainant or respondent.
4. Is disqualified because of participation in the investigation of the complaint.
5. Reports, for any reason, a conflict of interest in the complaint.

Who May File a Complaint

A complaint may be filed by any person utilizing interpreter services in the alleged incident, any person having a direct interest in the occurrence specified in the complaint, or the Certification Director on behalf of such individuals.

Filing a Complaint

UIP shall accept complaints in any accessible format. The complaint must be filed within 120 days of the alleged incident. The complaint must set forth the specific action or actions in question and the date, time, location, and name(s) of all persons against whom ethical violations are being alleged. Individuals needing assistance with filing a complaint may request accommodations through the Certification Director or a member of the UIP staff for assistance.

The ESC will determine if it has jurisdiction over the complaint. If the ESC determines that it does not have jurisdiction or that the complaint states a cause of action that the ESC cannot address, the ESC will inform the complainant in writing that the case will be closed. If applicable, the complaint will be referred to Law Enforcement or the Attorney General's office.

Complaint Proceedings

If the ESC determines that it has jurisdiction, the Certification Director shall send a copy of the complaint and a response form by certified mail to the respondent.

The respondent shall have 30 days from the postmarked date of the notice to respond. The response shall be in writing and must include all information requested on the response form. The response shall address, either by admitting, denying, or further explaining, each relevant aspect of the allegation(s) set forth in the complaint. The response must be sent by using the online form or certified mail to the UIP. After the response has been filed or the 30 day period has elapsed for filing a response, the ESC will proceed.

Upon receipt or after the timeline has expired, the ESC shall review the response and determine if a hearing is warranted. If it determined that a hearing is warranted, the ESC Chair will proceed with the hearing process. If it is determined that a hearing is not warranted, the complainant and respondent will be informed by certified mail that the case has been closed.

Complaints shall be handled in the order in which they are received by the UIP. Multiple allegations against the same interpreter will be handled simultaneously.

Complaint Withdrawal

A complaint may be withdrawn at any time. When a case is withdrawn, all materials related to the case shall be destroyed and the permanent, confidential log shall specify the same information as above except to specify that the case was withdrawn. The ESC reserves the right to proceed on behalf of/ without the complainant, if it determines there is cause.

Hearing Process

A complaint may not be brought against a respondent who is already involved as a plaintiff or defendant in a legal proceeding involving the incident identified in the complaint. However, after the legal proceeding has been decided, the complaint may be re-filed with the ESC within 120 days.

The ESC chair will select three (3) ESC members to be involved in the hearing. The ESC chair shall determine which members of the ESC will be assigned to hear each case. The ESC chair may be one of the three Hearing committee members. At least two (2) of those three (3) members shall be certified interpreters. The hearing shall be scheduled 20 to 60 days from the date the response is received or the timeline for the response has expired. The date, time, and location of the hearing shall be scheduled so as to be convenient for all parties involved.

At least 15 days prior to the hearing date, the UIP shall send by certified mail the following information to the interpreter and the complainant:

- Date, time, and location of hearing.
- Names and professional affiliations of the members of the ESC who will hear the complaint, including identification of the individual who will chair the hearing.
- Procedures for objecting to any ESC member on the Hearing committee.
- Names and affiliations of the complainant and respondent.

At least 15 days prior to the hearing date, the UIP shall send the following information to the ESC members hearing the complaint:

- Date, time, and location of the hearing.
- Names of the ESC members on the Hearing committee.
- Names and affiliations of the complainant and respondent.

A respondent may request that more ESC members hear a complaint. However, the ESC will make the final decision as to whether or not more than three (3) members will hear the complaint.

The complainant and respondent may each invite a representative such as an advocate, legal assistant, legal counsel, etc., to assist him/her during the proceedings. Representatives may participate in all proceedings. Either party may present any affidavits, documents, other written evidence, or present witnesses to give testimony as to any relevant aspect of the allegation or defense asserted. The meeting will proceed as a formal hearing, as opposed to a court of law, and all in attendance may participate. The meeting will proceed as outlined below:

1. The complainant will first present the complaint.
2. The respondent will reply.
3. The complainant may present evidence and witness testimony.
4. The respondent or his/her legal council may query.
5. The respondent may present evidence and witness testimony.
6. The complainant or his/her legal council may query.

The Hearing committee may interject at any point during the proceedings to ask questions of parties or witnesses necessary to reach a complete understanding or for clarification of the points at issue.

If any parties will be participating remotely, all participants, including those participating remotely, must identify themselves before participating.

Considering the Evidence

The ESC shall only consider evidence properly presented and deemed to be reliable and relevant to the proceedings. If there is a discrepancy among Hearing Committee members about the reliability and relevance of any piece of evidence, the ESC Chair shall make the determination.

Reaching a Decision

A majority vote is required to reach a decision. The Hearing Committee decision shall be written and shall identify, in detail, the complaint, the evidence used in the decision, the relevant CPC citation(s), and the action to be taken, if any. A dissenting member of the Hearing Committee may file a minority report which shall become part of the ESC's decision and record.

One copy shall be kept with the ESC records, one copy shall be supplied to the complainant, and one to the respondent. If copies are mailed, they are to be sent via certified mail.

The Hearing Committee will meet in executive session to make a decision about the complaint. If the Hearing Committee decides against the respondent, it shall immediately determine what form of appropriate discipline shall be administered.

The Hearing Committee will refer the decision and any disciplinary action to the Attorney General working with/for the USBE for dissemination. Every respondent is entitled to as speedy and fair a decision as possible under the circumstances. The Attorney General working with/for the USBE, barring extenuating circumstances, will inform the respondent and complainant of the decision within 30 days of the hearing.

Once an allegation has been dismissed, the complainant may not file any other complaints regarding that same incident.

Disciplinary Action

The determination of the type and severity of disciplinary action will depend on the severity of the complaint in terms of lack of professionalism, non-adherence to the CPC, the impact of the interpreter's actions, etc.

There is a range of potential courses of action, and the Hearing Committee may elect to choose one, several, or none of the possible options listed below. The committee may also choose to create a course of action tailored specifically to the circumstances of the particular complaint.

- The Hearing Committee may elect to take no disciplinary action on the complaint.
- The respondent may be required to attend educational workshops, seminars, or classes that would help ensure exposure to the kind of information that would aid the

respondent to react differently in future situations. Workshop attendance could be included in the current CEH requirements for certification renewal, or could be levied as an additional requirement.

- The respondent may be placed on probation at the Hearing Committee's directive, where his or her actions would be monitored for a specified length of time to ensure that professional and ethical conduct is maintained. The Certification Director will be responsible to oversee the monitoring process.
- The respondent may be assigned a mentor for a required time frame or specified number of hours.
- The respondent may be placed on temporary suspension. The interpreter would not be permitted to provide interpreting services during the required suspension period. Suspension must not exceed one year in duration. In order to be eligible for renewal of certification, submission of renewal form, payment of dues/fees, and earning of CEHs must continue during this period. At the end of the specified period, the Certification Director will report to the Hearing Committee as to the current standing of the action. The ESC shall determine whether or not any and all conditions of the disciplinary action have been met. If the conditions are met, certification will be reinstated.
- The respondent's certification may be revoked. This will necessitate the individual to wait for a specified length of time as determined by the Hearing Committee, then re-enter the certification process from the beginning by applying to take the Knowledge Exam and proceeding with full performance examination. The Hearing Committee will need to specify a point after which the individual is permitted to enter the certification examination process. A revoked certification may not be reinstated. All certification renewal requirements are also immediately revoked; however, the interpreter will not be entitled to any refund or prorated return of fees/dues for the year in which the complaint is heard, and all CEHs earned up to the point of the announcement of action will be null and void. Revocation of certification is an extreme measure and should be reserved only for situations consisting of the most intentional and severe malpractice.

Note: An interpreter whose certification has been suspended or revoked shall not under any circumstances be granted any type of temporary permit.

Hearing Committee Records

Creating a Review Record of a Hearing

An official record shall be made of all proceedings. Records will consist of a physical copy of the video recording of the review, including all source and interpreted testimony, questions from and responses to Hearing Committee members. Additionally, records will consist of all the evidence presented, including but not limited to affidavits, documents, video recordings and written materials.

Official Committee Records

An official, confidential record listing the names of all involved parties, date(s) of the incident, action taken, and summary of the complaint shall be maintained by the Certification Director. Official Hearing Committee records shall consist of the complaint; the response; all relevant correspondence between the Hearing Committee and the parties; all evidence written, oral, or signed; a transcript of the proceedings; the written decision; any testimony or opinion; and transcripts. Official hearing records become the confidential property of the UIP. The entire official hearing record shall be sent to the Attorney General working with/for the USBE as soon as a decision is issued, and all other materials will be destroyed.

Following the decision, records shall be sealed and may be reviewed only upon written request to the UIP, stating good cause for release and review. The sealed records shall be kept for three (3) years from the Hearing Committee decision or for the term of the disciplinary measure whichever is longer. After the required time period all records shall be destroyed by the Certification Director.

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

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

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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 the USOE superintendency and stakeholders also recommended expanding and updating LRBI to address all students.

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 and 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 consider approving the LRBI Technical Assistance Manual, and if approved by the Committee, the Board consider approving the Manual.

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LEAST
RESTRICTIVE
BEHAVIORAL
INTERVENTIONS

DRAFT

LRBI
Technical Assistance Manual

Positive Behavioral Supports & Selection of Least Restrictive Behavioral Interventions

SEPTEMBER 2015

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

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SEPTEMBER 2015

Positive Behavioral Supports & Selection of Least Restrictive Behavioral Interventions

Acknowledgements

*Utah created the **Least Restrictive Behavior Interventions** (**LRBI**) in 1992, and in 2014 appointed a multidisciplinary statewide task force to revise the **Least Restrictive Behavioral Interventions Technical Assistance Manual**. 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.*

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

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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; Lassen, Steele, and Sailor, 2006; Luiselli, Putnam, Handler, and Feinberg, 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 compilation 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) Rules.

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.

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II 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)

II-A STANDARDS FOR STUDENT CONDUCT & DISCIPLINE POLICIES

UTAH CODE	USBE RULE	CONTENT
53A-11-901	**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.

II-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).

II-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).

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(Table 1 Cont'd)

II-D GROUNDS FOR DISCIPLINARY ACTION INCLUDING REMOVAL FROM SCHOOL

UTAH CODE	USBE RULE	CONTENT
53A-11-101	**R277-613**	Bulling, 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 scho
53A-11-905	**R277-609**	Delegation of authority to suspend or expel. Procedure for suspension and readmiss
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-11-904	**R277-609-6**	Parent/guardian notification and court referral.
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 **Title IX.E.2.** **Section 9532**	**R277-483-4**	Disruptive student behavior. (Consequences). 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-11-904	**R277-609-3**	LEA responsibility to develop plans.
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-15-13	**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).
-15-13	**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- EVALUATION & REPORTING

H CODE	USBE RULE	CONTENT
3A-11-101.7	**R277-607**	Truancy – Notice of truancy – Failure to cooperate with school authorities – Habitual truant citation. (Habitual truancy citation).
53A 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**	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-11-904	**R277-609-4**	Implementation - data collection ESIs.
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).

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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.

(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.
• Standards and procedures for emergency safety interventions.

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.

Teaching and Learning Environments (Utah Effective Teaching Standards) (R277-514-4)

The USOE has published standards that describe what teaching and learning look like in public schools. These standards align closely with USBE rules regarding student conduct and instruction on behavior expectations, as well as with the need for orderly learning environments.

(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).

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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.

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II — LAWS, RULES, & POLICIES RELATED TO STUDENT CONDUCT

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.

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.

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

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 including 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 [illegible] 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, at the consent of the student's teacher or teachers, to attend classes 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 school. The parent or guardian of a suspended student and the designated school official may enlist the cooperation of the DCFS, 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 coordination 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 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 truancies 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.

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.

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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 (R277-609-4)

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

R277-609-6

If a crisis situation occurs and an emergency safety intervention is used, a school shall immediately notify a student's parent or guardian.

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.

R277-609-3

LEA policies shall include procedures for ongoing training of appropriate school personnel in crisis intervention training and emergency safety interventions.

Bullying and Hazing (R277-613; 53A-11a-101-102; 53A-11-301-302; 53A-11-401-403)

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. Training 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.

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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.

R277-609-4

An LEA shall have procedures for the collection, maintenance, and periodic review of documentation or records of the use of emergency safety interventions at schools within the LEA. The Superintendent shall define the procedures for the collection, maintenance, and review of records. In addition, the LEA shall provide documentation of any school, program, or LEA's use of emergency safety interventions to the Superintendent annually.

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, RULES, & 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	
P.L. 101-350	Americans with Disabilities Act (ADA) (1990).
B- CIVIL RIGHTS OF STUDENTS WITH DISABILITIES	
P.L. 93-112	Section 504 of the Vocational Rehabilitation Act of 1973.
C- EDUCATIONAL RIGHTS OF STUDENTS WITH DISABILITIES	
P.L. 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
P.L. 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 VH–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.

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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, LEAs, 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 (United States Department of Education, Office for Civil Rights [OCR], 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.I.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 Individualized Education Program (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 (FBA) 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 his/her 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 IAES 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 VH–I)

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 appeal(s).

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 authorizes to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

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II — LAWS, RULES, & POLICIES RELATED TO STUDENT CONDUCT

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, Vaillancourt, Rossen, Politt, 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 multidisciplinary 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 (d) 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 the 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, et al., 2011).

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(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://sswaa.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.
Utah School Counselor Association: http://www.utschoolcounselor.org/
Utah Association of School Psychologists: http://uasp.squarespace.com/

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)" (12).

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. The MTSS model also focuses on expanding parent involvement, 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.

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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.cayci.osu.edu/school/occmsi/occmsiimplementguide/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 (Fixen & 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-Palmer, 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. School-wide PBIS provides an operational framework
for achieving these outcomes.

Most 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 a 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.18).

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 school-wide PBIS need to have a behavioral data collection system that is consistent and efficient, and a leadership/implementation team that includes administrative support.

School-wide 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.

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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)	Universal preventive and proactive practices are implemented using valid and reliable data, following a team approach school-wide. 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.) 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 in 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)
Targeted Interventions	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. 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: • 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
Individual Interventions	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. 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.

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/lang_art/elem/ThreeTier.htm
http://www.schools.utah.gov/sars/servicesinfo/pdfs/3-tierread.pdf

http://www.schools.utah.gov/curr/mathsec/Home/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).

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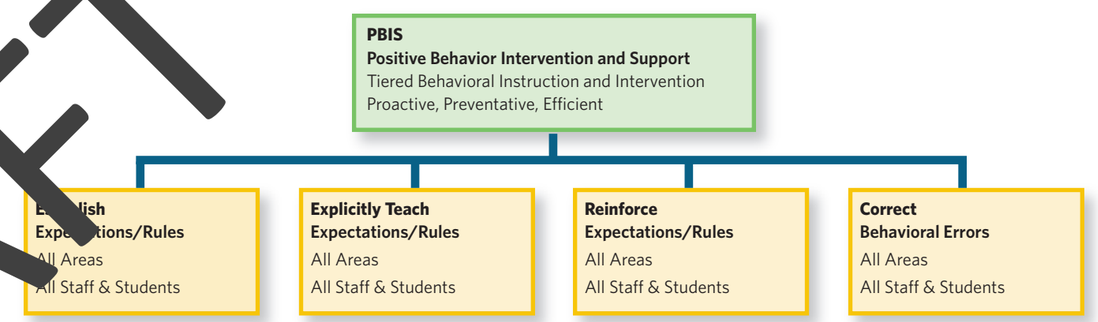
(Table 9)

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. (Appendix XIII—Classroom Management Checklist)

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 avoids 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, & LeBrun, 2008).

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.

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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... • 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... • 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... • Use kind words • Take care of school property • Listen to the speaker with my eyes and ears	We are **RESPECTFUL** by... • Being in seat when bell rings • Relating discussion to current topic • Listening when others are talking
I am **RESPONSIBLE** when I... • Follow directions quickly • Am where I am supposed to be • Am prepared for instruction • Use peaceful words to solve problems	We are **RESPONSIBLE** by... • 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 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).

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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, 2002; 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 actors 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, 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, Garrison, & Howard, 1998).

(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 on academic instruction.
Frees teachers from correcting misbehavior.	When students perform routine functions smoothly, teachers can focus on catching them being good and no longer need to take care of instructional tasks, review student work, and provide less corrections.
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, Rhode, Evans, & Morgan 2013).

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.

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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, Rhode, Reavis, 2010).

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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. (Jenson, et. al, 2010).

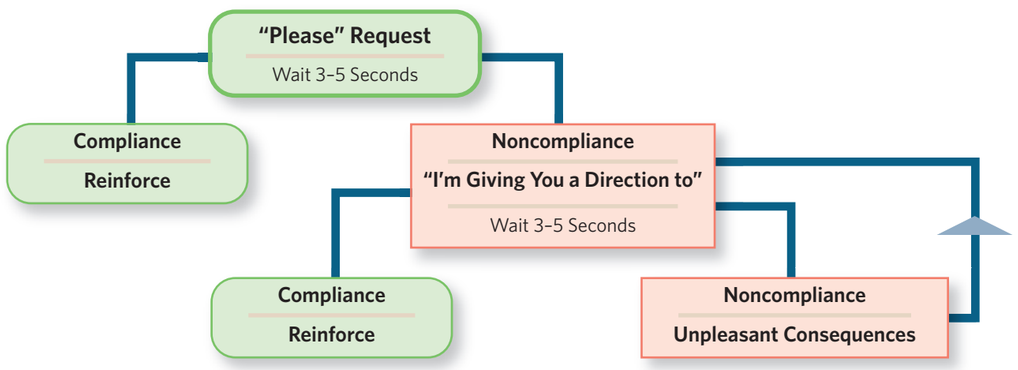
(Table 18)

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 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 amoung students is using a "precision request" (Jenson, et. al, 2010).

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, "[illegible] 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
• Verbal Praise	• Redirection
• Point Systems	• Precision Request
• Extra Classroom Privileges	• Loss of Free Privilege
• Tangible Rewards	• Interclass Time Out
• Public Notifications	• Document of Conduct
• Home Communications	• Out of Class Time Out/Detention
Mystery Motivator? (Surprise Reinforcer)	Serious Behavior Clause(s) • Visit to Principal • Suspension

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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 122).

(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 application for secondary classrooms also.

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(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 in 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?

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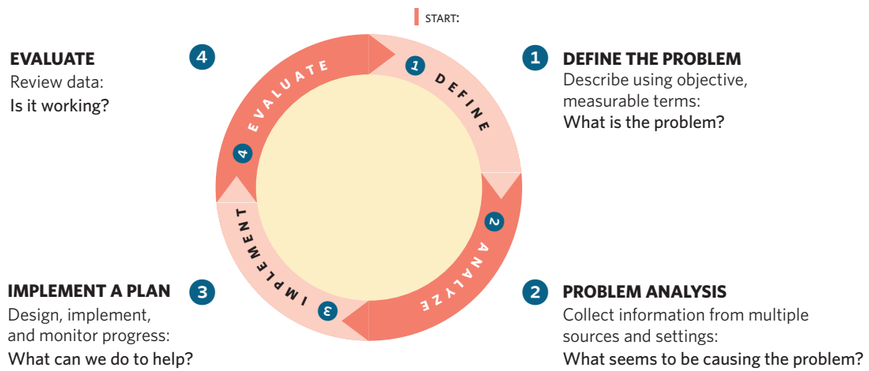
This thinking process can be applied to all students in a system, to small groups of students, and to individual students.

THE PROBLEM SOLVING PROCESS



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. 115).

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 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 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 & Jenson, 1988) .

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.

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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 taking the toy of a peer or adult as a way of expressing needs. A kindergarten student 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. School staff should obtain signed parent or guidance permission prior to conducting a FBA.

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 & Schock, 2011). 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	**Social Positive:** A person presents a stimulus contingent upon behavior that increases future likelihood of that behavior. **Example:** Peers giggle when George yells "chicken" in the classroom. George continues to yell "chicken" when his peers are present.	**Social Negative:** A person removes a stimulus contingent upon behavior that increases future likelihood of that behavior. **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.
Automatic	**Automatic Positive:** The behavior produces a form of pleasurable sensory stimulation. **Example:** When Sheila is left alone, she begins flapping her hands and twirling in circles. Sheila continues to flap and twirl.	**Automatic Negative:** The behavior removes unplea sensory stimulation. **Example:** The noise level in the classroom ca discomfort for Brady. Brady runs from the room escape discomfort.

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 ews
- Data ews

Indi methods can yield valuable information that can be u to guid bsequent assessments but is usually not reliable enough to be th le method used to determine function. Examples of forms that can u ed as part of indirect FBA have been included in the Appendix.

Dir unctional Behavior Assessment

ct FBA consists of actually observing the problem behavior(s) in natural environment and identifying the conditions that surround th urrences (i.e., the context). It may also, in the case of func analysis, involve manipulation of events in order to determine the environmental events that contribute to or maintain lem 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**
Example: Time for Alyssa to work.	Example: Alyssa begins throwing materials.	Example: Teacher removes Alyssa's work materials.

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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 those responsible for developing a BIP.

(Table 26)

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. • Indirect FBA • Direct FBA – 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 & Schock, 2011).

(Table 27)

Considerations for Developing a BIP
1 Develop a clear and measurable definition of target behavior.
2 Develop a 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: • 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.)

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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 authorization 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 (Chistle, Jolivette, & Nelson, 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.
• Students 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 white students.
• Students who come from single-parent homes are suspended two to four times more than those living in two-parent homes.
• Students who were suspended have a "C" or lower GPA.

(Advocates for Children and Youth, 2006; American Academy of Pediatrics, 2003; Clark, 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)

Setting 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, 2006; American Academy of Pediatrics, 2003; Clark, n.d.; Delisio, 2007; Peterson, 2007)

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.
• Provide time for the student to meet with the school counselor or student support staff to discuss and attempt to resolve the [illegible].
• Implement an effective in-school suspension program.

(Advocates for Children and Youth, 2006; American Academy of Pediatrics, 2003; Clark, n.d.; Delisio, 2007; Peterson, 2007)

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 have 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/she 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.

(Jenson, et. al, 2013)

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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 these 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)

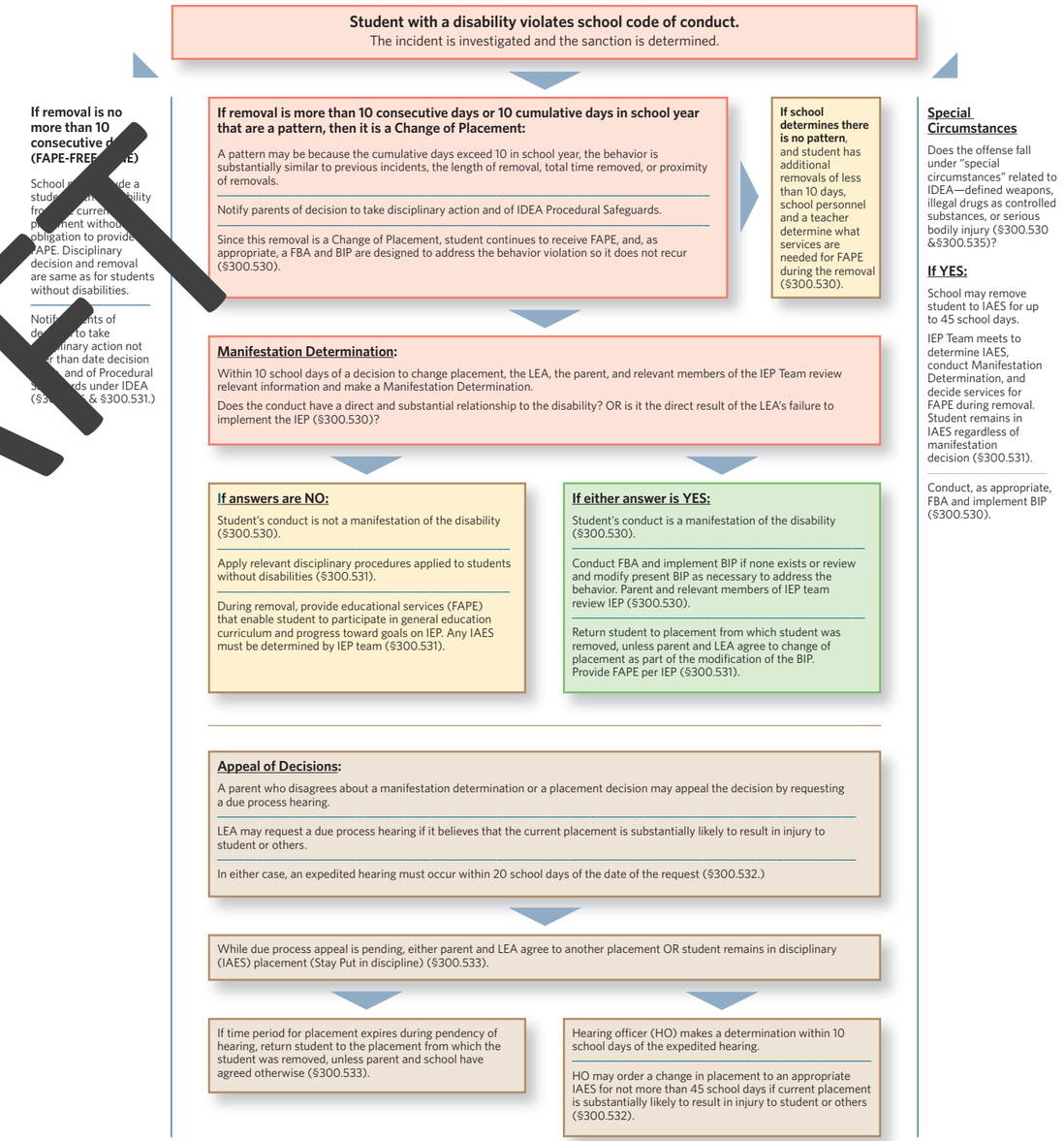
Rules for Removal of Students with Disabilities (§300.530)
1 For students with disabilities, the due process rights for concurrent or cumulative suspensions of ten days or less are the same as for students without disabilities.
2 Consequences involving removal are the same for students with disabilities 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 proce[illegible].
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 cha[illegible] 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 [illegible] services provided, there is no need for further due process.
5 A principal can change the educational placement of a student with disabilities under special circumstances, a[illegible]cted in IDEA disci[illegible] requirements (§300.530V.B.1). School personnel may remove a student to an interim alternative educational (IA[illegible]etting for not m[illegible] than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's dis[illegible], if the stude[illegible] • Carries a weapon to or possesses a weapon at school, on school grounds, or to a school function under the jurisdiction [illegible] 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 upon another person while at school, on school premises, or at a school function under the jurisdiction of 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.

(Jenson, et. al, 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.



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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 & Jenson, 1988).

As intervention procedures are considered and selected by multi-disciplinary 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 33)

Factors in 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 (e.g., ESIs). 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.

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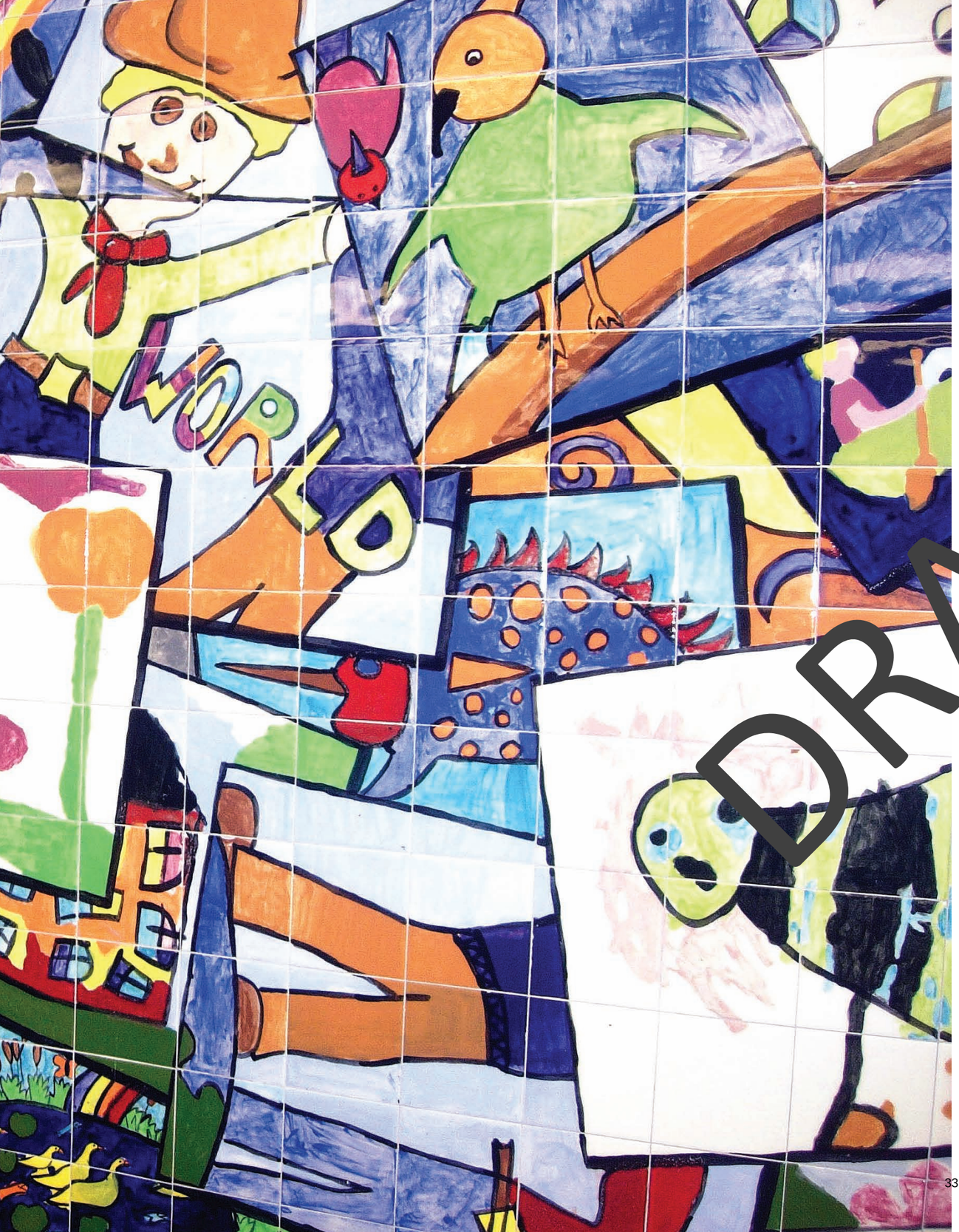

VIII CRISIS MANAGEMENT

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 to 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 to the 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: Standards for LEA Discipine Plans and Emergency Safety Interventions, which limits the use of physical restraint and seclusionary time out to those situations in which a student's behavior poses an imminent danger to himself/herself and/or others. Neither seclusionary time out 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 of 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.I.(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.

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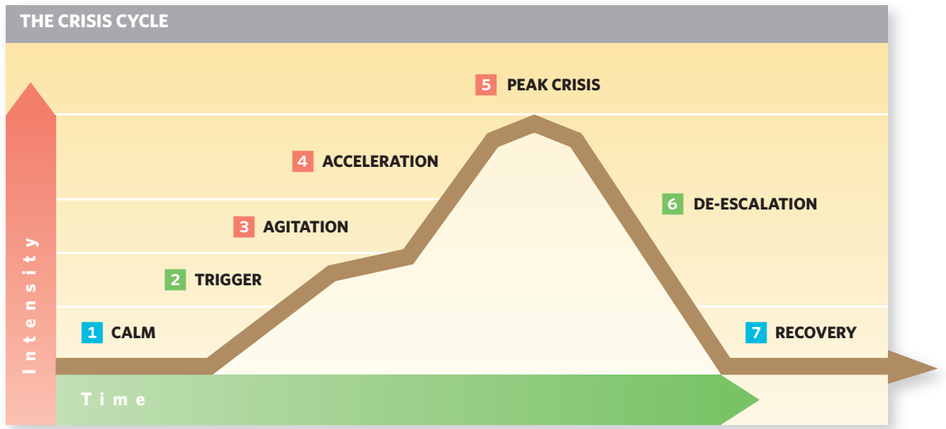
VIII-B CYCLE OF ACTING-OUT BEHAVIORS: CRISIS CYCLE

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 phases involve an escalated interaction between the teacher(s) and student that is intense, explosive, and often unsafe. It is when the phases reach peak crisis 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: XI—ADDITIONAL TECHNICAL ASSISTANCE / D—Phases of the Crisis Cycle and XIII—APPENDIX / 16—Crisis Management Plan.

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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 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.

Immediate Danger:

Immediate danger means the danger of physical violence/aggression toward 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, 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 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.

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.

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 a safe 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.
4 School employees may not place a student in a selcusionary timeout for more than 30 minutes.

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 seclusionary time out immediately when the student no longer presents an immediate danger to self and/or others. School employees may not place a student in a selcusionary timeout for more than 30 minutes. 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: Seclusionary time out 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. 115). In-school suspension (ISS) is also not seclusionary time out. In-school suspension does not typically involve the student being isolated from adults and peers, and thus does not meet the definition of seclusionary time out.

VIII-D DOCUMENTATION

Any time an ESI is used with any student, it must be documented winthin the Student Informatioin Systems (SIS) records. (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 (seclusionary time out 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) as required in R277-609-6.
- 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 restraints, except protective or stabilizing or required by law, or 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, 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 seclusionary time out and physical restraint can have very serious consequences, including, most tragically, death. Furthermore, there continues to be no evidence that using seclusionary time out 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 seclusionary time out 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 35)

- *School Is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools,* National Disability Rights Network, www.NDRN.org
- *Seclusion 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 School House?* 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.

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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.

Annually, 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 R277-609 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 when requested.

Members of the LEA ESI Committee should include:

- Two LEA Administrators
- 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 should 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 Agency (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 Stupport 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 Agency (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. Where LEA staff members think they have appropriate training to implement specific behavioral intervention procedures appropriately, it is their responsibility to request needed training from LEA.

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IX-C EMERGENCY SAFETY INTERVENTIONS (ESI) & INDIVIDUALIZED EDUCATION PROGRAMS (IEP)

Since seclusionary time out and physical restraint must 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 rule.

Seclusionary time out 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. Seclusionary time out 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.I.(b)(5)(a).

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.

If the frequency of the student behavior requiring ESIs exceeds these limits, child find system §300.109 and §300.111 should be considered with students not qualified under IDEA; for students qualified under IDEA, modifications need to be made to the IEP or existing BIP, or a new BIP must be considered.

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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.

(IX-C: Additional Technical Assistance, pg 117).

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 (R277-609).

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 implemented across the continuum but at differing levels of intensity. Specifically, these interventions are selected, designed, and used based on the needs of students. For example, self-management may be implemented with an entire class (i.e., as a universal strategy) to support general classroom behaviors. It may also be used with one student to provide support for target behaviors requiring modification based on student need, as identified through data.

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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	No
U-2	Assistive Technology	No	No
U-3	Behavior Momentum	No	No
U-4	Chaining/Sequencing	No	No
U-5	Contingent Observation	No	No
U-6	Differential Reinforcement	No	No
U-6a	Differential Reinforcement of Other Behaviors (DRO)	No	No
U-6b	Differential Reinforcement of High Rates (DRH)	No	No
U-6c	Differential Reinforcement of Low Rates (DRL)	No	No
U-6d	Differential Reinforcement of Alternative/Replacement Behavior (DRA)	No	No
U-6e	Differential Reinforcement of Incompatible Behavior (DRI)	No	No
U-6f	Differential Reinforcement of Functional Communicative Behavior (DRC)	No	No
U-7	Direct Instruction	No	No
U-8	Environmental Engineering	No	No
U-9	Fading	No	No
U-10	Group Reinforcement Response Contingency	No	No
U-11	High Rates of Positive Responses From Teachers	No	No
U-12	Instructional Pacing	No	No
U-13	Monitoring Performance	No	
U-14	Parent Conference	No	No
U-15	Parent Training	No	No
U-16	Positive Reinforcement	No	No
U-16a	Continuous Schedule of Reinforcement	No	
U-16b	Intermittent Schedule of Reinforcement	No	No
U-16bi	Ratio Schedules of Reinforcement	No	No
U-16bii	Interval Schedules of Reinforcement	No	No
U-17	Prompting/Cueing	No	No
U-18	Redirection	No	No
U-19	Rules/Expectations	No	No
U-20	Staff Training (Ongoing)	No	No
U-21	Structured Daily Schedule	No	No
U-22	Supervision	No	No

U-1 Appropriate and Motivating Instructional Practices

A curriculum/core instruction which challenges students while enabling them to achieve success.

IMPLEMENTATION

- 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.

CONSIDERATIONS

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.

DATA SOURCES

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.

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/sca/

U-2 Assistive Technology

Any item, piece of equipment, product or system used to increase, maintain, or improve functional capabilities of students.

IMPLEMENTATION

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:

- Communication
- Reading
- Learning/studying
- Math
- Motor aspects of writing
- Computer access
- Composing written material

CONSIDERATIONS

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.

Bausch, M. E., Ault, M. J., & Hasselbring, T. S. (2006). *Assistive Technology Planner: From IEP Consideration to Classroom Implementation.* Lexington, NY: National Assistive Technology Research Institute.
IRIS Center video module on "Assistive Technology: An Overview." http://iris.peabody.vanderbilt.edu/module/at/
Lancioni, G. E. & Singh, N. N. (2014). *Assistive Technologies for People with Diverse Abilities.* New York, NY: Springer.

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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
• 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.	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.	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.

Rhode, G., Jenson, 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/BehavMoment.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
• 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 student doesn't make progress on a task, it may be that it needs to be task-analyzed further (broken into even smaller steps).	As each new behavioral step is added, only the most recent step needs to be reinforced.

Bancroft, S. L., Weiss, J. S., Libby, M. E., & Ahearn, W. H. (2011). 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.txautism.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
• Have student move away from activity. • Have student observe the other students. • Reinforce student demonstrating appropriate behavior. • Prompt the student to rejoin the group. • Continu[illegible] reinforce appropriate beha[illegible]	The observation will usually be for a brief time. (One- to five-minute periods are as effective as longer ones.)

University of Mis[illegible]ntervention Brief: Contingent Observation. http://ebi.missouri.edu/wp-content/uploads/2011/09/Sit-and-Watch.pdf

Alberto, P., Heflin, L. J., [illegible]drews, D. (2002). Use of the timeout ribbon procedure during community-based instruction. *Behavior Modification*, 26, 297–311.

Kostewicz, D. (2010). A r[illegible] of timeout ribbons. *The Behavior Analyst Today*, 11(2), 95–104.

U[illegible] 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
• 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.	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.	Frequency data on the number of times the student performs the behavior during a 5–10 minute interval. Fidelity data can be collected by using a beeper or vibrator to see if student uses the alternative behavior. Student could receive a raffle ticket each time he/she is on task.

Rhode, G., Jenson, 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/bi2/cresource/#content

USOE LRBI Information Sheet on "Differential Reinforcement." http://www.iseesam.com/teachall/text/behavior/LRBIpdfs/Differential.pdf

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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
• 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.	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 alternative for reducing the frequency of undesirable behaviors to that of reductive (punitive) approaches such as response cost or punishment. 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.	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 FBA, 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.

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." http://iris.peabody.vanderbilt.edu/module/bi2/cresource/#content

Vismara, L., Bogin, J., & Sullivan, L. (2010). *Differential reinforcement of other behaviors: Steps for Implementation*. National Professional Development Center on Autism Spectrum Disorders. http://autismpdc.fpg.unc.edu/sites/autismpdc.fpg.unc.edu/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
• 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.	DRH is an effective tool to increase the occurrence of a behavior. Expectations should be high but achievable; it is important that the student feel success.	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.

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." http://iris.peabody.vanderbilt.edu/module/bi2/cresource/#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
• Provide students with student contracts based on predetermined behavior. • Use reinforcements that the student 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 student moves in to maintain phase.	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 student have? When you have established the reinforcement and baseline, explain to the student the contract that has been established.	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.).

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." http://iris.peabody.vanderbilt.edu/module/bi2/cresource/#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
• Reinforce a student for having appropriate behavior. • When the student displays inappropriate behavior, the behavior is ignored. For example, 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.	Ignoring inappropriate behavior may be rewarding for some students.	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.

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.stephaniepeterson.org/grant_materials/content/DRA/dra.html

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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
• 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.	Select behaviors that are already in the student's ability to perform. Select a replacement behavior that will be naturally reinforced by the environment. Replacement behavior should be accomplished with the same amount of effort or less. 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.	Frequency or event recording—number of times the replacement behavior is performed in an identified setting or situation. Fidelity data on student.

IRIS Center video module on "Behavioral Interventions: Differential Reinforcement." http://iris.peabody.vanderbilt.edu/module/bi2/cresource/#content

Autism Internet Modules on "Differential Reinforcement." http://www.autisminternetmodules.org/

Sigafoos, J., Green, V. A., Payne, D., O'Reilly, M. F., & Lancioni, G. E. (2009). A classroom-based antecedent intervention reduces obsessive-repetitive behavior in anadolescent 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
• 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.	The instructor ignores inappropriate behavior and reinforces a communication skill that leads to a needed reward, activity, or alternative.	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.

Rhode, G., Jenson, 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://autismpdc.fpg.unc.edu/content/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
• 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.	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. 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.	Use frequency data to determine how many correct/incorrect responses were given during instructional time. One example may be to see what specific steps were correct and incorrect in solving a math problem. May use checklists, etc. to collect fidelity data. Have teachers or observers check off whether direct instruction was implemented as part of the lesson.

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.nifdi.org/resources/downloads/cat_view/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
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. • Determine the instructional format used most frequently. • Arrange student seating. • Designate specific purposes to each area of the classroom.	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, students with autism might need quiet, while students with Attention Deficit Hyperactivity Disorder (ADHD) might respond well to low background music.	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. 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.

OSEP Center on PBIS classroom checklists and environmental inventory checklist. http://www.pbis.org/pbis_resource_detail_page.aspx?Type=4&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.

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U-9 Fading

The gradual elimination of cues, prompts, reminders, or suggestions that control a specific response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Teacher models. • Teacher uses full physical gesture/ prompt. • Verbal prompt. • Student independently completes task. • Gradually fade out prompts.	Provide only necessary prompts when teaching. For students who are nonverbal, teachers can determine an accommodation to embed sight words into pictures, and eventually fade out the pictures. Also, teach functional sight words and gradually fade the survival sign pictures.	Latency recording and/or frequency recording. Record, if necessary, which prompt is used.

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://autismpdc.fpg.unc.edu/content/time-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
• Select a contingency. • Set a criterion. • Choose consequences. • Give feedback.	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.	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.

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
• 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.	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.	Frequency data on the number of positive reinforcements given.

Rhodes, R. L., Ryndak, D. L., Jackson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.

Reavis, H. K., Jansen, 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
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: • Maintain a brisk pace. • Vary the pace. • Ask questions for understanding and give corrective feedback. • Manage classroom behavior.	A brisk pace of instruction enhances student attention and increases the number of response opportunities. Appropriate pacing may decrease disruptive behavior. Regular formative assessment is required to keep instructional pace at the proper rate. Perhaps the most important component of good instructional pacing is offering lots of opportunities for student response. Student responses should be monitored for understanding.	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.

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/di

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U-13 Monitoring Performance

Collecting specific information systematically and consistently on a student's academic or behavioral performance.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	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.	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.

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-assesment-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
• 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.	If parents are English language learners, provide interpreters. Use flexible scheduling for parents who may have special considerations.	Keep phone logs of communication with parents. Use sign-in sheet to track meetings with parents. Use parent feedback [illegible] questionnaire would meet address[illegible] areas of concerns/successes).

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., & Diliberto, 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
• Make parents part of the team and establish rapport early on. • 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 proactive or reductive strategies; the former generally come less naturally but tend to be more effective (particularly when combined with reductive techniques).	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.	Using interactive presentation style and positive practice will allow the trainer to monitor parent understanding and skill acquisition. Fidelity: written lesson plans, parent evaluations.

Rhode, G., Jenson, W. & Hepworth Neville, M. (2010). *The Tough Kid Parent Book*. Eugene, OR: Pacific Northwest.

Baughan, D.R., Christiansen, E., & Jenson, W.R. (2005). Behavioral parent trainings as a treatment for externalizing behaviors and other externalizing behavior 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
• Identify and define desired behaviors to increase. • Choose reinforcers (e.g., tokens, candy, etc.). • Deliver positive praise with reward and monitor student progress.	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.	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.

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://autismpdc.fpg.unc.edu/sites/autismpdc.fpg.unc.edu/files/Reinforcement_Steps-Positive.pdf

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U-16a Continuous Schedule of Reinforcement

A schedule of reinforcement in which each occurrence of a response is reinforced.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	Determine what is reinforcing to the student (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, paraeducator, or other students). Provide a schedule to fade reinforcement.	Tally sheets. Use a clicker to count high-level occurrences, then transfer to tracking sheet. Use of tangible object (marbles, toothpicks, etc.).

Lucynzki, K. C., & Hanley, 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
• Reinforcement occurs randomly when the appropriate behavior is being observed. For example, if Bobby is seen on task he is reinforced with verbal praise, but not every time he is seen on task.	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.	Frequency data on how often reinforc was given for appropriate behavio Fidelity data gathered by the freq of undesired behavior compared to t 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).

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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 i hibited (fixed ratio) or by (variab tio). • Pai forcement with verbal praise.	Be cautious of a post-reinforcement pause. If a student knows there is a fixed number of responses to earn a reward, he/she will work hard immediately preceding the reinforcement to quickly gain access to the stimulus. However, following the reinforcement, the student's production may decrease because reinforcement seems far away. That is, misbehaviors and academic errors increase immediately following a reinforcer.	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, & Sturney, P. (2009). The effects of fixed ratio values on concurrent mands and play responses. *Behavior Modification*, 33(2), 199–206.

Hausman, N. L., Ingvarsso T., & Kahng, S. (2014). A comparison of reinforcement schedules to increase independent responding in individuals with intellectual disab s. *Journal of Applied Behavior Analysis*, 47(1), 155–159.

U- i Interval Schedules of Reinforcement

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
• Select target behavior. • Determine time interval the reinforcement will be delivered. • Pair reinforcement with verbal praise.	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.	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.

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U-17 Prompting/Cueing

Presentation of a cue (visual, auditory, or physical) in order to facilitate a given response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	Remember that it is important to fade prompts over time to prevent students from becoming prompt dependent. Also, physical prompts may not be appropriate for some students, so each situation should be carefully evaluated before deciding what levels of prompting to use. Most-to-least prompting may be appropriate for students who need more assistance to learn the steps of a task such as hand washing.	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. Fidelity data may be taken by observing whether the facilitator present prompts and cues during instruction.

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.fpg.unc.edu/content/prompting-module-menu

Faul, A., Stepensky, K., & Simonse, 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
• 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.	Provide positive reinforcement. Use positive communication when redirected.	Record data on how [illegible] times stude[illegible] was redirected (frequen[illegible]

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.fpg.unc.edu/sites/autismpdc.fpg.unc.edu/files/ResponseInterruption_Steps.pdf

U-19 Rules/Expectations

Behavioral expectations for whole school, classroom, and transitional environments.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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-exa[illegible]es. • Post [illegible] rules and review them f[illegible] [illegible]einforce[illegible]dents often for following the rules.	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.	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. Fidelity data gathered by interviewing students to see if they are able to identify rules and expectations for each environment.

Rhode, G., Jenson, W. R., [illegible] H. K. (2010). The Tough Kid Book: Practical Classroom Management Strategies (2nd ed). Eugene, OR: Pacific Northwest.

Jen[illegible] W. R., Rhodes, G., Evans, C., & Morgan, D. (2013). The Tough Kid's Principal Briefcase. Eugene, OR: Pacific Northwest.

[illegible] 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)

Professional development activities conducted for general and special educators, paraeducators, and administrators to gain and maintain competencies in the strategies required for them to be effective.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Assess staff skills and needs. • Select training method. • Provide support, incentives, and follow-up. • Provide coaching and mentoring to ensure implementation of new skill.	All staff training should emphasize research-validated procedures.	Staff performance evaluation, implementation fidelity data, and program evaluation.

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

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U-21 Structured Daily Schedule

A daily outline of classroom activities designed to maximize student learning.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	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 students to more easily understand it). Structured daily schedules are key to increasing appropriate behaviors and decreasing inappropriate behaviors.	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. 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.

Hume, K. (2009). Steps for implementation: Visual schedules. National Professional Development Center on Autism Spectrum Disorders. http://autismpdc.fpg.unc.edu/sites/autismpdc.fpg.unc.edu/files/VisualSchedules_Steps.pdf

Spriggs, A. D., Gast, 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
• If necessary, monitor students on a daily basis. • Provide support/supervision training with teachers and paraeducators.	Know who your students are. Observe your students. Provide positive behavioral supports.	Provide an observation checklist. Frequency data (how many times student is being supervised).

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.iseesam.com/teachall/text/behavior/LRBIpdfs/Supervision.pdf

X-B TARGETED 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

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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
• 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. • Identify consequences for negative behavior. • Write behavior contract. • Discuss and sign contract with student and anyone else involved. • Implement and monitor progress.	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.	Frequency of office discipline referral forms, number of safe school violations, and both in-school suspensions and out-of-school suspensions. Fidelity data by having student self-monitor contract and explain the behavior.

Jenson, W., Rhode,G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.
Rhode, G., Jenson, W. R., Reavis, 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://pbiswworld.com/tier-2/behavior-contract/

T-2 Behavior Education Program (BEP)

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
• 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 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.	The 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. 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.	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). Fidelity: DBRC (completed and initialed, data graphed), record of reinforcements earned.

Crone, 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 Inidividual Students (2nd ed)*. Eugene, OR: Pacific Northwest.
Jenson, W.R., Sprick, R., Sprick, J., Majszak, H.,Phosaly, L. (2013) *Absenteeism & Truancy Interventions & Universal Procedures*. Eugene, OR: Pacific Northwest.
"Check-On Check-Out Model Video" https://www.youtube.com/watch?v=ERX8yLRKs48

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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., Phosaly, 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
• 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 a 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: 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
• 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: • 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., Phosaly, 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
• 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.

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T-7 Peer Tutoring

The use of same- or cross-age peers for academic tutoring, structured social engagement, or peer "buddies."

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Tutors must be taught how to teach. • The teacher models examples and non-examples of the process of peer tutoring. • Tutors must be taught what to do if tutee does not comply. • Teacher assigns partners. • Tutors must be given the option to drop out at any time without penalty.	It is important for students to play both the role of the tutor and tutee. Expectations and learning objectives should be clearly outlined. Break steps into precise, easy-to-follow directions. Initially, peer tutoring should be undertaken only with close and ongoing teacher supervision to ensure success.	Classroom observations. Student feedback. Fidelity data gathered by keeping a daily tutoring log.

Rathvon, N. (2008). *Effective School Internvetions: Evidence-Based Strategies for Improving Student Outcomes Second Edition*. New York, New York: Guilford Press.
Shapiro, E. (2010). *Academic Skills Problems: Direct Assessment and Intervention Fourth Edition*. New York, New York: Guilford Press.
Reavis, 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.

T-8 Planned Ignoring

Either teacher or student ignores inappropriate behavior of other student(s).

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• This strategy is appropriate with students who are seeking attention using inappropriate behaviors. • Do not respond to student's inappropriate behavior. • Do not make eye contact, talk, argue or interact in any way. Act emotionally neutral by not looking angry or upset. • Appear involved in another activity, or direct attention to students who are being appropriate. • Planned ignoring should never be used with dangerous behaviors.	An extinction burst is likely to occur before the total extinction of the behavior. Expect the behavior to worsen before it gradually gets better. It is especially important to keep ignoring the student's negative behavior during this time. It is also imperative to reinforce the student immediately once he/she uses an appropriate method of communicating, behaving, etc. Peers may reinforce the student, so it may be necessary to use a group contingency or other method to encourage peers to ignore behavior as well.	Duration recording for the length of the negative behavior occurs, or e recording for frequency of behavi depending on the type of behavior t be ignored.

Sprick, R. (2012). *The Teacher's Encyclpedia of Behavior Management 100 problems/500 Plans: Second Edition*. Eugene OR: Pacific Northwest.
Kazdin, A. (2012). *Behavior Modification in Applied Settings: Seventh Edition*. Longrove, IL: Waveland Press.
CHAMPS "Planned Ignoring" https://www.youtube.com/watch?v=xMwPsNM7wx8

T-9 Precision Requests

Precise verbal statements made by staff to enhance compliance of students.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Say the student's name and then "please..." with specific request. • If the student does not comply with directions after a short delay (five seconds), say the student's name and then "I need you to..." with a specific request. • If the student does not comply with the directio en after another short delay (five nds), say the student's name a "You need to..." with the same ectio • If the stude mplies, reinforce him/her appro ely. • If he/she does not ply, appropriate co quences need to follow the non-mpliance. Deliver instructions for restitution in a utral voice of voice. • dent begins to engage in inap propriate behavior again, start the restitution activity again. • Be on the lookout during the day to comment on positive behaviors.	Precision requests are specific, clear, and made directly to the student. They should be related to the inappropriate behavior.	Trial/opportunity-based data can be collected by adding up the number of commands and the number of compliances and dividing the total to get a percentage or rate of compliance. Reduction in numbers of non-compliance. Implementation, checking whether the steps were followed, and assessing the environment.

Rhode, G., Jenson, W. R., Reavis, H. K. (2010). *The Tough Kid Book: Practical Classroom Management Strategies (2nd ed)*. Eugene, OR: Pacific Northwest.
Bowen, J., Jenson, W. R., & Clark, E. (2004). *School-Based Interventions for Students with Behavior Problems*. New York, New York: Springer Science + Business Media, Inc.
MacKay, S., McLaughlin, T. F., Weber, K., & Derby, K. M. (2001). The use of precision request to decrease noncompliance in the home and neighborhood: A case study. *Child & Family Behavior Therapy*, 23(3), 41–50.

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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
• 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; teach and practice to fluency and reinforce both accurate self-evaluation and appropriate behavior.	The desired behavior must be taught using other procedures. Young children may not respond well to self-management interventions.	Self-management system.

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=self+management+

T-11 Social Skills Instruction

Individual or group instruction designed to teach appropriate interaction with adults and peers.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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. • Do 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.	For students with a skill deficit in a specific social skill area (e.g., how to perform skills, when to perform skills, etc.).	Methods used to monitor progress on social skills performance can include the following: • Frequency recording. • Duration recording. • Time sampling procedures. • Latency recording. • Response ratio.

Bellini (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.

Mary, 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.

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T-12 Stimulus Cueing

Use of a random auditory or visual cue to prompt appropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Explain to target students (or class) the exact behaviors they are excepted 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.	A beeper tape with a tone at random intervals is an example.	Fidelity measures. Outcome measures.

MotivAider. Thief River Falls, MN: Behavioral Dynamics, Inc. http://habitchange.com/

Althouse, B. R., Jenson, W. R., Likins, M., Morgan. D. P. (1999). *Get'em on Task.* Longmont, CO: Sopris West.

Spriggs, A.D., Gast, 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.

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
• 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.	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. 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. When giving student a token, specify the reason the student earned the token.	Frequency data gathered on how many times tokens were received for appropriate behavior. Reduction of inappropriate behavior. Fidelity data gathered by asking students how they earn tokens.

Re[illegible]K., Sweeten, T. M., Jenson, W. R., Morgan, D. P., Andrews, D. J., & Fister, S., (1996). *Best Practices: Behavioral and Educational Strategies for Teachers.* [illegible]mont, CO: Sopris West Publishers, Inc.

[illegible]usser, E.H., Bray, Melissa, A. Kehle, T., Jenson, W.R.(2001). Reducing Disruptive Behaviors in Students with Serious Emotional Disturbance. [illegible]*l Psychology Review 30* (2), 294–304.

Ch[illegible]m Interventions for Children with ADHD: http://www.uams.edu/add/token.htm

Applic[illegible]ns: 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
• 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.	Feedback must be consistent. This intervention is best implemented if a scheduled time is set aside to review student performance. Student performance should be tracked and recorded. It should be given in a positive manner from an adult the student trusts. Expected student behavior should be reviewed frequently.	Percentage data recorded on number of points a student earned on tracking sheet. Fidelity data collected by student accomplishing target behavior. Student should be able to explain the expected behavior. Student progress is graphed to show improvement.

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/htmdocs/interventions/behavior/edtchng.php

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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
• 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.	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.	Frequency data record each incidence of verbal reprimand. Reduction of inappropriate behavior.

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
• 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 some dramatic positive change. Compose the essential information and the video clips into a multimedia Power Point presentation. Present it to your students and celebrate their success.	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. Parental permission is required to take pictures and video of the students. For non-readers, a verbal recording of the essential information can be incorporated into the PowerPoint. For nonverbal students, use whichever mode of communication they use. A video clip of them communicating successfully will likely increase their communication attempts.	Record decrease of inappropriate behavior or increase of targeted skills to assess effectiveness. 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: • Appropriate behaviors. • Schedules/routines. • Language development. • Classroom expectations. • Social skills. • Independent living skills. • Literacy/comprehension. • Academic concepts. 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.

*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, W.A

Bellini, S., & Akullian, J. (2007). A Meta-Analysis of Video Modeling and Video Self Modeling Interventions for Children and Adolscents 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

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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
• Select a location and specific task. • Specify the amount of time. • Collect and review data.	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.	Design and use a data collection system. For example, each time the intervention is used, an instructor might record the following: • Date. • Problem behavior. • Length of the work detail. • The student's reaction.

X-C INDIVIDUAL INTERVENTIONS

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 Discretionn
I-5	Mechanical Restraint (for Bus)	Yes	Yes
I-6	Over-Correction	Staff Discretion	No
[illegible]	Positive Practice Over-Correction	Staff Discretion	No
I-6b	Restitutional 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

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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
• Student is required to stay at school additional hours, usually to complete an academic assignment. • Student must be well supervised and shouldn't be allowed idle free time. • Student should have a purposeful activity to work on during detention. This may include a behavior processing activity to reexamine what went wrong during his/her infraction and what they could do better the next time.	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 LEA's policy before developing a detention program.	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. Administrators should make periodic, random observations in order to see if detention is being carried out in the recommended manner.

Kerr, M.M., & Nelson, C.M. (1998). *Strategies for Managing Behavior Problems in the Classroom: Third Edition*. Upper Saddle River, NJ: Prentice-Hall, Inc.
Jenson, W., Rhode,G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.

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
• Select a location for lunch detention in an isolated, quiet area. • Post the rules in a conspicuous place. • Assign student a seat. • Provide the student with the opportunity to eat.	To be effective, the detention must occur in a non-reinforcing environment, with no reinforcement from the adult supervisor.	Frequency count on lunch detention log noting student's name, date, time arrived, and time dismissed.

Jenson, W., Rhode, G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.
National Association for School Psychologists "Fair and Effective Discipline for All Students: Best Practice Strategies for Educators." http://www.nasponline.org/communications/spawareness/effdiscipfs.pdf

I-3 Food Delay

Delay of food for a specified period of time, contingent on inappropriate behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Pinpoint the behavior. • Specify when and for how long food will be delayed. • Obtain parent(s)' notification. • Inform administration and food service. • Explain program to student. • Collect and review data.	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. If food is delayed too long, the student may increase the misbehavior.	Design and use a data collection system. For example, each time the intervention is used, an instructor might record the following: • Date. • Problem behavior. • How long food was delayed. • The student's reaction.

Jenson, W. R., Rhodes, G., Evans, C., & Morgan, D. (2013). *The Tough Kid's Principal Briefcase*. Eugene, OR: Pacific Northwest.

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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
• In advance, decide on a place for ISS (e.g., carrel, 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).	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 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. Parents should be informed when ISS is used. Care should be taken that students do not miss out on valuable instructional time.	Keep an ISS log. Teachers should document frequency, duration, and location of ISS. Fidelity: written ISS procedures, faculty training in ISS, ISS log.

Jenson, W., Rhode, G., Evans, C., & Morgan, D. (2013). *The Tough Kid Principal's Briefcase*. Eugene, OR: Pacific Northwest.

Reavis, 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
• Make certain that all staff who implements 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).	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. Bus personnel must be properly trained in the use of the harness, including its emergency release. 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.	Follow appropriate documentation procedures from specific LEA policy.

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
• Give a verbal cue. • Follow the verbal cue with timeout from positive reinforcement. • Proceed with restitutional activity. • Minimize attention. • Observe the student.	For all over-correction procedures, forceful physical guidance/manual restraint and forceful physical guidance are not suggested by best practice.	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.

Bowen, J., Jenson, W.R., Clark, E. (2004). *School-Based Interventions for Students with Behavior Problems*. New York, New York: Springer.

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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
• 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/text/behavior/LRBIpdfs/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
• Make certain that all staff who implements individual interventions are thoroughly trained in the proper procedures. • Staff should refer to specific LEA policy and procedures relating to the usage of 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.

Response Cost

Contingent withdrawal of a specific amount of available reinforcers following an inappropriate response.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• Decide on a method to give out reinforcers. • Pinpoint behaviors to be defined. • 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., Sailer, 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://ebi.missouri.edu/?s=response+cost

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I-9 Required Relaxation

Spending a fixed period of time in relaxation following each occurrence of an upsetting behavior.

IMPLEMENTATION	CONSIDERATIONS	DATA SOURCES
• 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.	Frequency data that records the number of times the behavior occurs. Duration of the required relaxation.

Merrell, K. W., Whitcomb, S. A., Parisi, 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/ca/app/breathe2relax/id425720246
Android: https://play.google.com/store.apps/details?id=org.t2health.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
• This procedure requires making arrangements with the other teacher in advance. • 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., 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.

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
• If student displays inappropriate behavior, the reinforcing activity is removed for a certain amount of time and then given back.	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.

Wolf[illegible], C. H. (2001). The [illegible]any views of "time-out." Teaching strategies. *Journal of Early Education and Family Review*. 8, 18–28.

N[illegible]al Association of School Psychologists "Temper Tantrums" http://www.nasponline.org/resources/behavior/tantrums_ho.aspx

[illegible]nner, G.J., Nelson, J.R., Sanders, E.A., Ralston, N.C. (2012). Behavior Intervention for students with externalizing behavior problems: Primary-level standard protocol. *[illegible]eptional 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
• Establish designated area/setting to which the student can be referred. • Establish the amount of time the student will be in the time out setting (1 min. per year of the age of the student). • While in the time out area the student should not be addressed by staff or other students. • When amount of time in time out area is complete, student will return to the activity previously engaged in to maintain normal activity. • Student 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 student (inform students 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 student 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., 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.

Teacher's Workshop: http://www.teachersworkshop.com/twshop/relationaldisc.html

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XI EMERGENCY SAFETY INTERVENTIONS

(Table 41)

Interventions	Parental Notifications	Behavior Expert on SS Team	LEA ESI Committee Involvement	References
E.1 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. *Journal of Applied Behavior Analysis*, 30(1), 105–120. General Accounting Office (1999). *Improper Restraint or Seclusion Use Places People At Risk.* Washington, DC: Author.
E.2 Seclusionary Time Out "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 in accordance with the requirements of R392-200 and R710-4-3 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.), *The effects of punishment on human behavior*. 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. *Journal of Special Education*, 11, 457–467.

Refer to: USBE R277-609 Standards for LEA Discipline Plans and Emergency Safety Interventions.

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XI-A EMERGENCY CONTACT FORM

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 (Activity/event that occurred before the behavior)	Behavior (Measurable and observable)	Consequence (Events that follow the behavior)

3 What ESI was used 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):

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.

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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. • 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. • 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. • 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 (e.g., ten seconds), and the behavior is marked if it occurs any time within the interval. • 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. • 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. • Example: Completed student assignments.

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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 an IEP team, including the parent(s), have important information to contribute.

Direct assessment methods (functional analysis (FA): 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 needs 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.

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. 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 when 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 criterion 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.

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XII-D PHASES OF THE CRISIS CYCLE

(Table 47)

Phases	Description
Calm	Behavior is appropriate, cooperative, and responsive to the teacher's instructional practices. During this phase the student is able to exhibit the essential behaviors to succeed in the classroom. These behaviors include: (**a**) on-task, (**b**) following rules, (**c**) responding to praise, (**d**) initiating appropriate behavior, and (**e**) responding to goals and success. Overall behavior is cooperative and acceptable.
Triggers	Triggers are defined as those events that set off the cycle of inappropriate behaviors. The trigger/s serves to increase the behavior level of the student. There are two types of triggers occurring in this phrase: (**a**) school-based and (**b**) non-school based. Overall behavior involves a series of unresolved problems.
Acceleration	During the acceleration phrase student behavior becomes focused and directed towards others. The student can exhibit a number of behaviors with features of engaging some other person: (**a**) questioning and arguing, (**b**) defiance or noncompliance, (**c**) off-task, (**d**) provocation of others, (**e**) whining and crying, (**f**) escape and avoidance, (**g**) threats and intimidation, (**h**) verbal abuse, and (**i**) destruction of property. Overall behavior is staff-engaging, leading to further negative interactions.
Peak	The peak phase represents the most serious or intense behaviors. Behaviors are characterized by disruptions so serious that class cannot continue or continues with difficulty. Also, peak behaviors can become a threat to the safety of self or others. These peak behaviors include: (**a**) serious destruction of property, (**b**) physical attacks, (**c**) self-abuse, (**d**) severe tantrums, and (**e**) running away. Overall behavior is out of control.
De-escalation	The de-escalation phase marks the beginning of the student's disengagement and reduction in intensity of behavior. There is clear lack of focus and appearances of distraction. The common behaviors in this phase are: (**a**) confusion, (**b**) reconciliation, (**c**) withdrawal, (**d**) denial, (**e**) blaming other, (**f**) avoidance of discussion, and (**g**) avoidance of debriefing. Overall behavior shows confusion and lack of focus.
Recovery	In the final phase recovery, the student returns to a normal calm state. The student is able to participate in instructional activities. The specific behaviors for this recovery phrase are: (**a**) independent work or activities, (**b**) appropriate behavior in group work, (**c**) subdued behavior in class discussions, and (**d**) defensive or cautious behaviors. Overall behavior shows an eagerness for busy work and reluctance to interact.

(Colvin, G., (2004). Managing the Cycle of Acting-Out Behavior in the Classroom. Eugene, OR; Behavior Associates.)

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XII — ADDITIONAL TECHNICAL ASSISTANCE

Notes

XIII APPENDIX

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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	• Not posted • Not large • Not referred to frequently ❑	• Posted • Large • Not referred to frequently ❑	• Posted • Large • Referred to frequently ❑
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	• 0–1 routines established *OR* • Procedures not systematically taught ❑	• 2–3 routines established • Procedures systematically taught ❑	• At least 4 routines established • Procedures systematically taught ❑
3 Are transitions between activities structured (e.g., moving from one activity to the next; cues to initiate transitions)? U-17/U-19	• On average, takes the class about 4 minutes or more to transition ❑	• On average, takes the class about 2–3 minutes to transition ❑	• On average, takes the class under 1 minute to transition ❑
4 Is unstructured time kept to a minimum? U-17/U-19	• More than 45 minutes of unstructured time across the school day ❑	• 20–45 minutes of unstructured time across the school day ❑	• Less than 20 minutes of unstructured time across the school day ❑
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	• Inappropriately arranged • Inappropriately organized ❑	• Appropriately arranged, but disorganized *OR* • Inappropriately arranged, but organized ❑	• Appropriately arranged • Appropriately organized ❑
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	• Not in place • Not in use ❑	• In place • Not in use ❑	• In place • Regularly maintained ❑
7 Are there clearly defined and appropriately used classroom spaces (e.g., art area, computers, reading zone, homework center)? U-8	• No defined areas • Not used ❑	• Somewhat defined areas • Appropriately used ❑	• Clearly defined areas • Appropriately used ❑
8 Do all students have a clear and unobstructed view of the teacher and/or instructional area? U-8	• Less than 75% of students have a clear view ❑	• At least 75% of students have a clear view ❑	• 100% students of have a clear view ❑
9 Do students have adequate space or storage for personal belongings (e.g., backpack, lunch bags, learning materials/supplies, coats)? U-8	• Some or none have a designated space ❑	• Most students have a designated space ❑	• All students have a designated space ❑
10 Is there an adequate number of supplies or materials for students and are materials accessible? U-8	• Inadequate • Inaccessible ❑	• Adequate, but inaccessible *OR* • Inadequate, but accessible ❑	• Adequate • Accessible ❑
CLASSROOM ENVIRONMENT TOTALS			

BEHAVIOR MANAGEMENT

ITEM	RED	YELLOW	GREEN
1 Are the classroom rules/expectations posted (3–5 rules, positively stated)? U-19	• 0–1 rules posted ❑	• 3–5 rules posted ❑	• Rules are positively stated ❑
2 Have the rules/expectations been systematically taught and reviewed regularly (e.g., beginning of the year, after breaks, monthly)? U-7/U-19	• Not systematically taught • Not reviewed regularly ❑	• Systematically taught • Not reviewed regularly ❑	• Systematically taught • Rules are reviewed regularly ❑
3 Are procedures to address students who are following classroom rules and expectations posted, taught, and consistently implemented? U-6/U-18	• Not Posted OR • Posted, but not taught or implemented ❑	• Posted and taught • Inconsistently implemented ❑	• Posted and taught • Consistently implemented ❑
4 Are procedures to address students who are not following classroom rules and expectations posted, taught, and consistently implemented? U-6/U-15	• Not Posted OR • Posted, but not taught or implemented ❑	• Posted and taught • Inconsistently implemented ❑	• Posted and taught • Consistently implemented ❑
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	• No positive consequences • No preference assessments ❑	• Positive consequences • No preference assessments ❑	• Positive consequences • Regular preference assessments ❑
6 Is there at least a 4:1 ratio of positive to negative consequences for academic and behavioral responses implemented? Examples of positive: verbal praise, thumbs up, points on a point chart, and classroom bucks Examples of negative: redirections, verbal reprimand, school detention, and response cost U-16/T-13	• About 1:1 ratio of positive to negative consequences, or less ❑	• About 2:1 ratio of positive to negative consequences ❑	• At least 4:1 ratio of positive to negative consequences ❑
7 Is students' performance monitored by circulating among students (i.e., moving around the room while students are working)? U-22	• No defined areas • Not used ❑	• Sometimes ❑	• Almost Always ❑
8 How often are you standing in the front of the class and/or sitting at your desk? U-22	• Almost always ❑	• Sometimes ❑	• Infrequently ❑
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	• No ❑	• Yes, but inconsistently used ❑	• Yes, and consistently used ❑
10 Are precision requests used to increase student compliance? T-9	• No ❑	• Yes, but inconsistently used ❑	• Yes, and consistently used ❑
BEHAVIOR MANAGEMENT TOTALS			

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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 ❑	• Yes, but only at the end of a term ❑	• Yes, frequently ❑
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 ❑	• Yes, but only at the end of a term ❑	• Yes, frequently ❑
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 ❑	• Frequent opportunities to respond • 2–3 strategies/methods ❑	• Frequent opportunities to respond • 4 or more strategies ❑
4 Are procedures to address students who are not following classroom rules and expectations posted, taught, and consistently implemented? **U-7/U-18**	• Infrequently ❑	• Sometimes ❑	• Almost always ❑
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 ❑	• Yes, about 5–7 types of instructional strategies used across the week ❑	• Yes, about 8–10 types of instructional strategies used across the week ❑
6 Do you have knowledge of individual student needs and have intervention plans or strategies in place (e.g., students with 504 Plans, IEPs)? **U-1/U-13**	• Unsure of student needs • Unsure of intervention plans ❑	• Some students *OR* • Some interventions in place ❑	• All students • All interventions in ❑
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.

Reg[illegible]	Brief Summary of Results	Other	Brief Summary of Results
[illegible]ent Infor[illegible]on:		Behavior Checklist Rating/Scale: Name of Instruments:	
[illegible]rvations:		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:	

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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 whom 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
- ❑ afternoon
- ❑ before/after school
- ❑ lunch/recess

WHAT events or conditions occur right before the behavior?
- ❑ teacher request
- ❑ a consequence has been imposed
- ❑ unexpected schedule change
- ❑ other

WHERE does the behavior occur the most?
- ❑ regular classroom
- ❑ cafeteria
- ❑ hallways
- ❑ other

WHO is present when the problem behavior is likely to occur?
- ❑ teacher
- ❑ peers
- ❑ paraeducator
- ❑ other

HOW OFTEN does the behavior typically occur?
- ❑ times per day
- ❑ times per week
- ❑ 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	
1 _____	2 _____	3 _____	4 _____	TOTAL SCORE: _____
5 _____	5 _____	6 _____	7 _____	MEAN SCORE: _____ _____
9 _____	10 _____	11 _____	12 _____	_____ _____
13 _____	14 _____	15 _____	16 _____	RELATIVE RANKING: _____

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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)

- ❑ Hand raising/Asking for help/"Sure I will"
- ❑ Short break—e.g., break cards/tickets, scheduled breaks
- ❑ Peer interaction skills
- ❑ Sensory break
- ❑ Responds to choices—e.g., choice of work tasks, preferred activities or interests, offer negotiations
- ❑ Express frustration/feelings appropriately—e.g., cool down, problem solving ("I" messages), relaxation, diversion, re-direct into activity
- ❑ Other _____
- ❑ Other _____
- ❑ Other _____

Instructional Interventions for Teaching Replacement Behavior:

What will be taught?	When (frequency)?	Who will teach?	How skills [illegible] monitored across [illegible]ngs?

Instructional Interventions for Teaching Replacement Behavior:

Antecedent/trigger	Strategy based on antecedent/trigger

Consequence Intervention—POSITIVE:	**Consequence Intervention—NEGATIVE:**

Student: _____ Grade: _____ DOB: _____

Data Collection Method of Target and Appropriate/Positive Behavior:	**Data Number/Percentage indicating Increase/Decrease in both Target Behavior and Appropriate/Positive Behavior:** (To be filled out during Initial Behavior Plan Review Meeting)

[illegible]ergency [illegible]ty Interventions and Possible Side Effects:

- ❑ **Not Applicabl[illegible]**
- ❑ **Other** _____
- ❑ **Seclusionary Time[illegible]**
  St[illegible]dent is placed in a s[illegible]vised setting for a specified period of time. [illegible]dent may become aggressive or injure themselves or staff when being [illegible]aken to a time-out room.
- ❑ **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.

[illegible] Collection Method:

- ❑ **N[illegible]pplicable**
- ❑ **Time-out Logs and Graphs**
- ❑ **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 _____

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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 I's as needed.			**Strategies to encourage Replacement Behavior/ enhance relationship with the student:**
LRBI Code	LRBI Description	Special Considerations	1
			2
			3
			4
			5

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	

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A-4 ABC OBSERVATION FORM

Antecedent-Behavior-Consequence

Student: _____ Observer: _____

Date: _____ Time: _____ Activity: _____

Context of Incident:

Antecedent:

Behavior:

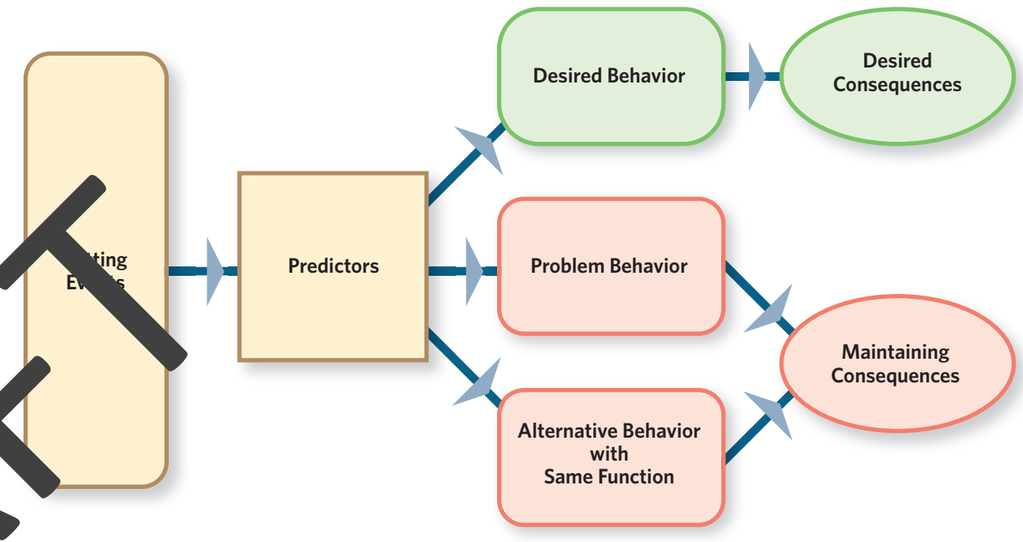
Consequence:

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., Honer, R.H., Sprague, J.R., Storeyand Newtow, J.S. (1995). *Functional assessment and programs development for problem behavior: A practical handbook* (2nd edition), Brooks/Cole Publishing Company.

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A-6 DATA TRIANGULATION CHART

Student: _____ Date: _____

Source 1	Source 2	Source 3
Summary: Antecedents:		

Student: _____ Date: _____

Source 1	Source 2	Source 3
Summary: Antecedents:		

A-7 SCATTER PLOT FORM

Student: _____ Observer: _____

Starting Date: _____ Date of Completion: _____

❑ High Rate of Behavior ❑ Low Rate of Behavior ❑ None of the Behavior

Time in 5-minute Intervals	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10

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A-8 BEHAVIORAL GRAPHING FORM

Student: _____ Behavior: _____

School: _____ Tracking Period: _____

15															
14															
13															
12															
11															
10															
9															
8															
7															
6															
5															
4															
3															
2															
1															
0															
Date	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F

15															
14															
13															
12															
11															
10															
9															
8															
7															
6															
5															
4															
3															
2															
1															
0															
Date	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F

A-9 DURATION DATA RECORDING FORM

Student: _____ Class: _____

Target Behavior/Objective: _____

DATE	INCIDENT	START/END	DURATION	INITIALS
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
	15			
	16			
	17			
	18			
	19			
	20			

Notes/Observations:

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A-10 EMERGENCY SAFETY INTERVENTIONS COMMITTEE MEETING FORM

MEMBERS IN ATTENDANCE:

NAME	POSITION

Teacher Reporting Accountability:

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NEW FOLLOW-UP ITEMS:

- **Elementary Schools—New Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

- **Secondary Schools—New Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

- **Special Schools—New Items**

SCHOOL	TEACHER	CONCERN	FOLLOW-UP BY	DATE OF FOLLOW-UP	HOW RESOLVED

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:

-
-
-
-

rall training issues or considerations:

-
-
-
-
-
-

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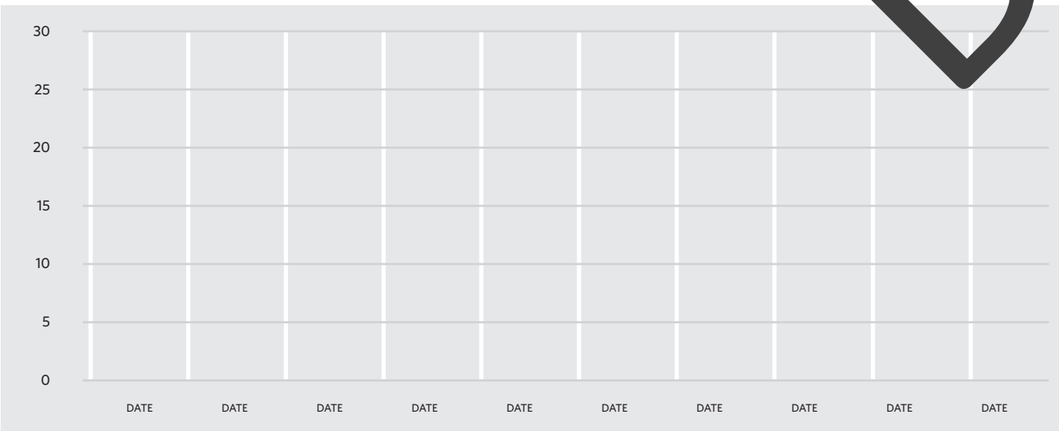
A-11 PHYSICAL RESTRAINT LOG

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

Time



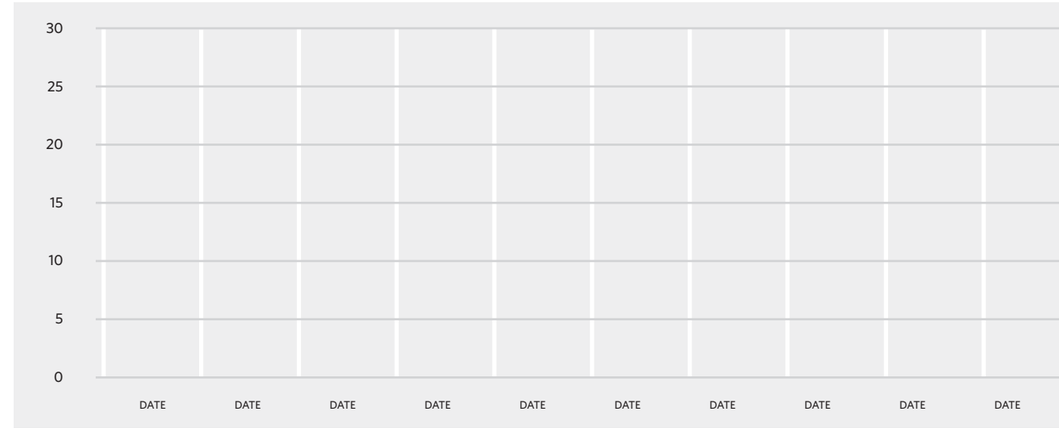
A-12 SECLUSIONARY TIME OUT LOG

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

Time



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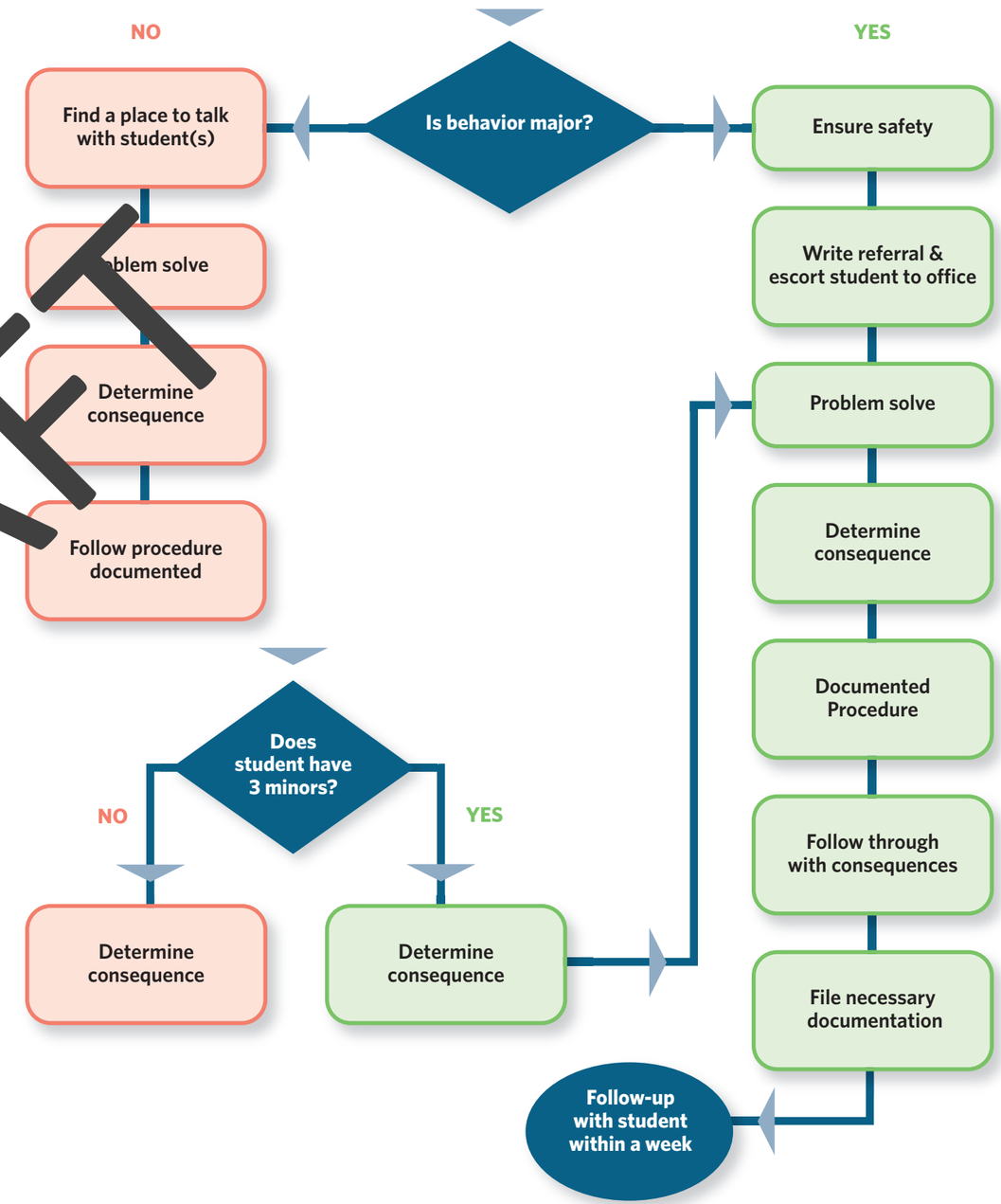
A-13 OFFICE DISCIPLINE CHECKLIST

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	[illegible]
Consider your categories—do you need any of the following categories?	Yes	[illegible]
• Student grade level	[illegible]	No
• Others involved	Yes	[illegible]
• Consequences	Yes	No
• Possible motivation (function)	[illegible]	[illegible]
• 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



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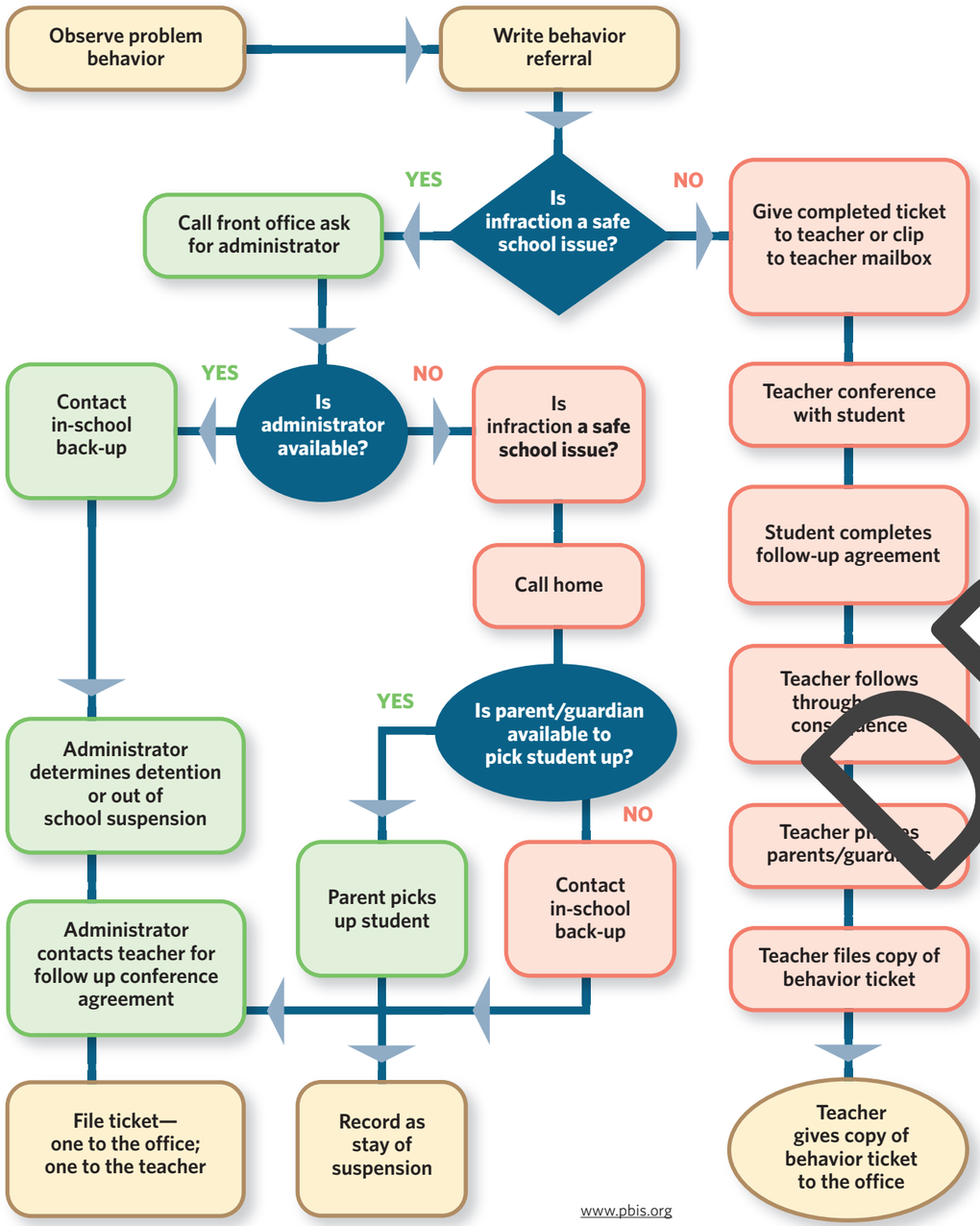
A-15 DETAILED PROCEDURE FOR DEALING WITH MAJOR BEHAVIOR INFRACTIONS



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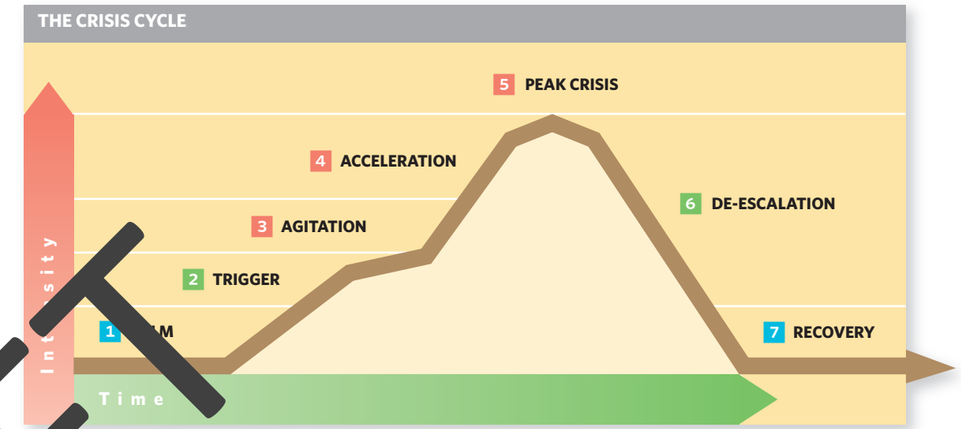
A-16 CRISIS MANAGEMENT PLAN



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: _____

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	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

LEA: _____ Date of Completion: _____

LEA Team Members: _____

UMTSS Representative: _____

INSTRUCTIONS: THE **LEA TEAM** SHOULD COMPLETE THE **LEA PRACTICE PROFILE** FORM WITH THE **UMTSS REPRESENTATIVE,** EVALUATING IMPLEMENTATION OF PRIORITIZED DIRECTIVES IN THE LEA. 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-represented 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 yea.r	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) =					

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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 Guskey 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 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 [illegible] 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).	Acknowledgement 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

LEA: _____ Date of Completion: _____ UMTSS Respresentative: _____

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 PARTICIALLY 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 [illegible] created [illegible] benchmarks for collecting [illegible] implementation [illegible] data [illegible] implementation [illegible] Network—NIRN).	Fidelity and student outcome data are used to inform modifications to implementation (e.g., how can Selection, Training, and Coaching better support fidelity) (NIRN).	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 [illegible] 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, evaluation of coaching fidelity, or use of data to modify coaching structure.	Coaching system not in place for the prioritized professional.	
4 [illegible]ding Leadership [illegible] (BLT) established in schools [illegible]eiving PD that use effective teaming structures to evaluate [illegible]lementation 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.	Resources must be allocated to provide effective PD, including coaching, building level teaming structures, and data systems.	District resources allocated for effective delivery of PD, ongoing follow-up and coaching of the practice, establishment of building-level teams to 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.	

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PROF DEVELOPMENT COMPONENT	SPECIFICATIONS	2 IN PLACE	1 PARTICIALLY IN PLACE	0 NOT IN PLACE	SCORE
10 Implementation and student outcome data are shared regularly w/ stakeholders at multiple levels (SEA, regional, local, individual, community, other agencies). (NIRN)	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 stake-holders (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, coachers, 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 creditable organization and referenced in peer-reviewed journals.	Content has evidence of effectiveness. (effect size > 0.4)	Content has minimal evidence of effectiveness. (effective 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 (Sit & Get, Spray & Pray).	
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, coachers, 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	1 PARTICIALLY 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 and 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: • 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: • 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: • 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: • 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	

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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 that 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 theseries 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 Utah State Board of Education 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 receive IDEA protections.

Fewer than 10 days = Short-Term Removal	More than 10 days = Long-Term Removal
• 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.	• 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 and review IEP. • Consider special factors, supplementary aides and services. • Determine if more assessment data are 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 FBA 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 BIP already has been developed, review the 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 BIP.

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 For purposes of this section, the following definitions apply:

i Controlled substance means a drug or other substance 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).

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 is a training DVD, PowerPoint, and trouble-shooting 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 is a training DVD, PowerPoint and trouble-shooting 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, LEAs, and state education systems operate effectively and efficiently. The complete blueprint can be found at http://www.pbis.org.

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XVII — FREQUENTLY ASKED QUESTIONS (FAQ)

XVII FREQUENTLY ASKED QUESTIONS (FAQ)

What authority do the school and LEA 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 LEA, 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 student's disability; and/or

2 Whether the conduct in question was the direct result of the LEA'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 student'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 student'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 LEA 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 student 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 student carries of possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district.

2 The student 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 LEA.

3 The student has inflicted serious bodily injury upon another person while at school, or school premises, or at a school function under the jurisdiction of the LEA.

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; 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 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 student 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 LEA 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 student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student, that the student is in need of special education and related services.

The parent of the student has requested an evaluation of the student pursuant to IDEA.

3 The teacher of the student or other personnel of the LEA has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of such agency, or to the other supervisory personnel of the agency.

What about a student whose parent has not allowed an evaluation of the student or has refused special education services, or when a previous evaluation has determined that the student was not a student with a disability?

If this student commits an expellable offense, the student may be subject to expulsion.

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XVIII — GLOSSARY OF TERMS

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 LEA to teach ALL students Utah's Core standards and social behavior standards (i.e., PBIS). Assessing student success and selecting practices that are research-based determine effective core instruction.

Curriculum-Based Measuremen (CBM)

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 or there is some certainty that new information will be gained and from 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.

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XVIII — GLOSSARY OF TERMS

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 measureable, 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 Supports (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-based decelerative behavioral intervention (positive or intervention punitive) that temporarily stops or suppresses a behavior.

Reinforcer

A consequent stimulus which increases or maintains the future rate 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 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).

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-477 *Distributions of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program* (Amendment)

Background:
R277-477 was considered for repeal/reenactment by the Board and received final approval at the Board's August 2015 meeting. Since the repeal/reenactment, some Board members would like to discuss the duties of the School Children's Trust Section and make changes to the rule.

Key Points:
The amended rule requires a School LAND Trust Program approving entity to establish a timeline, including deadlines, for a school's council to submit a School LAND Trust plan to the approving entity. The changes also delete the majority of the current approved/unapproved expenditures list and replace the list with more general guidelines and requirements.

Anticipated Action:
It is proposed that the Law and Licensing Committee consider approving the R277-477, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-477, as amended, on second reading.

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R277. Education, Administration.

R277-477. Distributions of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program.

R277-477-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which places general control and supervision of the public school system under the Board;

(b) Subsection 53A-16-101.5(4), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; and

(c) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities.

(2) The Board is the primary beneficiary representative and advocate for the beneficiaries of the School Trust corpus and the School LAND Trust Program.

(3) The purpose of this rule is to:

(a) provide financial resources to a public school to implement a component of a school's improvement plan or charter document in order to enhance and improve student academic achievement;

(b) provide a means to involve a parent of a school’s student in decision-making regarding the expenditure of School LAND Trust Program funds allocated to the school;

(c) provide direction in the distribution of funds from the Interest and Dividends Account, as funded in Subsection 53A-16-101.5(3);

(d) provide for appropriate and adequate oversight of the expenditure and use of funds by a designated local board of education, an approving entity, and the Board;

(e) provide for proper allocation of funds as stated in Subsections 53A-16-101.5(3) and (4), and the appropriate and timely distribution of the funds;

(f) enforce compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and

(g) define the roles, duties, and responsibilities of the School Children's Trust

Director within the USOE.

R277-477-2. Definitions.

(1) “Approving entity” means an LEA governing board, university, or other legally authorized entity that may approve or reject a plan for a district or charter school.

(2)(a) “Charter trust land council” means a council comprised of a two person majority of elected parents of students attending the charter school convened to act in lieu of the school community council for the charter school.

(b) “Charter trust land council” includes a charter school governing board if:

(i) the council meets the two-parent majority requirement; and

(ii) the charter school governing board chooses to serve as the charter trust land council.

(3) “Council” means a school community council or a charter trust land council.

(4) “Digital citizenship” means the same as that term is defined in Section 53A-1a-108.

(5) “Fall enrollment report” means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report of the previous year.

(6) “Funds” means interest and dividends income as defined in Subsection 53A-16-101.5(3).

(7) “Interest and Dividends Account” means the restricted account within the Uniform School Fund created under Subsection 53A-16-101(2).

(8) “Most critical academic need” means an academic need identified in a school's improvement plan or school’s charter.

(9)(a) “Principal” means an administrator licensed as a principal in the state and employed in that capacity at a school.

(b) “Principal” includes the director of a charter school.

(10) “School Children's Trust Director” means the Director appointed by the Board under Section 53A-16-101.6.

(11) “Student” means a child in public school grades kindergarten through 12

counted on the fall enrollment report of a school district, charter school, or USDB.

R277-477-3. Distribution of Funds - Local Board or Local Charter Board Approval of School LAND Trust Plans.

(1) A public school receiving School LAND Trust Program funds shall have:

(a) a school community council as required by Section 53A-1a-108 and Rule R277-491;

(b) a charter school trust land council as required by Subsection 53A-16-101.5(9); or

(c) an approved exemption under this rule.

(2) A public school receiving School LAND Trust Program funds shall submit a principal assurance form, as described in Section R277-491-5 and Subsection 53A-16-101.5(5)(c), prior to the public school receiving a distribution of School LAND Trust Program funds.

(3) A charter school that elects to receive School LAND Trust funds shall:

(a) have a charter trust land council;

(b) be subject to Section 53A-1a-108.1 if the charter trust land council is not a charter school governing board; and

(c) receive training about Section 53A-1a-108.1.

(4) A charter school that is a small or special school may receive an exemption from the charter land trust council composition requirements contained in Subsection 53A-16-101.5(9) upon application to the Board if the small or special school demonstrates and documents a good faith effort to recruit members to the charter trust land council.

(5) The principal of a charter school that elects to receive School LAND Trust funds shall submit a plan to the School Children’s Trust Section on the School LAND Trust website:

(a) no later than April 1; or

(b) for a newly opening charter school, no later than November 1 in the school's first year in order to receive funding in the year the newly opening charter school opens.

(6)(a) An approving entity:

(i) shall consider a plan annually; and

(ii) may approve or disapprove a school plan.

(b) If an approving entity does not approve a plan, the approving entity shall:

(i) provide a written explanation why the approving entity did not approve the plan; and

(ii) request that the school revise the plan, consistent with Section 53A-16-101.5.

(7)(a) To receive funds, the principal of a public school shall submit a School LAND Trust plan to the School Children's Trust Section annually through the School LAND Trust website using the form provided.

(b) The Board may grant an exemption from a school using the USOE-provided form, described in Subsection (7)(a), on a case-by-case basis.

(8) In addition to the requirements of Subsection (6), the School LAND Trust plan described in Subsection (7)(a) shall include the date the council voted to approve the plan.

(9)(a) A council member shall have the opportunity to provide a digital signature indicating the member's involvement in implementing the current School LAND Trust plan and developing the school plan for the upcoming year.

(b) Entering the council member's name and email address into the Council Membership and Signature Form page on the School LAND Trust website and using that system to collect the digital signature shall suffice to meet the requirements of this Subsection (9).

(c) An LEA or district school, upon the permission of the LEA's governing board, may design the LEA or district school's own form to collect the information required by this Subsection (9).

[~~(10)(a) An LEA governing board shall establish a timeline, including a deadline, for a school to submit the school's School LAND Trust plan.~~

~~(b) The deadline described in Subsection (10)(a) may be no later than May 1 of each year.~~

~~(c) Timelines set by an LEA governing board shall allow for council reconsideration and amendment of the School LAND Trust plan if the local board of education rejects a plan.~~]

(10)(a) An approving entity shall establish a timeline, including a deadline, for a school to submit a school's School LAND Trust plan.

(b) A timeline described in Subsection (10)(a) shall:

(i) require a school's School LAND Trust plan to be submitted to the approving entity with sufficient time so that the approving entity may approve the school's School LAND Trust plan no later than May 1 of each year; and

(ii) allow sufficient time for a council to reconsider and amend the council's School LAND Trust plan if the approving entity rejects the school's plan and still allow the school to meet the May 1 approving entity's approval deadline.

(c) After an approving entity has completed the approving entity's review, the approving entity shall notify the School Children's Trust Section that the review is complete.

([~~12~~]11)(a) Prior to approving a plan, an approving entity shall review a School LAND Trust plan under the approving entity's purview to confirm that a School LAND Trust plan contains:

(i) academic goals;

(ii) specific steps to meet the academic goals described in Subsection (12)(a)(i);

(iii) measurements to assess improvement; and

(iv) specific expenditures focused on student academic improvement.

[~~(b)(i) The Superintendent shall review a School LAND Trust plan for compliance with statute and rule.~~]

([~~ii~~]b) The approving entity shall determine whether a School LAND Trust plan is consistent with the approving entity's pedagogy, programs, and curriculum.

(c) Prior to approving a School LAND Trust plan, the president or chair of the approving entity shall provide training annually on the requirements of Section 53A-16-101.5 to the members of the approving entity.

(12)(a) After receiving the notice described in Subsection (10)(c), the School Children's Trust Section shall review each School LAND Trust plan for compliance with the law governing School LAND Trust plans.

(b) The School Children's Trust Section shall report back to the approving entity concerning which School LAND Trust plans were approved and which were not

approved.

(c) An approving entity shall ensure that a School LAND Trust plan that is not approved by the School Children's Trust Section is amended or revised by the council to bring the school's School LAND Trust plan into compliance with state law.

([~~11~~]13) The USOE shall only distribute funds to a school with an approved School LAND Trust plan and that meets all other requirements.

R277-477-4. Appropriate Use of School LAND Trust Program Funds.

[~~(1) Acceptable uses of School LAND Trust Program funds include the following:~~

~~(a) a credit recovery course or program;~~

~~(b) a study skills class;~~

~~(c) a college entrance exam preparation class;~~

~~(d) an academic field trip;~~

~~(e) classroom equipment or materials, including flashcards, math manipulatives, a calculator, microscope, map, or book;~~

~~(f) a teacher, teacher aide, tutor, or other personnel if an employee paid out of School LAND Trust funds spends at least 75% of the employee's time interacting with, instructing, or preparing to instruct a student in an approved academic area;~~

~~(g) professional development directly tied to a school's academic goals, including a faculty meal, per diem, and travel required as a part of a professional development program;~~

~~(h) student focused educational technology, including hardware and software, a computer cart, work station, projector, and smart board.~~

~~(i) a book, textbook, workbook, library book, bookcase, magazine, and audio-visual material;~~

~~(j) a student planner; and~~

~~(k) a nominal student incentive that is academic in nature or of nominal total cost.~~

~~(2) Expenditures ineligible for School LAND Trust Program funding include the following:~~

~~(a) security costs;~~

~~(b) phone, cell phone, electric, HVAC, or other utility;~~

~~(c) a facility, building, or maintenance costs;~~

~~(d) sports and playground equipment;~~

~~(e) an athletic or intramural program;~~

~~(f) an extra-curricular non-academic expenditure;~~

~~(g) an audio-visual system in a non-classroom location;~~

~~(h) a non-academic field trip;~~

~~(i) an expense for a council meeting, parent night, orientation, training, or similar meeting or event;~~

~~(j) mailing costs;~~

~~(k) accreditation costs;~~

~~(l) administrative, clerical, or secretarial costs, technical support, or maintenance, including for repair of an item not purchased with School LAND Trust funds;~~

~~(m) cash or cash equivalent incentives, including a gift card of any type regardless of the recipient;~~

~~(n) furniture;~~

~~(o) a staff bonus; and~~

~~(p) a similar non-instructional item or program.~~

~~(3)(a) A School LAND Trust plan may budget and spend no more than the lesser of $5,000 or 20% of the school's annual allocation of funds for in-school civic and character education, including student leadership skills training and positive behavior intervention.~~

~~(i) A school may designate funds for an in-school civic and character education program or activity if the plan clearly describes how the program or activity will directly affect student academic achievement.~~

~~(ii) A school may use funds to provide digital citizenship training as described in Section 53A-1a-108.~~

~~(b) Notwithstanding other provisions in this rule, a school may use funds as needed to implement students' IEPs.~~]

(1) Parents, teachers, and the principal, in collaboration with an approving entity, shall use School LAND Trust Program funds in data-driven and creative ways

222 to improve educational outcomes.
223 (2)(a) School LAND Trust Program expenditures are required to have a direct
224 impact on the instruction of students in the particular school's areas of most critical
225 academic need.
226 (b) For an expenditure to have a direct impact on the instruction of students,
227 the expenditure typically must be used by a teacher to instruct students in an area
228 of most critical academic need.
229 (3) A school may not use School LAND Trust Program funds for the following:
230 (a) to cover the fixed costs of doing business;
231 (b) for construction, maintenance, facilities, overhead, security, or athletics;
232 or
233 (c) to pay for non-academic in-school, co-curricular, or extracurricular
234 activities.
235 (4) A school district or local school board may not require a council or school
236 to spend the school's School LAND Trust Program funds on a specific use or set of
237 uses.
238 (5)(a) A council may budget and spend no more than the lesser of the
239 following for in-school civic and character education, including student leadership
240 skills training and positive behavior intervention:
241 (i) $5,000; or
242 (ii) 20% of the school's annual allocation of School LAND Trust Program
243 funds.
244 (b) A school may designate School LAND Trust Program funds for an in-
245 school civic or character education program or activity only if the plan clearly
246 describes how the program or activity has a direct impact of the instruction of
247 students in school's areas of most critical academic need.
248 (6) A school may use a portion of school's School LAND Trust Program funds
249 to provide digital citizenship training as described in Section 53A-1a-108.
250 (7) Notwithstanding other provisions in this rule, a school may use funds as
251 needed to implement a student's Individualized Education Plan.

252 **R277-477-5. Distribution of Funds - Determination of Proportionate Share.**

(1) A local school board shall report the prior year expenditure of distributions for each school and adjust the current year distribution of funds received from the School LAND Trust Program as described in Section 53A-16-101.5, as necessary to maintain an equal per student distribution within a school district based on school openings and closings, boundary changes, and other enrollment changes occurring after the fall enrollment report.

(2)(a) For purposes of this Subsection (2) and Subsection (3), “qualifying charter school” means a charter school that:

(i) would receive more funds from a per pupil distribution than the charter school receives from the base payment described in Subsection (2)(c); and

(ii) is not a newly opening charter school as described in Subsection (3).

(b) The Superintendent shall distribute the funds allocated to charter schools as described in this Subsection (2).

(c) The Superintendent shall first distribute a base payment to each charter school that is equal to the product of:

(i) an amount equal to the total funds available for all charter schools; and

(ii) at least 0.4%.

(d) After the Superintendent distributes the amount described in Subsection (2)(c), the Superintendent shall distribute the remaining funds to qualifying charter schools on a per pupil basis.

(3)(a) The Superintendent shall distribute an amount of funds to a newly opening charter school that is equal to the greater of:

(i) the base payment described in Subsection (2)(c); or

(ii) a per pupil amount based on the newly opened charter school’s projected October 1 enrollment count.

(b) The Superintendent shall increase or decrease a newly opening charter school's first year distribution of funds in the school’s second year to reflect the newly opening charter school’s actual first year October 1 enrollment.

(4) If a school chooses not to apply for funds or does not meet the requirements for receiving funds, the USOE shall retain the funds allocated for that school and include those funds in the statewide distribution for the following school year.

R277-477-6. School LAND Trust Program - Implementation of Plans and Required Reporting.

(1) A school shall implement a plan as approved.

(2)(a) The principal shall submit a plan amendment authorized by Subsection 53A-16-101.5(6)(d)(iii) through the School LAND Trust website for approval, including the date the council approved the amendment and the number of votes for, against, and absent.

(b) The approving entity shall:

(i) consider the amendment for approval; and

(ii) approve an amendment before the school uses funds according to the amendment.

(c) The School Children's Trust Section shall review an amendment for compliance with statute and rule before the school uses funds according to the amendment.

(3)(a) A school shall provide an explanation for any carryover that exceeds one-tenth of the school's allocation in a given year in the School LAND Trust Plan or final report.

(b) The USOE shall consider a district or school with a consistently large carryover balance over multiple years as not making adequate and appropriate progress on an approved plan.

(c) The Board may take corrective action to remedy excessive carryover balances as outlined in Section R277-477-9.

(4) By approving a plan on the School LAND Trust website, the approving entity affirms that:

(a) the entity has reviewed the plan; and

(b) the plan meets the requirements of statute and rule.

(5)(a) A district or charter school business official shall enter prior year audited expenditures by specific category on the School LAND Trust website on or before October 1.

(b) The expenditure data shall appear in the final report submitted online by a principal, as required by Section 53A-16-101.5.

(6) A principal shall submit a final report on the School LAND Trust website by October 20 annually.

R277-477-7. School LAND Trust Program - School Children's Trust Section to Review Compliance.

(1)(a) The School Children's Trust Section shall review each school's final report for consistency with the approved school plan.

(b) The School Children's Trust Section shall create a list of all schools whose final reports indicate that funds from the School LAND Trust Program were expended inconsistent with the statute, rule, or the school's approved plan.

(c) The School Children's Trust Section shall annually report a school described in Subsection (1)(b) to the school district contact person, district superintendent, and president of the local board of education or charter board, as applicable.

(2) The School Children's Trust Section may visit a school receiving funds from the School LAND Trust Program to discuss the program, receive information and suggestions, provide training, and answer questions.

(3)(a) The School Children's Trust Director shall supervise annual compliance reviews to review expenditure of funds consistent with the approved plan, allowable expenses, and the law.

(b) The School Children's Trust Director shall report annually to the Board Audit Committee on compliance review findings and other compliance issues.

(c) After receiving the report described in Subsection (3)(b) and any other relevant information requested by the committee, the Board Audit Committee may make a determination regarding questioned expenditures and corrective action as outlined in Section R277-477-9.

R277-477-8. School Children's Trust Director - Other Provisions.

(1)(a) The School Children's Trust Director is an employee of the Board, pursuant to Section 53A-16-101.6 and Board bylaws.

(b) The School Children's Trust Director shall report to the Board Audit Committee monthly.

(c) The School Children's Trust Director shall report day-to-day to the Superintendent or the Superintendent’s designee.

(2)(a) The School Children's Trust Director shall submit a draft section budget to the Board Audit Committee annually, consistent with Subsection 53A-16-101.6(5)(a).

(b) The School Children's Trust Director shall include in the draft budget a proposed School LAND Trust Program and training schedule, as described in Subsection 53A-16-101.6(13).

(3) In addition to the duties established in Section 53A-16-101.6, the School Children's Trust Director shall:

(a) assist the Board as needed as its designee in fulfilling its duties as primary beneficiary representative for school trust lands and funds;

(b) provide independent oversight of an agency managing school trust lands and the permanent State School Fund to ensure the trust assets are managed prudently, profitably, and in the best interest of the beneficiaries;

(c) review and approve a charter school plan on behalf of the State Charter School Board;

(d) provide notice as necessary to the State Charter School Board of changes required of charter schools for compliance with state statute and rule;

(e) review and approve a plan submitted by the USDB governing board as necessary; and

(f) carry out the policy direction of the Board under law and faithfully adhere to the Board-approved budget.

(4) The employees of the School Children's Trust Section report to the School Children's Trust Director.

R277-477-9. Failure to Comply with Rule.

(1) If a local school board, school district, district or charter school, or council fails to comply with the provisions of this rule, the School Children's Trust Director may report the failure to the Audit Committee of the Board.

(2) If the Audit Committee of the Board finds that any local school board, school district, district or charter school, or council failed to comply with statute or

rule, the Audit Committee may recommend that the Board take any or all of the following actions:

(a) in cooperation with the local school board or charter school governing board, develop a corrective action plan for the school district, district or charter school, or council;

(b) require the school to reimburse the School LAND Trust Program for any inappropriate expenditures;

(c) reduce, eliminate, or withhold future funding; or

(d) any other necessary and appropriate corrective action.

(3) The Board may, by majority vote, take any of the actions outlined in Subsection (2) to correct or remedy a violation of statute or rule by a local school board, school district, district or charter school, or council.

KEY: schools, trust lands funds

Date of Enactment or Last Substantive Amendment: 2015

Notice of Continuation: August 13, 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-16-101.5(3)(c); 53A-1-401(3)

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-606 *Public School Student Dropout Recovery* (New/Amendment)

Background:
R277-606 was drafted in response to S.B. 116, Public School Dropout Recovery. The Board reviewed and approved the rule, with amendments, in June 2015.

Key Points:
R277-606 provides procedures and requirements for LEAs to develop a dropout recovery program. The rule was reviewed, amended, and approved by the Board on first and second readings in June. The rule needs further revision to amend the procedures for calculating membership for eligible students participating in a dropout recovery program to exclude the option of counting a student in a charter school's October 1 count, and make other changes that will be discussed by the Board.

Anticipated Action:
It is proposed that the Law and Licensing Committee consider approving the additional amendments to R277-606 and, if approved by the Committee, the Board consider approving R277-606, as amended, on third and final reading.

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R277. Education, Administration.

R277-606. Dropout Recovery Program.

R277-606-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Section 53A-17a-172, which requires the Board to develop rules to set policies related to a dropout recovery program;

(b) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board; and

(c) Subsection 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is to:

(a) develop policies related to an LEA's dropout recovery program;

(b) establish procedures for calculating average daily membership for students who participate in a dropout recovery program; and

(c) set reporting requirements for LEAs with a dropout recovery program.

R277-606-2. Definitions.

For purposes of this rule:

(1) "Adequate monthly progress" has the same meaning as that term is defined in Section 53A-17a-172.

(2) "Attainment goal" has the same meaning as that term is defined in Section 53A-17a-172.

(3) "Average daily membership" means the same as that term is defined in Section 53A-17a-103.

(4) "Cohort" means the same as that term is defined in Section 53A-17a-172.

(5) "College and career readiness work" means the same as that term is defined in Section 53A-17a-172.

(6) "Eligible student" means a student:

(a) who has withdrawn from a secondary school prior to earning a diploma with no legitimate reason for departure or absence from school;

(b) who was dropped from average daily membership because the student was not able to be counted by an LEA in membership because the student was not

meeting an applicable continuing enrollment measurement chosen by the LEA as described in Subsection R277-419-5A(2); and

(c)(i) whose cohort has not yet graduated; or

(ii) whose cohort graduated in the previous school year.

(7) “LEA” does not include:

(a) an alternative school as defined in Section 53A-1-1102; or

(b) a statewide virtual school.

(8)(a) “Statewide course or program” means a statewide course or program that:

(i) a student is able to enroll in; and

(ii) an LEA is able to count the student for enrollment as described in R277-419.

(b) “Statewide course or program” includes the Statewide Online Education Program described in Title 53A, Chapter 15, Part 12, Statewide Online Education Program Act.

(9) “Third party provider” means a third party who provides educational services on behalf of an LEA.

R277-606-3. LEA Dropout Recovery Programs.

(1) Beginning with the 2015-16 school year, an LEA that serves students in grades 9, 10, 11, or 12 shall provide a dropout recovery program for an eligible student with the dropout recovery services described in Subsection 53A-17a-172(2).

(2) An LEA that meets the description of an LEA required to contract with a third party provider as described in Subsection 53A-17a-172(4) shall contract with a third party provider to provide the dropout recovery services described in Subsection (1).

(3) An eligible student may:

(a) re-enroll in an LEA or statewide course or program; or

(b) participate in an LEA’s dropout recovery program.[~~; or~~

~~(c) both.~~]

([~~5~~]4) [~~If an eligible student re-enrolls in an LEA or statewide course or program, the~~]An LEA may count [~~the~~]an eligible student[~~:~~

63 ~~(a)~~] in average daily membership in accordance with R277-419[~~; or~~
64 ~~(b) for the 2015-16 school year only, using October 1 counts if the LEA is a~~
65 ~~charter school.~~] if the eligible student:
66 (a) re-enrolls in the LEA or statewide course or program;
67 (b) meets all eligibility requirements in R277-419; and
68 (c) re-enrolls in the LEA at such a level the LEA can count the eligible student
69 in regular membership.
70 (5) An LEA that enrolls an eligible student in a dropout recovery program
71 shall:
72 (a) develop a written policy that describes:
73 (i) how the LEA or the LEA's third party provider will measure and report
74 adequate monthly progress as required in Section R277-606-4; and
75 (ii) how membership days in the dropout recovery program will be determined
76 for the eligible student's progress in accordance with the LEA's established school
77 schedule and enrollment policies; and
78 (b) indicate that the student is enrolling in the LEA's dropout recovery program
79 in accordance with current UTREx specifications.
80 ([~~4~~]6)(a) If an eligible student chooses to enroll in a dropout recovery program,
81 the LEA, in consultation with the eligible student, shall prepare, in accordance with
82 the LEA's written policy described in Subsection (5), a learning plan for the eligible
83 student that includes:
84 (i) an attainment goal for the eligible student; and
85 (ii) how the LEA will measure the eligible student's adequate monthly progress
86 toward the attainment goal in accordance with the LEA's written policy described in
87 Subsection (5).
88 (b) If an LEA is required to contract with a third party provider to provide
89 dropout recovery services, the third party provider shall:
90 (i) work with the LEA to prepare a learning plan for an eligible student
91 described in Subsection ([~~4~~]5)(a);
92 (ii) regularly report an eligible student's progress in accordance with the LEA's
93 written policy described in Subsection (5); and
94 (iii) maintain documentation:

(A) required to validate that an eligible student is meeting adequate monthly progress; and

(B) required by the LEA for the LEA to meet the requirements of Subsection R277-606-4(4).

([~~6~~]7)(a) Subject to Subsection ([~~7~~]8), if an eligible student participates in a dropout recovery program as described in Subsection (3)(b)[~~ or (3)(c)~~]:

(i) an LEA may receive an amount equal to the product of the following for each eligible student who participates in the LEA's dropout recovery program:

(A)(I) the value of one k-12 WPU for that school year; divided by

(II) 180 days; and

(B) subject to [~~Subsection (6)(b)~~]the LEA's written policy, the number of days that eligible student made adequate monthly progress; and

(ii) may not count the student as described in Subsection ([~~5~~]4).

[~~(b) An LEA using the formula described in Subsection (6)(a) may not count a student for more than 22 school days for each month that the eligible student makes adequate monthly progress.~~]

([~~c~~]b) If an eligible student participates in a dropout recovery program as described in Subsection (3)(b)[~~ or (3)(c)~~], the Superintendent may not distribute to the LEA an amount that is more than the value of the kindergarten through grade 12 weighted pupil unit, excluding add-on weighted pupil units, for the eligible student each school year.

([~~7~~]8) An LEA may receive an amount as described in Subsection ([~~6~~]7) for an eligible student for a month if:

(a) the LEA or third party provider has a personalized learning plan in place for the eligible student on or before the first school day of the first month that the eligible student participates in the dropout recovery program; or

(b) beginning with month two, the eligible student meets the definition of adequate monthly progress for the month, pursuant to the LEA's written policies.

[~~(8) The Superintendent shall use the information provided by an LEA described in Subsection R277-406-4(3) to determine the progress of each student in grade 3 within the following categories:~~

~~(i) well-above typical;~~

~~(ii) above typical;~~

~~(iii) typical;~~

~~(iv) below typical; or~~

~~(v) well-below typical.]~~

(9)(a) If an eligible student is a student with a disability and an LEA provides dropout recovery services without using a third party provider, the LEA shall:

(i) prepare an IEP or Section 504 plan for the eligible student; and

(ii) provide the dropout recovery services in accordance with the student's IEP or Section 504 plan.

(b) If an eligible student is a student with a disability and an LEA contracts with a third party provider to provide dropout recovery services to the eligible student:

(i) the LEA shall prepare an IEP or Section 504 plan for the eligible student; and

(ii) the third party provider shall provide the dropout recovery services to the eligible student in accordance with the eligible student's IEP or Section 504 plan.

R277-606-4. Reporting Requirements and Audits.

(1)(a) Beginning with the 2015-16 school year, on or before August 1, 2016 and on or before August 1 each year thereafter, an LEA shall submit a report to the Superintendent on the LEA's dropout recovery services.

(b) The report described in Subsection (1)(a) shall include:

(i) the information described in Section 53A-17a-172; and

(ii) if applicable, the name of a third party provider the LEA is contracting with to provide dropout recovery services.

(2) A third party provider working with an LEA on the LEA's dropout recovery program shall report any information requested by the LEA including any information required for the LEA to submit a report described in Subsection (1).

(3) The Superintendent shall:

(a) review LEA reports described in Subsection (1); and

(b) ensure that an LEA described in Subsection R277-606-3(2) contracts with a third party provider as required in R277-606-3.

(4)(a) An LEA shall maintain documentation to comply with the requirements

of Section 53A-17a-172 and this rule.

(b) The Board or the Superintendent may request an audit of an LEA's dropout recovery program.

KEY: dropout recovery; pupil accounting

Date of Enactment of Last Substantive Amendment: 2015

Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-172

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-438 *Dual Enrollment* (Amendment)

Background:

R277-438 is amended to provide technical and conforming changes to the rule and bring the rule into compliance with Utah Code. Recently staff members have received concerns from parents who are confused about dual enrollment requirements.

Key Points:

R277-438 is amended to clarify a student's right to dual enroll simultaneously in a private or home school and a public school. It is also amended to distinguish "dual enrollment" from the statutory requirement to allow a home, private, charter, or online school student to participate in activities at another public school. The amendments also provide changes to numbering and make technical corrections throughout the rule.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-438, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-438, as amended, on second reading.

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R277. Education, Administration.

R277-438. Dual Enrollment.

R277-438-[~~2~~]1. Authority and Purpose.

[~~A.~~](1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of the public school system under the [~~b~~]Board[~~,~~];

(b) [~~by~~] Subsection 53A-1-402(1)(b), which directs the Board to establish rules and minimum standards for access to programs;[~~ and by Section 53A-11-102.5 directing the Board to make rules to permit home school, charter and online students and private school students to participate in public school extracurricular or co-curricular school activities.~~]

(c) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities; and

(d) Section 53A-11-102.5, which governs dual enrollment.

[~~B.~~](2) The purpose of this rule is to provide consistent statewide procedures and criteria for a home school and private school student's[~~'~~] participation in a public school course, co-curricular activit[~~ies~~]y, or program.[~~ A further purpose is to provide procedures and criteria for charter school and online school students to participate in traditional public school activities consistent with R277-494.~~]

R277-438-[~~1~~]2. Definitions.

[~~A. "Accredited" means evaluated and approved under the standards of the Northwest Accreditation Commission or the accreditation standards of the Board, available from the USOE Accreditation Specialist.~~

~~[B. "Board" means the Utah State Board of Education.~~

~~[C. "Charter school" means a school acknowledged as a charter school by a local board of education under Section 53A-1a-515 and by R277-470, or by the Board under Section 53A-1a-505.~~]

(1) "Co-curricular activity" means a school district or school activity, course, or experience that includes a required regular school day component and an after school component, including a special program or activity such as a program for a gifted and talented student, a summer program, and a science or history fair.

[~~D.~~](2) “Dual enrollment student” means a student who is enrolled simultaneously in[~~ public~~]:

(a) a private school [~~and in a~~]or home school[~~,~~]; and

(b) a [~~Utah charter school, a Utah online school, or a regularly established private~~]public school.

[~~E.~~](3) “Eligibility” means a student’s fitness and availability to participate in a school course, activit[~~ies~~]y, or program governed by this rule[~~. Eligibility~~] that is determined by a number of factors, including:

(a) residency[~~ (of student and legal guardian),~~];

(b) scholarship[~~,~~];

(c) age[~~,~~]; and

(d) the number of semesters of participation in a particular course, activity, or program.

[~~F.~~](4) “Full-time student” means a student earning the school district designated number[~~(s)~~] and type[~~(s)~~] of credits required for participation in a [~~extracurricular or interscholastic~~] course, activit[~~ies~~]y, or program in the school district in which the student's parent[~~ or legal guardian~~] resides.

[~~G.~~](5) “Home school” means a school in the state comprised of one or more students officially excused from compulsory public school attendance under Section 53A-11-102.

[~~H. “Online school” means a school:~~

~~(1) that provides the same number of classes consistent with the requirement of similar resident schools;~~

~~(2) that delivers course work via the internet;~~

~~(3) that has designated a readily accessible contact person; and~~

~~(4) that provides the range of services to a public education students required by state and federal law.~~]

[~~I. “Previous academic grading period” means the most recent period as defined by the school district for which a student received a recorded grade.~~]

[~~J.~~](6) “Private school” means a school [~~satisfying the following criteria~~]in the state that:

([~~1~~]a) is maintained by a private individual[~~s~~] or corporation[~~s~~];

([~~2~~]b) is maintained and operated not at public expense;

([~~3~~]c) is generally supported, in part at least, by tuition fees or charges;

([~~4~~]d) operate[~~d~~]s as a substitute for, and giv[~~ing~~]es the equivalent of, instruction required in a public school[~~s~~];

([~~5~~]e) employ[~~ing~~]s a teacher[~~s~~] able to provide the same quality of education as a public school teacher[~~s~~];

([~~6~~]f) is established to operate indefinitely and independently, not dependent upon age of the students available or upon individual family situations; and

([~~7~~]g) is licensed as a business by the[~~ Utah~~] Department of [~~Business Regulations~~]Commerce.

(7)(a) "Resident school" means a public school:

(i) that is under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards; and

(ii) within whose boundaries a student's custodial parent resides.

(b) "Resident school" does not mean a charter school or online school.

[~~K. "School participation fee" means the fee paid by the charter/online school to the traditional school consistent with the fee schedule of R277-494-4 for student participation in extracurricular or co-curricular school activities.~~]

[~~L.~~](8) "Student participation fee" means [~~the~~]a fee charged to all participating [~~charter/online and traditional school~~]students by the resident school for [~~designated extracurricular~~]enrollment in a course, program, or co-curricular school activit[~~ies~~]y consistent with Rule R277-407.

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

R277-438-3. Private and Home School Student Participation in a Public School Course, [~~Extracurricular or~~]Co-curricular [~~ School~~] Activit[~~ies~~]y, or Program.

[~~A.~~](1) A [~~S~~]student[~~s~~] who is exempt[~~ed~~] from compulsory public school education by [~~the~~]a local school board for instruction in a private or home school[~~s~~] may [~~be eligible for~~]enroll in the student's resident school as a dual enrollment student and participat[~~ion~~]e in a [~~extracurricular or~~]course, co-curricular [~~public school~~] activit[~~ies~~]y, or program at the student's resident school [~~provided they are~~]if the student tak[~~ing~~]es courses comparable to [~~traditional~~]resident school courses or

earn[~~ing~~]s credit under options outlined in Section R277-700-6 in at least as many of the designated courses as required by the local school board of a student[~~s~~] for participation in th[~~at~~]e course, co-curricular activity, or program.

(2) A public school that is not the student's resident school may allow a private or home school student to enroll in the public school, including in a single course or program, as a dual enrollment student, at the discretion of the public school.

[~~B. The private or home school student may only participate in extracurricular or co-curricular school day activities at the school within whose boundaries the student's custodial parent(s) or legal guardian resides.~~]

[~~C.~~](3) A [~~D~~]dual enrollment student[~~s shall be~~] is eligible [~~for~~]to participate in a [~~extracurricular or~~]course, co-curricular[~~ school~~] activit[~~ies~~]y, or program:

(a) consistent with the eligibility standards for [~~fully enrolled traditional public school~~]a full-time student[~~s~~], including providing a report card[~~s~~] and citizenship information to [~~activity sponsors and coaches~~]the resident school or other school described in Subsection (2) upon request[~~.~~];

(b) in accordance with Section 53A-11-102.5; and

(c) in accordance with the provisions of Subsection 53A-11-102.6(2)(d).

R277-438-4. Fees for Private and Home School Students.

[~~A. Private and home school students are responsible for student participation fees in the same manner as full-time public school students.~~]

[~~B.~~] A school or school district shall waive a [~~S~~]student participation fee[~~s~~] for a dual enrollment private[~~, charter, online~~] or home school student[~~s shall be waived by the school or school district~~] if:

(1) the student[~~s are~~] is eligible; and

(2) the parent[~~s~~] provides required documentation under Section 53A-12-103 and Rule R277-407, School Fees.[~~ The charter or online schools shall be responsible for payment of waived fees to the resident school district.~~]

[~~**R277-438-5. Utah Charter and Utah Online School Student Participation in Extracurricular or Co-curricular School Activities.**~~

~~A. Utah charter school and Utah online school students shall be eligible to~~

~~participate in extracurricular and co-curricular school activities at their public schools of residence consistent with Section 53A-1a-519, Section 53A-2-214, and R277-494.~~

~~B. Charter schools and online schools may determine if the schools shall allow students to participate in extracurricular or co-curricular school activities at the students' resident schools understanding:~~

~~(1) That the charter/online school is responsible for the school participation fees associated with the designated activity consistent with Section R277-494-4;~~

~~(2) If the charter/online school allows one student to participate in a given activity, the charter/online school shall allow all interested students to participate;~~

~~(3) That the charter/online school is responsible for the school participation fee;~~

~~(4) That the student shall be allowed to participate only upon payment of the school participation fee by the school;~~

~~(5) That the charter/online school shall cooperate fully with all resident schools regarding students' participation in try-outs, practices, pep rallies, team fund raising efforts, scheduled games and required travel and provision of complete and prompt reports of student academic and citizenship progress or grades, upon request; and~~

~~(6) That charter/online students' parents are responsible for the students' transportation to the school with which the student participates; and~~

~~(7) That the charter/online school is responsible for any student participation fees required of all student participants in the activity if the participating student is eligible for fee waivers under R277-407.~~]

R277-438-[~~6~~]5. Miscellaneous Issues.

[~~A.~~](1) A dual enrollment student attending an activit[~~ies~~]y or a portion of [~~the~~]a school day under [~~the provisions of~~]Section 53A-11-102.5 [~~shall be~~]is subject to the same behavior and discipline rights and requirements of a full-time[~~ resident school~~] student.

[~~B.~~](2) A dual enrollment student who attends an activity or a portion of the school day [~~shall be~~]is subject to the administrative scheduling and teacher discretion of the [~~traditional~~]public school.

[~~C.~~](3)(a) A dual enrollment student with a disabilit[~~ies~~]y may participate as a dual enrollment student consistent with[~~ Utah~~] law, this rule and [~~Code of Federal Regulations (CFR) Vol. 64, No. 48, Section~~]34 CFR 300.450 through 300.455.

[~~(1) If a student with disabilities who attends a charter or online school desires to participate in dual enrollment, the charter/online school is responsible for accommodations or extra costs to the student's resident school for the student's participation.~~]

([~~2~~]b) [~~The~~]A dual enrollment student's resident school shall prepare an IEP for a student described in Subsection (3)(a) [~~shall have a services plan in place~~] prior to the student's participation in dual enrollment using comparable procedures to those required for identifying and evaluating public school students[~~;~~].

([~~3~~]c) A [~~S~~]student[~~s~~] with a disabilit[~~ies~~]y seeking dual enrollment [~~shall be~~]is entitled to services only in the same proportional amount that the number of private school students residing in the school district is to the total number of students with a disabilit[~~ies~~]y in the school district.

([~~4~~]d) Decisions about the scheduling and manner of services provided [~~shall be~~]is the responsibility of the resident school and school district personnel.

([~~5~~]e) A [~~S~~]school[~~s and~~] or a school district[~~s are~~] is not prohibited from providing a service[~~s~~] to a student[~~s~~] who [~~are~~]is not enrolled full time in excess of those required by [~~R277-438-6~~]this section.

(4)(a) An LEA shall accept credits toward graduation from a private school if the private school and the LEA are accredited by the same accrediting organization.

(b) An LEA shall develop a process for a student to receive credit toward graduation at the LEA for credit or work done in a home school or non-accredited private school.

KEY: public education, dual enrollment

Date of Enactment or Last Substantive Amendment: [~~November 10, 2008~~]2015

Notice of Continuation: March 14, 2014

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-11-102.5

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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: September 17-18, 2015

ACTION: R277-494 *Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities* (Amendment and Continuation)

Background:

1. R277-494 is amended to include provisions related the home and private school student participation in extracurricular or co-curricular activities and to provide technical and conforming changes to the rule.
2. In addition to the amendments to R277-494, the rule is continued consistent with Board policy for continuation of rules and the Utah Administrative Rulemaking Act. The rule was last continued effective October 4, 2013.

Key Points:

1. The amendments include provisions related to home and private school student participation in extracurricular or co-curricular activities and provide changes to numbering and terminology throughout the rule.
2. R277-494 continues to be necessary because it provides procedures for informing school districts, charter schools, online schools, and parents of school participation fees and state-determined requirements for a charter, online, home, or private school student to participate in extracurricular athletics and activities at a student's boundary school.

Anticipated Action:

1. It is proposed that the Law and Licensing Committee consider approving R277-494, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-494, as amended, on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-494 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-494 for continuation on second reading.

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R277. Education, Administration.

R277-494. Charter, Online, Home, and Private School[~~ and Online~~] Student Participation in Extracurricular or Co-curricular School Activities.

R277-494-[~~2~~]1. Authority and Purpose.

[~~A.~~](1) This rule is authorized by:

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

(b) Subsection 53A-1-401(3), which permits the Board to adopt rules in accordance with its responsibilities[~~,~~];

(c) Subsection 53A-1a-519(6)(a)[~~)~~], [~~that~~]which directs the Board to make rules establishing fees for a charter school student's participation in extracurricular or co-curricular activities at [~~school district~~]certain public schools[~~,~~]; and

(d) Subsection 53A-2-214(6), which directs the Board to make rules establishing fees for an online student's participation in extracurricular or co-curricular activities at [~~school district~~]certain public schools.

[~~B.~~](2) The purpose of this rule is to inform school districts, charter and online schools, and parents of:

(a) school participation fees; and

(b) state-determined requirements for a charter school or a public online school student to participate in an extracurricular[~~ athletics and~~] activit[~~ies~~]y at a student's boundary school.

R277-494-[~~1~~]2. Definitions.

[~~A.~~](1) "Activity fee[~~s~~]" means a fee[~~s~~] that:

(a) [~~are~~]is approved by a local school board or public school[~~ and~~];

(b) is charged to all students to participate in an[~~y or all~~] activit[~~ies~~]y sponsored by or through the public school[~~.~~]; and

(c) [~~Fees vary among districts and schools and~~]entitles a public school student to:

(i) participate in a [~~regular~~]school activit[~~ies~~]y[~~,~~];

(ii) [~~to~~]try out for an extracurricular or co-curricular school activit[~~ies~~]y[~~,~~];

(iii) [~~to~~]receive transportation to an activit[~~ies~~]y[~~,~~]; and

(iv) [~~to~~]attend a regularly scheduled public school activit[~~ies~~]y.

[~~B. "Board" means the Utah State Board of Education.~~

~~C. "Charter school" means a school acknowledged as a charter school by a chartering entity under Sections 53A-1a-515, 53A-1a-521, and R277-470 or by the Board under Section 53A-1a-505.~~]

[~~D.~~](2) "Co-curricular activity" means a school district or school activity, course, or experience that includes a required regular school day component and an after school component[~~;~~], including a special program[~~s~~] or activit[~~ies~~]y such as a program[~~s~~] for a gifted and talented student[~~s~~], a summer program[~~s~~], and a science [~~and~~]or history fair[~~s are co-curricular activities~~].

[~~E.~~](3) "Extracurricular activity" means an athletic program or activity sponsored by [~~the~~]a public school and offered, competitively or otherwise, to a public school student[~~s~~] outside of the regular school day or program.

[~~F. "Online school" means a school:~~

~~(1) that provides the same number of classes consistent with the requirement of similar public schools;~~

~~(2) that delivers course work via the internet;~~

~~(3) that has designated a readily accessible contact person; and~~

~~(4) that provides the range of services to public education students required by state and federal law.~~]

(4) "Online school" means a formally constituted public school that offers full-time education delivered primarily over the internet.

(5) "Qualifying school" means:

(a) for purposes of a charter school student, a school described in Subsection 53A-1a-519(1);

(b) for purposes of an online school student, a school described in Subsection 53A-2-214(2); and

(c) for purposes of a private or home school student, a school described in Subsection 53A-11-102.6(2)(c).

[~~G. "Pay to play fees" means the fees charged to a student to participate in a specific school-sponsored extracurricular or co-curricular activity. All fees shall be approved annually by the local board of education.~~]

[~~I.~~](6) “[~~Student’s s~~]School of enrollment” means the public school [~~in which the student is enrolled consistent with Section 53A-11-101 et seq.~~]that maintains the student's cumulative file, enrollment information and transcript for purposes of high school graduation.

[~~K.~~](7) “School participation fee” means the fee paid by the charter[~~/~~] or online school to [~~the boundary~~]a qualifying school consistent with Section R277-494-[~~4~~]3 for student participation in an extracurricular[~~ or co-curricular~~] activit[~~ies~~]y.

[~~H. “Student’s boundary school” means the school the student is designated to attend according to where the student’s legal guardian lives or the school where the student is enrolled under Section 53A-2-206.5 et seq.~~]

[~~J. “Student fee waivers” means all expenses for an activity that are waived for student participation in the activity consistent with Section 53A-12-103 et seq. and R277-407.~~]

[~~L.~~](8) “Student participation fee” means the fee charged to all participating[~~ charter/online and traditional school~~] students by [~~the boundary~~]a qualifying school for a designated extracurricular or co-curricular activit[~~ies~~]y consistent with Rule R277-407.

R277-494-3. [~~Requirements for Payment and Participation Integral to the Schedule~~]Charter and Online School Student Participation in Extracurricular Activities at Another Public School.

[~~A.~~](1) A charter or online school[~~ shall allow~~] student may participat[~~ion~~]e in an extracurricular activit[~~ies~~]y [~~designated under R277-494-1E upon~~]at a qualifying school if:

(a) the extracurricular activity is not offered by the student’s charter or online school;

(b) the student satisf[~~action of~~]ies the requirements[~~ and payments~~] of this rule;[~~ and~~]

(c) [~~satisfaction of school district~~]the student meets the qualifying school’s standards and requirements[~~.~~]; and

(d) the student's parent agrees to provide the student transportation to the qualifying school for the extracurricular activity.

(2)(a) A charter or online school of enrollment shall determine if the school will allow students to participate in extracurricular or co-curricular school activities at qualifying schools.

(b) If a charter or online school allows one student to participate in a extracurricular or co-curricular activity at a qualifying school, the charter or online school shall allow all interested students to participate.

[~~B.~~](c) A charter or online school student's school of enrollment shall pay a school participation fee of $75.00 per student[~~ shall be paid by the student's school of enrollment~~] to the [~~boundary~~]qualifying school at which the charter or online school student desires to participate.

(d) Upon annual payment of the school participation fee, the student may participate in all extracurricular school activities [~~as defined in R277-494-1E~~]at the school during the school year for which the student is qualified and eligible.

(e) A charter or online school of enrollment shall cooperate fully with all qualifying schools:

(i) regarding students' participation in try-outs, practices, pep rallies, team fund raising efforts, scheduled games, and required travel; and

(ii) by providing complete and prompt reports of student academic and citizenship progress or grades, upon request.

[~~C.~~](3)(a) The school participation fee [~~paid by the charter or online school~~]described in Subsection (2)(c) is in addition to:

(i) [~~individual~~]a student participation fee[~~s~~] for a specific extracurricular activit[~~ies~~]y; and

(ii) the activity fee[~~s~~] charged to all students in [~~the~~]a [~~secondary~~]qualifying school to supplement a school activit[~~ies~~]y as assessed by the school consistent with this rule.

(4) Except as provided in Subsection (6), a charter or online school [~~S~~]student who participates in an extracurricular activity at a qualifying school shall pay a student participation fee[~~s~~] or required activity fee[~~s shall be paid~~] to the [~~boundary~~]qualifying school [~~by the participating student~~]in accordance with deadlines set by the qualifying school.

[~~D.~~](5) All fees, including school participation fees, student participation fees,

and activity fees shall be paid prior to a charter or online school student's participation in an activity at the qualifying school.

[~~E.~~](6) If a participating charter or online school student qualifies for a fee waiver[~~s~~], in accordance with Rule R277-470, the charter or online student's school of enrollment shall pay all waived student participation fees[~~ shall be paid~~] to the [~~boundary~~]qualifying school[~~ by the student's school of enrollment~~] prior to the student's participation in an activity at the qualifying school.

R277-494-4. [~~Additional Provisions~~]Charter or Online School Student Participation in Co-Curricular Activities.

[~~A.~~](1)(a) A [~~C~~]charter[~~,~~] or online school [~~and traditional~~]may negotiate with another public school[~~s may negotiate~~] to allow a charter or online student to participat[~~ion~~]e in a co-curricular activit[~~ies~~]y at the other public school, [~~such as~~]including:

(i) a debate, drama, or choral program[~~s,~~];

(ii) a specialized course[~~s~~] or program[~~s~~] offered during the regular school day[~~,~~]; and

(iii) a school's [~~district-~~]sponsored enrichment program[~~s~~] or activit[~~ies~~]y.

(b) [~~Participating charter/online students shall be required to~~]A student who participates in a co-curricular activity described in Subsection (1)(a) shall meet:

(i) [~~all~~]the same attendance and course requirements expected of [~~all boundary~~]the public school's full-time students[~~.~~];

(ii) for a charter school student, the requirements of Subsection 53A-1a-519(3); and

(iii) for an online school student, the requirements of Subsection 53A-2-214(3).

[~~B.~~](2) A charter [~~and~~]or online school student participating under this rule shall meet all eligibility requirements and timelines of the [~~boundary~~]public school.

R277-494-5. Private or Home School Student Participation in Extracurricular Activities.

(1) In accordance with Section 53A-11-102.6, a private or home school

student may participate in an extracurricular activity at a qualifying school if:

(a) for a private school student, the extracurricular activity is not offered by the student's private school;

(b) the student satisfies the requirements of:

(i) Section 53A-11-102.6; and

(ii) this rule; and

(c) the student meets the qualifying school's standards and requirements.

(2) Except as provided in Subsection (3), a private or home school student shall pay a student participation fee or required activity fee to the qualifying school:

(a) before the student may participate in the extracurricular activity at the qualifying school; and

(b) in accordance with deadlines set by the qualifying school.

(3) If a private or home school student qualifies for a fee waiver in accordance with Rule R277-407, the qualifying school shall waive the student participation fee or required activity fee in accordance with the requirements of Rule R277-407, School Fees.

R277-494-6. Private or Home School Student Participation in Co-curricular Activities.

A private or home school student may participate in a co-curricular activity at a public school in accordance with the dual enrollment provisions of rule R277-438.

KEY: extracurricular, co-curricular, activities, student participation

Date of Enactment or Last Substantive Amendment: [~~December 9, 2013~~]2015

Notice of Continuation: [~~October 4, 2013~~]2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1a-519(6)(a); 53A-2-214(6)

Standards and Assessment Committee - 1st Floor South Conference Room 156

Time for public comment may be provided prior to each item

All versions of rules presented will be accessible at
http://schools.utah.gov/law/Administrative-Rules/USBE.aspx

ACTION: Approval of Previous Meeting Minutes	Tab 4-V
INFORMATION: UPSTART Pilot Program Annual Report	Tab 4-DD
INFORMATION: Early Intervention Reading Software Annual Report	Tab 4-EE
INFORMATION: K-3 Reading Improvement Program Report	Tab 4-FF
ACTION: R277-444 *Distribution of Money to Arts and Science Organizations*	Tab 4-W
ACTION: Elementary Mathematics Standards 90-day Review	Tab 4-X
ACTION: Secondary Mathematics Standards 90-day Review Feedback	Tab 4-Y
ACTION: Amended Elementary Library Media Standards	Tab 4-Z
ACTION: R277-404 *Requirements for Assessments of Student Achievement*	Tab 4-BB
ACTION: R277-921 *Strengthening College and Career Readiness Pilot Program*	Tab 4-CC
DISCUSSION: R277-497 *School Grading System*	Tab 4-AA

USBE Standards and Assessment Committee Minutes

August 6, 2015

Members Present: Committee Chair Laura Belnap, Dixie Allen, Brittney Cummins, Spencer Stokes; Committee staff Sydnee Dickson, Tina Morandy

Members Excused: David Crandall

Others present: Brad Smith, Rich Nye, Linda Mayne, Jennifer Throndsen, Sarah Young, Stephanie Wood, Ken O'Brien, Lorie Millward, Sara Jones, Julie Benson, Holly Godsey, Nate Johansen, Morgan Jacobsen, Karre Nevarez, Ricky Scott, Emilie Wheeler

Standardized Template for Standards, and Revision Process

COMMITTEE ACTION: The committee considered the new formatting for content standards and additional changes needed to the Standards Review Process.

COMMITTEE ACTION: Motion made by member Allen to direct Associate Superintendent Stallings and Deputy Superintendent Dickson to draft a board rule defining the Standards Review Process and further defining numbers one and two. Motion passed unanimously.

COMMITTEE MOTION: Motion made by member Allen that the Committee approve the new formatting for content standards and additional changes needed to the Standards Review Process and forward recommendations to the full Board for approval. Motion passed unanimously.

Utah Science and Engineering Education (SEEd) Standards – 90-day Public Feedback

COMMITTEE ACTION: The committee reviewed the suggestions made by writing teams so that a final draft of the Utah Science and Engineering Education (SEEd) Standards can be prepared for final board review and approval.

COMMITTEE MOTION: Motion made by member Allen that the committee approve the suggestions made by writing teams so that a final draft of the Utah Science and Engineering Education (SEEd) Standards can be prepared, and after the final draft is completed, the draft will go out for another 30 day period for public review.

Statewide Kindergarten Readiness Indicators

COMMITTEE ACTION: The committee considered the request for a statewide Kindergarten Readiness Assessment. The committee gave direction to the staff.

COMMITTEE MOTION: Motion by member Allen that the committee approve the request for a statewide Kindergarten Readiness Assessment and forward to the full board for further discussion. Motion passed unanimously.

Seal of Biliterate Proficiency

COMMITTEE ACTION: The committee reviewed the creation of a Seal of Biliterate Proficiency and directed staff to prepare a draft of a Board rule for the Seal for the September Board meeting.

COMMITTEE MOTION: Motion made by member Stokes that the committee approve the creation of a Seal of Biliterate Proficiency and forward to the full Board for approval. Motion passed unanimously.

R277-444 *Distribution of Funds to Arts and Science Organizations* (Repeal/Reenact)

COMMITTEE ACTION: The committee considered R277-444, as repealed and reenacted, on first reading.

COMMITTEE MOTION: Motion made by member Stokes that the committee approve R277-444, as repealed and reenacted, on first reading and forward to the full Board for approval on second reading, with the following changes

- Line 59 – remove "wasting money" and replace with "lowest cost possible."
- Line 184 – remove "taking funds back."

Motion passed unanimously.

R277-920 *Implementation of the School Turnaround and Leadership Development Act* (New)

COMMITTEE ACTION: The committee considered R277-920 on first reading.

COMMITTEE MOTION: Motion made by member Allen that the committee approve R277-920 on first reading with the following change and forward to the full Board. Motion passed unanimously.

- Collaborate with the State Superintendent, district superintendent/charter director and the local board president to determine high level leadership attendance at turnaround meetings.

R277-616 *Education for Homeless and Emancipated Students* (Continuation and Amendment)

COMMITTEE ACTION: The committee considered R277-616 for continuation on first reading. The committee considered R277-616, as amended, on first reading.

COMMITTEE MOTION: Motion made by member Stokes that the committee approve R277-616 for continuation, and as amended, on first reading and forward to the full Board for approval on second reading. Motion passed unanimously.

UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair
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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: September 17-18, 2015

ACTION: R277-444 *Distribution of Money to Arts and Science Organizations* (Repeal/Reenact)

Background:

R277-444 received final approval by the Board at its August 7, 2015 meeting. Since that time, additional concerns have arisen that need to be addressed in the rule. The reenacted R277-444 is revised to reflect the additional concerns.

Key Points:

Since the Board's approval of R277-444 in August, we were informed that some arts and science organizations designate their closest city as the organization's fiscal agent for purposes of monitoring and administering grant money distributed in accordance with R277-444. The updated version includes language that allows an organization to designate a city as the organization's fiscal agent under certain circumstances.

Anticipated Action:

It is proposed that the Standards and Assessment Committee consider approving R277-444, as repealed/reenacted, on second reading and, if approved by the Committee, the Board consider approving R277-444, as repealed/reenacted, on third and final reading.

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Sydnee Dickson, 801-538-7515
Diana Suddreth, 801-538-7739
Cathy Jensen, 801-538-7793
Richard Scott, 801-538-7808
Sarah Young, 801-538-7959

R277. Education, Administration.

[~~**R277-444. Distribution of Funds to Arts and Science Organizations.**~~

~~**R277-444-1. Definitions.**~~

~~A. "Arts organization (organization)" means a non-profit professional artistic organization that provides artistic (dance, music, drama, art) services, performances or instruction to the Utah community.~~

~~B. "Arts and science subsidy program" means groups that have participated in the RFP program and have been determined by the Board to be providing valuable services in the schools. They do not qualify as professional outreach programs.~~

~~C. "Board" means the Utah State Board of Education.~~

~~D. "Cost effectiveness" means maximization of the educational potential of the resources available through the professional organization, not using POPS funding for costs that would be expended necessarily for the maintenance and operation of the organization.~~

~~E. "Educational soundness" means that learning activities or programs:~~

~~(1) are designed for the community and grade level being served, including suggested preparatory activities and Core-relevant follow-up activities;~~

~~(2) feature literal interaction of students and teachers with professional artists and scientists;~~

~~(3) focus on those specific Life Skills and Arts or Science Core Curricula concepts and skills; and~~

~~(4) show continuous improvement of services guided by analysis of evaluative tools.~~

~~F. "Hands-on activities" means activities that include active involvement of students with presenters, ideally with materials provided by the organization.~~

~~G. "Non-profit organization" means an organization no part of the income of which, is distributable to its members, directors or officers; a corporation organized for other than profit-making purposes.~~

~~H. "Professional excellence" means the organization:~~

~~(1) has been juried or reviewed, based on criteria for artistic or scientific excellence, by a panel of recognized and qualified critics in the appropriate discipline;~~

~~(2) has received recognitions of excellence through an award, a prize, a grant, a commission, an invitation to participate in a recognized series of presentations in a well-known venue; and~~

~~(3) includes a recognized and qualified professional in the appropriate field who has created an artistic or scientific project or composition specifically for the organization to present; or~~

~~(4) any combination of criteria.~~

~~I. "Professional outreach programs (POPS) in the schools" means those established arts and science organizations which received line item funding directly from the Utah State Legislature prior to 2004. These organizations have demonstrated the capacity to mobilize programmatic resources and focus them systematically in improving teaching and learning in schools statewide.~~

~~G. "Request for proposal (RFP)" means a competitive application process used to identify programs that best meet requirements established by the Board.~~

~~H. "RFP program" means arts and science organizations that receive one-~~

~~time funding through application to the USOE.~~

~~I. "School visits" means performances, lecture demonstrations/presentations, in-depth instructional workshops, residencies, side-by-side mentoring, and exhibit tours by professional arts and science groups in the community.~~

~~J. "Science organization (organization)" means a non-profit professional science organization that provides science-related services, performances or instruction to the Utah community.~~

~~K. "State Core Curriculum" means those standards of learning that are essential for all Utah students, as well as the ideas, concepts, and skills that provide a foundation on which subsequent learning may be built, as established by the Board.~~

~~L. "USOE" means the Utah State Office of Education.~~

~~R277-444-2. 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 and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.~~

~~B. The purpose of the arts and science program is to provide opportunities for students to develop and use the knowledge, skills, and appreciation defined in the arts and science Core curricula through in-depth school instructional services, performances or presentations in school and theatres, or arts or science museum tours.~~

~~C. This rule also provides criteria for the distribution of funds appropriated by the Utah Legislature for this program.~~

~~R277-444-3. Criteria for Eligibility, Applications, and Funding for POPS Organizations.~~

~~A. Established professional outreach program in the schools (POPS) organizations shall be eligible for funding under the POPS program applications and funding criteria and not eligible to apply for the RFP or arts and science subsidy programs.~~

~~B. Documentation of an organization's non-profit status, shall be provided in the annual evaluation report described in R277-444-6.~~

~~C. Every four years, beginning in July 1998, all POPS organizations shall reapply to the USOE to reestablish their continuation and amount of funding. Re-application materials shall be provided by the USOE.~~

~~D. When there are changes in the program funding from the Utah State Legislature, allocations shall be at the discretion of the Board.~~

~~E. Funds shall be distributed annually beginning in August.~~

~~R277-444-4. Criteria for Eligibility, Applications, and Funding for RFP Organizations.~~

~~A. Non-profit professional arts and science organizations that have existed for at least three years prior to application with a track record of proven fiscal responsibility, of demonstrated excellence in their discipline, and with the ability to share their discipline creatively and effectively in educational settings shall be eligible to apply for RFP funding.~~

~~B. Documentation of an organization's non-profit status, professional excellence or educational soundness may be required by the USOE prior to receipt of application from these organizations.~~

~~C. RFP organizations that can demonstrate successful participation in the RFP Program for three years, have an education staff, and the capacity to reach out statewide may apply to the Board to become a POPS organization.~~

~~D. Organizations funded through an RFP process shall submit annual applications to the USOE. Applications shall be provided by the USOE.~~

~~E. The designated USOE specialist(s) shall make final funding recommendations following a review of applications by designated community representatives to the Board by August 31 of the school year in which the money is available.~~

~~F. Application for eligible organizations to become a POPS organization is possible every year through the following process:~~

~~(1) Organizations submit a letter of intent and a master plan for servicing the schools to the designated USOE specialist(s) by the first day of October to determine eligibility and accordingly respond with an invitation to meet and complete the application and evaluation process required of all established POPS and arts and science subsidy organizations in their re-application procedure every four years.~~

~~(2) The completed application, original letter of intent, and recommendations based on the evaluation are submitted to the Board through the designated USOE specialist(s) by June 1.~~

~~(3) The Board or designee meets with the designated USOE specialist(s) to determine whether or not to approve the applicant as a candidate to become a POPS organization.~~

~~(4) The Board shall request new money for a new POPS organization from the Utah State Legislature if the application is approved, prior to providing funds to the newly approved organization.~~

~~(5) The same procedure would be followed for organizations desiring to apply to be arts and science subsidy organizations, and to re-apply to establish their funding level and standing as an arts and science subsidy group.~~

~~(6) Arts and science organizations meeting the arts and science subsidy criteria may apply for the arts and science subsidy program, but may not apply for RFP funding.~~

~~G. When there are changes in the program funding from the Utah State Legislature, allocations shall be at the discretion of the Board.~~

~~H. Funds shall be distributed annually beginning in August.~~

~~R277-444-5. Process for Continued Funding of Arts and Science Subsidy Program Organizations.~~

~~A. Scientists, artists, or entities hired or sponsored for services in the schools, directly or indirectly through coordinating organizations, shall be subject to the same review and approval for funding process.~~

~~B. Every four years, beginning in 2010, all arts and science subsidy program organizations shall reapply to the USOE to reestablish the continuation and amount of funding. Re-application materials shall be provided by the USOE.~~

~~C. When there are changes in the program funding from the Utah State Legislature, annual allocations shall be at the discretion of the Board.~~

~~D. Funds shall be distributed annually beginning in August.~~

~~R277-444-6. Criteria for Evaluation and Accountability of Funding.~~

~~A. Arts and science organizations qualifying for POPS or RFP funding may not charge schools for services funded under those programs.~~

~~B. Organizations may be visited by USOE staff prior to funding or at school presentations during the funding cycle to evaluate the effectiveness and preparation of the organization.~~

~~C. Organizations that receive arts and science funding shall submit annual evaluation reports to the USOE by July 1.~~

~~D. The year-end report shall include:~~

~~(1) a budget expenditure report and income source report using a form provided by the USOE, including a report and accounting of fees charged, if any, to recipient schools, districts, or organizations; and~~

~~(2) record of the dates and places of all services rendered, the number of instruction and performance hours per district, school, and classroom service, as applicable, with the number of students and teachers served, including:~~

~~(a) documentation that all school districts and schools have been offered opportunities for participation with all organizations over a three year period consistent with the arts and science organizations' plans and to the extent possible; and~~

~~(b) documentation of collaboration with the USOE and school communities in planning visit preparation/follow up and content that focuses on the state Core curriculum; and~~

~~(c) arts or science and their contribution(s) to students' development of life skills; and~~

~~(3) a brief description of services provided by the organizations through the fine arts and science POPS, RFP, or arts and science subsidy programs, and if requested, copies of any and all materials developed; and~~

~~(4) a summary of organization's evaluation of:~~

~~(a) cost-effectiveness;~~

~~(b) procedural efficiency;~~

~~(c) collaborative practices;~~

~~(d) educational soundness;~~

~~(e) professional excellence; and~~

~~(f) the resultant goals, plans, or both, for continued evaluation and improvement.~~

~~E. The USOE may require additional evaluation or audit procedures from organizations to demonstrate use of funds consistent with the law and this rule.~~

~~F. Funding and levels of funding to POPS, RFP, and arts and science subsidy programs are continued at the discretion of the Board based on review of information collected in year-end reports.~~

~~R277-444-7. Variations or Waivers.~~

~~A. No deviations from the approved and funded arts or science proposals shall be permitted without prior approval from the designated USOE specialist(s) or designee.~~

~~B. The USOE may require requests for variations to be submitted in writing.~~

~~C. The nature and justification for any deviation or variation from the approved proposal shall be reported in the year-end report.~~

~~D. Any variation shall be consistent with law and the purposes of this rule.~~]

R277-444. Distribution of Money to Arts and Science Organizations.

R277-444-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of the public school system with the Board;

(b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Section 53A-1-402, which directs the Board to establish rules and standards for the public schools, including curriculum and instruction requirements.

(2) The purpose of this rule is to provide for the distribution of money appropriated by the state to an arts or science organization that:

(a) provides an educational service to a student or teacher; and

(b) facilitates a student developing and using the knowledge, skills, and appreciation defined in an arts or science core standard.

R277-444-2. Definitions.

(1) "Arts organization" means a professional artistic organization that provides an educational service related to dance, music, drama, art, visual art, or media art in the state.

(2) "City" has the same meaning as that term is defined in Section 10-1-104.

([~~2~~]3) "Community" means the group of persons that have an interest or involvement in the education of a person in kindergarten through grade 12, including:

(a) a student, parent, teacher, and administrator; and

(b) an association or council that represents a person described in Subsection (2)(a).

([~~3~~]4) "Core standard" means a standard:

(a) established by the Board in Rule R277-700 as required by Section 53A-1-402; and

(b) that defines the knowledge and skills a student should have in kindergarten through grade 12 to enable a student to be prepared for college or workforce training.

([~~4~~]5) "Cost effectiveness" means:

(a) maximization of the educational potential of the resources available through the organization; and

(b) not using money received through a program for the necessary maintenance and operational costs of the organization.

([~~5~~]6) “Educational service” means an in-depth instructional workshop, demonstration, presentation, performance, residency, tour, exhibit, teacher professional development, side-by-side mentoring, or hands-on activity that:

(a) relates to an arts or science core standard; and

(b) takes place in a public school, charter school, professional venue, or a facility.

([~~6~~]7) “Educational soundness” means an educational service that:

(a) is designed for the community and grade level being served, including a suggested preparatory activity and a follow-up activity that are relevant to a core standard;

(b) features literal interaction of a student or teacher with an artist or scientist;

(c) focuses on a specific core standard; and

(d) shows continuous improvement guided by analysis of an evaluative tool.

(8) "Fiscal agent" means a city that:

(a) is designated by an organization as described in Subsection R277-444-4(5); and

(b) acts on behalf of an organization to perform financial or compliance duties.

([~~7~~]9) “Hands-on activity” means an activity that includes active involvement of a student with an artist or scientist, ideally with material provided by the organization.

([~~8~~]10) “Informal Science Education Enhancement program” or “iSEE program” means a program described in Section R277-444-7 for which a science organization may apply to receive money appropriated by the state.

([~~9~~]11) “Organization” means:

(a) a nonprofit corporation organized under:

(i) Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act; or

(ii) Section 501(c)(3), Internal Revenue Code; and

(b)(i) an arts organization; or

(ii) a science organization.

(1[0]2) "Procedural efficiency" means the organization delivers the educational service at the lowest cost possible.

(1[1]3) "Professional excellence" means the organization:

(a) has been juried or reviewed, based on criteria for artistic or scientific excellence, by a panel of recognized and qualified critics in the appropriate discipline;

(b) has received a recognition of excellence through an award, a prize, a grant, a commission, or an invitation to participate in a recognized series of presentations in a well-known venue;

(c) includes a recognized and qualified professional in the appropriate discipline who has created an artistic or scientific project or composition specifically for the organization to present; or

(d) any combination of criteria described in Subsections (1[1]3)(a) through (c).

(1[2]4) "Professional outreach programs in the schools program" or "POPS program" means a program described in Section R277-444-7 for which an arts organization may apply to receive money appropriated by the state.

(1[3]5)(a) "Program" means the system through which the Board grants money appropriated by the state to an organization to enable the organization to provide its expertise and resources through an educational service in the teaching of a core standard.

(b) "Program" includes:

(i) the Provisional program;

(ii) the POPS program;

(iii) the iSEE program;

(iv) the Science Enhancement program;

(v) the Integrated Student and New Facility Learning program; and

(vi) the Subsidy program.

(1[4]6) "Science organization" means a professional science organization that provides a science-related educational service in the state.

R277-444-3. Program Application.

(1) If the state appropriates money for a program, an organization may apply to receive money from a program:

(a) on an application form provided by the Superintendent; and

(b) by May 30 of the fiscal year immediately prior to the fiscal year in which the organization is to receive the money.

(2) The application shall include:

(a) documentation that the organization is:

(i) a non-profit corporation that has existed at least three consecutive years prior to the date of the application;

(ii) an arts organization or a science organization that has attained professional excellence in the discipline; and

(iii) fiscally responsible;

(b) a description of the matching funds required by Subsection R277-444-4(3); and

(c) an educational service plan, which describes:

(i) the educational service that the organization will use the program money to provide; and

(ii) a plan to creatively and effectively provide the educational service.

(3)(a) The Superintendent shall evaluate an application with community representatives and make a recommendation on the application to the Board at the Board's August meeting.

(b) The Board shall approve or deny an application based on:

(i) whether the organization meets the requirements of this rule; and

(ii) how well the organization's educational service plan meets the purpose of this rule.

R277-444-4. Grant General Provisions and Disbursement.

(1)(a) The Superintendent shall make a recommendation to the Board at the Board's August meeting on the grant amount for an organization based on:

(i) the annual appropriation for a program;

(ii) the grant amount an organization received in a previous fiscal year, if any;

126 (iii) an organization's year-end report, if any; and
127 (iv) how well the organization's educational service plan meets the purpose
128 of this rule relative to the other organizations participating in the program.
129 (b) If the state reduces the amount of money appropriated for a program from
130 the previous fiscal year, the Board may use its discretion to allocate the money
131 among the organizations participating in the program.
132 (2)(a) The Superintendent shall notify an organization of the grant amount by
133 August 30.
134 (b) (i) The Superintendent shall disburse the money to an organization after
135 an organization submits a request for reimbursement on a form provided on the
136 USOE website.
137 (ii) An organization shall submit a reimbursement form on or before July 10
138 for an expense incurred by an organization through the implementation of an
139 educational service plan.
140 (3) An organization that receives money from a program shall have equal
141 matching money from another source to support its delivery of an educational
142 service.
143 (4)(a) Except as provided by Subsection (4)(b), an organization may not
144 charge the school, teacher, or student a fee for the educational service for which the
145 organization receives program money.
146 (b) An organization that receives money from the Subsidy program may
147 charge a fee for an educational service.
148 (5)(a) An organization may designate a city as the organization's fiscal agent
149 if:
150 (i) the city's governing body oversees and monitors the organization and fiscal
151 agent's compliance with program requirements;
152 (ii) the city complies with board rules;
153 (iii) the city and the organization use program money for required purposes
154 described in this rule; and
155 (iv) the city and the organization have an agreement or contract in place
156 regarding the designation of the city as the organization's fiscal agent.
157 (b) A city fiscal agent may not use program money:

(i) for the city's general administrative purposes; or

(ii) to fund administrative costs to act as the organization's fiscal agent.

([5]6) A scientist, artist, or entity hired or sponsored by an organization to provide an educational service shall comply with the procedures and requirements of this rule.

R277-444-5. Year-end Report - Evaluation – Accountability – Variations.

(1) (a) An organization that receives money from a program shall submit a year-end report to the Superintendent by July 10.

(b) The year-end report shall include:

(i) documentation of the organization's non-profit status;

(ii) a budget expenditure report and income source report using a form provided by the Superintendent, including a report and accounting of matching funds and a fee charged, if any, for an educational service;

(iii) a record of the dates and places of all educational services rendered, the number of hours of educational service per LEA, school, and classroom, as applicable, with the number of students and teachers served, including:

(A) documentation of the schools that have been offered an opportunity to receive an educational service over a three year period, to the extent possible and consistent with the organization's plan;

(B) documentation of collaboration with the Superintendent and the community in planning the educational service, including the content, a preparatory activity, and a follow-up activity that are relevant to a core standard;

(C) a brief description of the educational service provided through the program, and if requested, copies of any material developed; and

(D) a description of how the educational service contributed to a student developing and using the knowledge, skills, and appreciation defined in an arts or science core standard;

(iv) a summary of the organization's evaluation of:

(A) cost-effectiveness;

(B) procedural efficiency;

(C) collaborative practices;

(D) educational soundness; and

(E) professional excellence; and

(v) a description of the resultant goal or plan for continued evaluation and improvement.

(2) The Superintendent may visit an organization to evaluate the effectiveness and preparation of the organization:

(a) before the Board approves an application;

(b) before disbursing money; and

(c) during an educational service.

(3)(a) In addition to the year-end report required by Subsection (1), the Superintendent may require an evaluation or an audit procedure from an organization demonstrating use of money consistent with state law and this rule.

(b) If the Board finds that an organization did not use money received from a program consistent with state law and this rule, the Board may:

(i) reduce or eliminate the grant to the organization in the current fiscal year;

(ii) deny an organization's participation in a program in a future fiscal year; or

(iii) impose any other consequence the Board deems necessary to ensure the proper use of public funds.

(4)(a) An organization may not deviate from the approved educational service plan for which the organization receives money unless:

(i) the organization submits a written request for variation to the Superintendent;

(ii) the organization receives approval from the Superintendent for the variation; and

(iii) the variation is consistent with state law and this rule.

(b) An organization shall describe the nature and justification for a variation approved under Subsection (4)(a) in a year-end report.

(5) The Superintendent shall ensure that participating LEAs receive educational services in a balanced and comprehensive manner over a three year period.

R277-444-6. Provisional Program Requirements.

(1) Through the Provisional program, the Board may grant an organization money to enable the organization to:

(a) further develop an educational service that is sound;

(b) increase the number of students or teachers who receive an educational service; or

(c) expand the geographical location in which the educational service is delivered.

(2) The Board may grant money from the Provisional program to an organization for one year.

(3) An organization may apply for a grant each year for up to five years if the organization demonstrates an increase in the educational service between the year-end report and the proposed educational service plan described in the application.

R277-444-7. POPS and iSEE Program Requirements.

(1)(a) Through the POPS program, the Board may grant money to an arts organization to provide an educational service state-wide.

(b) Through the iSEE program, the Board may grant money to a science organization to provide an educational service state-wide.

(c) A grant from the POPS program or iSEE program is on-going, subject to the review required by Subsection (4).

(2)(a) An arts organization may apply for the POPS program and a science organization may apply for the iSEE program if the organization:

(i) has successfully participated in the Provisional program for three consecutive years in which the state appropriates money to the Provisional program;

(ii) has educational staff and the capacity to deliver an educational service state-wide; and

(iii) demonstrates during participation in the Provisional program:

(A) the quality and improvement of an educational service; and

(B) fiscal responsibility.

(b) An organization shall submit a letter of intent to transition from the Provisional program to the POPS program or the iSEE program to the Superintendent by October 1 of the calendar year immediately before the calendar

251 year in which the organization submits the application for the POPS program or the
252 iSEE program.
253 (3) An organization that receives money from the POPS program or iSEE
254 program may not receive money from the Provisional program or the Subsidy
255 program in the same fiscal year.
256 (4)(a) At least once every four years, the Superintendent shall review and
257 evaluate all organizations' participation in the POPS program and the iSEE program,
258 which may include:
259 (i) evaluation of an educational service plan, year-end report, reimbursement
260 form, or audit; and
261 (ii) attendance at an educational service or a site visit.
262 (b) The Superintendent shall:
263 (i) report to the Board the results of the review and evaluation; and
264 (ii) make a recommendation to the Board regarding an organization's
265 continued participation in the program based on how well the organization fulfills the
266 purpose of this rule.

267 **R277-444-8. Science Enhancement Program Requirements**.
268 (1)(a) Through the Science Enhancement program, the Board may grant
269 money to a science organization to provide a teacher with resources materials or
270 professional development related to a science core standard.
271 (b) A grant from the Science Enhancement program is on-going, subject to
272 the review required by Subsection (4).
273 (2) A science organization that participates in the iSEE program may apply
274 for the Science Enhancement program.
275 (3) The Board may approve an application to participate in the Science
276 Enhancement program if the science organization demonstrates a likely increase in:
277 (a) the number of teachers or students the organization serves; or
278 (b) the quality or quantity of the resource materials or professional
279 development the organization delivers.
280 (4)(a) At least once every four years, the Superintendent shall review and
281 evaluate all organizations' participation in the Science Enhancement program, which

may include evaluation of the resource materials, professional development plan, year-end report, reimbursement form, or audit.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the Science Enhancement program based on how well the organization fulfills the purpose of this rule.

R277-444-9. Integrated Student and New Facility Learning Program Requirements.

(1) Through the Integrated Student and New Facility Learning program, the Board may grant money to a science organization to enable the science organization to provide an educational service integrated with the science organization's new or significantly re-designed capital facility.

(2) An science organization that participates in the iSEE program may apply for the Integrated Student and New Facility Learning program.

(3) The Board shall determine the length of the grant and how often the Superintendent shall review and evaluate an organization's continued participation in the program.

(4) The science organization may use the money to:

(a) develop an educational service integrated with the capital facility; and

(b) cover its costs associated with increasing the number of students who visit the capital facility.

(5) The Superintendent may not disburse money until the science organization completes the capital facility.

R277-444-10. Subsidy Program Requirements.

(1)(a) Through the Subsidy program, the Board may grant money to an organization that provides a valuable education service but does not qualify for participation in another program.

(b) A grant from the Subsidy program is on-going, subject to the review required by Subsection (5).

(2)(a) An organization may apply to receive money through the Subsidy program if the organization has successfully participated in the Provisional program for three consecutive years in which the state appropriated money to the Provisional program.

(b) An organization shall submit a letter of intent to transition from the Provisional program to the Subsidy program to the Superintendent by October 1 of the calendar year immediately before the calendar year in which the organization submits the application for the Subsidy program.

(3)The Board may approve an application to participate in the Subsidy program if the Board finds the organization:

(a) has successfully provided a valuable educational service during its participation in the Provisional program; and

(b) does not meet the requirements to participate in the POPS program or iSEE program because the organization:

(i) delivers an educational service regionally instead of state-wide; or

(ii) charges a fee for an educational service.

(4) An organization that receives money from the Subsidy program may not receive money from the another program in the same fiscal year.

(5)(a) At least once every four years, the Superintendent shall review and evaluate all organizations' participation in the Subsidy program, which may include:

(i) evaluation of an educational service plan, year-end report, reimbursement form, or audit; and

(ii) attendance at an educational service or a site visit.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the Subsidy program based on how well the organization fulfills the purpose of this rule.

KEY: arts, science, core standards

Date of Enactment or Last Substantive Amendment: [~~July 18, 2005~~]2015

Notice of Continuation: August 13, 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3), **53A-1-402**

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

Action: Elementary Mathematics Standards 90-day Review

Background:
The Utah Core State Standards for Elementary Mathematics have been revised based on the input of the Standards Review Committee, the Elementary Mathematics Steering Committee, and the Utah State Board of Education.

Key Points:
The Utah legislature prioritized mathematics standards for review. This review has resulted in some modifications to the existing standards. The revisions alter the wording of some standards to provide greater clarity. New standards have been added at some grade levels. A glossary has been added which is accessible by clicking on words in the standards as they are displayed on the internet.

Anticipated Action:
The Standards and Assessment Committee will review the changes and make recommendations to the Board for the release of the Elementary Mathematics Standards for a 90-day public review period.

Contact: David Smith, 801-538-7766
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Elementary Mathematics Standards

Release for 90-day Review

Prepared by the

Utah State Office of Education

September 18, 2015

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Utah Core State Standards for Mathematics - Elementary

Summary of Revisions

1. Moved from Domain/Cluster/Standard format to Strand/Standard format.
2. Made the Standards for Mathematical Practice the first strand in each grade level.
3. Revised Mathematical Practice standards to better meet elementary students' needs.
4. Revised/clarified standards
    a. Made revisions in 88 of the 160 total standards from grades K-6
    b. Moved all footnotes into the standards
    c. Standardized wording such as "for example".
    d. Added one standard (1.MD.5) on money
    e. Will link math vocabulary to a newly revised glossary vetted by elementary teachers and mathematicians. There will be approximately 175 links made.
    f. Will link each standard, whether revised or not, to a revised core guide
5. Specific number of revisions in each grade level:
    a. Kindergarten
        i. Revised 12 of the 21 standards
        ii. Will make 17 links to the glossary
    b. First Grade
        i. Added a standard on money (Standard 1.MD.5)
        ii. Revised 14 of the 22 standards
        iii. Will make 20 links to the glossary
    c. Second Grade
        i. Revised 7 of the 26 standards
        ii. Will make 17 links to the glossary
    d. Third Grade
        i. Revised 13 of the 25 standards
        ii. Will make 15 links to the glossary
    e. Fourth Grade
        i. Revised 16 of the 28 standards.
        ii. Will make 39 links to the glossary.
    f. Fifth Grade
        i. Revised to 12 of the 28 standards
        ii. Will make 12 links to the glossary
    g. Sixth Grade
        i. Revised 14 of 30 standards
        ii. Will make 62 links to the glossary.

Introduction

Organization of the Standards

The Utah core standards are organized into **strands**, which represent significant areas of learning within content areas. Depending on the core area, these strands may be designated by time periods, thematic principles, modes of practice, or other organizing principles.

Within each strand are **standards**. A standard is an articulation of the demonstrated proficiency to be obtained. A standard represents an essential element of the learning that is expected. While some standards within a strand may be more comprehensive than others, all standards are essential for mastery.

Understanding mathematics

These Standards for Elementary Mathematics define what students should understand and be able to do in their study of mathematics. Asking a student to understand something means asking a teacher to assess whether the student has understood it. But what does mathematical understanding look like? One hallmark of mathematical understanding is the ability to justify, in a way appropriate to the student's mathematical maturity, why a particular mathematical statement is true or where a mathematical rule comes from. Mathematical understanding and procedural skill are equally important, and both are assessable using mathematical tasks of sufficient richness.

The Standards set grade-specific standards but do not dictate curriculum or teaching methods nor do they define the intervention methods or materials necessary to support students who are well below or well above grade-level expectations. It is also beyond the scope of the Standards to define the full range of supports appropriate for English language learners and for students with special needs. At the same time, all students must have the opportunity to learn and meet the same high standards if they are to access the knowledge and skills necessary in their post-school lives. The Standards should be read as allowing for the widest possible range of students to participate fully from the outset, along with appropriate accommodations to ensure maximum participation of students with special education needs. No set of grade-specific standards can fully reflect the great variety in abilities, needs, learning rates, and achievement levels of students in any given classroom. However, the Standards do provide clear signposts along the way to the goal of college and career readiness for all students.

What students can learn at any particular grade level depends upon what they have learned before. Ideally then, each standard in this document might have been phrased in the form, "Students who already know… should next come to learn ..." Grade placements for specific topics have been made on the basis of state and international comparisons and the collective experience and collective professional judgment of educators, researchers and mathematicians. Learning opportunities will continue to vary across schools and school systems, and educators should make every effort to meet the needs of individual students based on their current understanding.

Not all content in a given grade is emphasized equally in the Standards. Some standards require greater emphasis than others based on the depth of the ideas, the time that they take to master, and/or their importance to future mathematics or the demands of college and career readiness. More time in these areas is also necessary for students to meet the Standards for Mathematical Practice. To say that some things have greater emphasis is not to say that anything in the Standards can safely be neglected in instruction. Neglecting material will leave gaps in student skill and understanding and may leave students unprepared for the challenges of a later grade.

The Standards encourage an implementation that builds solid foundations in mathematics understanding and skill in the elementary grades, stating, “Placing students into tracks too early should be avoided at all costs. It is not recommended to compact the standards before grade seven.” In grades K-6, the needs of high ability learners can most often be met through the addition of depth and complexity to the core standards. Teachers should use instructional methods that allow students to delve deeper into mathematics through tasks that are accessible to all, encourage extended thinking and develop advanced depth of knowledge. For the few students who have a particularly high aptitude for mathematics schools should carefully evaluate mathematical ability using a minimum of three assessment instruments and consider the long term consequences of a compacted or telescoped mathematics program, including the availability of continued support in subsequent grades.

Utah STATE OFFICE of Education

UTAH CORE STATE STANDARDS *for* MATHEMATICS

K

Mathematics | Kindergarten

In Kindergarten, instructional time should focus on two critical areas: (1) representing, relating, and operating on whole numbers, initially with sets of objects; (2) describing shapes and space. More learning time in Kindergarten should be devoted to number than to other topics.

1) Students use numbers, including written numerals, to represent quantities and to solve quantitative problems, such as counting objects in a set; counting out a given number of objects; comparing sets or numerals; and modeling simple joining and separating situations with sets of objects, or eventually with equations such as 5 + 2 = 7 and 7 – 2 = 5. (Kindergarten students should see addition and subtraction equations, and student writing of equations in Kindergarten is encouraged, but it is not required.) Students choose, combine, and apply effective strategies for answering quantitative questions, including quickly recognizing the cardinalities of small sets of objects, counting and producing sets of given sizes, counting the number of objects in combined sets, or counting the number of objects that remain in a set after some are taken away.

2) Students describe their physical world using geometric ideas (e.g., shape, orientation, spatial relations) and vocabulary. They identify, name, and describe basic two-dimensional shapes, such as squares, triangles, circles, rectangles, and hexagons, presented in a variety of ways (e.g., with different sizes and orientations), as well as three-dimensional shapes such as cubes, cones, cylinders, and spheres. They use basic shapes and spatial reasoning to model objects in their environment and to construct more complex shapes.

Strand: Mathematical Practices K.MP

The Standards for Mathematical Practice in Kindergarten describe mathematical habits of mind that teachers should seek to develop in their students. Students become mathematically proficient in engaging with mathematical content and concepts as they learn, experience, and apply these skills and attitudes.

Standard K.MP.1

Make sense of problems and persevere in solving them. Explain the meaning of a problem, look for entry points to begin work on the problem, and plan and choose a solution pathway. When a solution pathway does not make sense, look for another pathway that does. Upon finding a solution, look back at the problem to determine if the solution is reasonable and accurate, often checking answers to problems using a different method or approach.

Standard K.MP.2

Reason abstractly and quantitatively. Make sense of quantities and their relationships in problem situations. Contextualize quantities and operations by using images or stories. Decontextualize a given situation and represent it symbolically. Interpret symbols as having meaning, not just as directions to carry out a procedure. Know and flexibly use different properties of operations, numbers, and geometric objects.

Standard K.MP.3

Construct viable arguments and critique the reasoning of others. Explain the mathematical reasoning underlying a strategy, solution, or conjecture by using concrete referents such as objects, drawings, diagrams, and actions. Listen to or read the arguments of others, decide whether they make sense, ask useful questions to clarify or improve the arguments, and build on those arguments.

Standard K.MP.4

Model with mathematics. Identify the mathematical elements of a situation and create a mathematical model that shows the relationships among them. Identify important quantities in a contextual situation, use mathematical models to show the relationships of those quantities, analyze the relationships, and draw conclusions.

Standard K.MP.5

Use appropriate tools strategically. Consider the tools that are available when solving a mathematical problem, whether in a real-world or mathematical context. Choose tools that are relevant and useful to the problem at hand such as:

a. physical objects
b. drawings or diagrams
c. physical tools or technologies
d. mathematical tools such as estimation or a particular strategy or algorithm.

Standard K.MP.6

Attend to precision. Communicate precisely to others by crafting careful explanations that communicate mathematical reasoning by:

a. referring specifically to each important mathematical element
b. describing the relationships among them, and
c. connecting their words clearly to their representations.

Calculate accurately and efficiently and use clear and concise notation to record their work.

Standard K.MP.7

Look for and make use of structure. Recognize and apply the structures of mathematics through patterns, properties, and flexibility of numbers.

Standard K.MP.8

Look for and express regularity in repeated reasoning. Notice repetitions in mathematics when solving multiple related problems. Use observations and reasoning to find shortcuts or generalizations.

Students should spend the large majority of their time on the major work of the grade. Those standards are indicated by ■. Supporting work, designated □ and, where appropriate, additional work, designated ○ can engage students in the major work of the grade.

Strand: Counting and Cardinality K.CC

Kindergarten students know number names and the counting sequence. (Standards 1-3) They count to tell the number of objects. (Standards 4-5) They Identify and compare quantities of objects and numerals. (Standards 6-7)

■ **Standard K.CC.1** Count to 100 by ones and by tens.

■ **Standard K.CC.2** Count forward beginning from a given number within the known sequence (instead of beginning at 1).

■ **Standard K.CC.3** Read and write numbers using base ten numerals from 0 to 20. Represent a number of objects with a written numeral, in or out of sequence (0 represents a count of no objects).

■ **Standard K.CC.4** Understand the relationship between numbers and quantities; connect counting to cardinality.

- **a.** When counting objects, say the numbers in the standard order. Pair each quantity of objects with one and only one number and each number with the correct quantity of objects.
- **b.** Understand that the last number said represents the number of objects counted. The number of objects is the same regardless of their arrangement or the order in which they were counted.
- **c.** Understand that each successive number refers to a quantity that is one greater than the previous number.

■ **Standard K.CC.5** Use counting to answer questions about "how many". *For example, 20 or fewer objects arranged in a line, a rectangular array, or circle; 10 or fewer objects in a scattered configuration.* Using a number from 1-20, count out that many objects.

■ **Standard K.CC.6** Use matching or counting strategies to identify whether the number of objects in one group is greater than, less than, or equal to the number of objects in another group. Include groups with up to ten objects.

■ **Standard K.CC.7** Compare two numbers between 1 and 10 presented as written numerals using "greater than", "less than", or "equal to".

Strand: Operations and Algebraic Thinking K.OA

Kindergarten students will understand addition as putting together and adding to, and understand subtraction as taking apart and taking from.

■ **Standard K.OA.1** Represent addition and subtraction with objects, fingers, mental images, simple drawings, or sounds. *For example, using clapping, acting out situations, verbal explanations, expressions, or equations.*

■ **Standard K.OA.2** Solve addition and subtraction word problems within 10. Use objects or drawings to represent the problem**.**

■ **Standard K.OA.3** Decompose numbers less than or equal to 10 into pairs in more than one way by using objects or drawings. Record each decomposition by a drawing or equation. *For example, 5 = 2 + 3 and 5 = 4 + 1.*

■ **Standard K.OA.4** Make sums of 10 using any number from 1 to 9. *For example, 2 + 8 = 10.* Use objects or drawings to represent and record the answer.

■ **Standard K.OA.5** Fluently add and subtract using numbers within 5.

Strand: Number and Operations in Base Ten K.NBT

Kindergarten students will compose and decompose numbers 11–19 to gain foundations for place value.

- **Standard K.NBT.1** Compose and decompose numbers from 11 to 19 into ten ones and some further ones. Use objects or drawings and record each composition or decomposition by a drawing or equation (*For example, 18 = 10 + 8)*; understand that these numbers are composed of ten ones and one, two, three, four, five, six, seven, eight, or nine ones.

Strand: Measurement and Data K.MD

Kindergarten students will describe and compare measurable attributes of objects (Standards 1, 2) and classify objects and count the number of objects in each category (Standard 3).

- **Standard K.MD.1** Describe measurable attributes of objects, such as length or weight. Describe several measurable attributes of a single object.
- **Standard K.MD.2** Directly compare two objects with a measurable attribute in common, to see which object has "more of"/"less of" the attribute, and describe the difference. *For example, directly compare the length of two pencils and describe one as shorter or longer.*
- **Standard K.MD.3** Classify objects into given categories; count the numbers of objects in each category and sort the categories by count. Limit the category counts to less than or equal to 10.

Strand: Geometry K.G

Kindergarten students will identify and describe shapes (squares, circles, triangles, rectangles, hexagons, cubes, cones, cylinders, and spheres). (Standards 1-3) They will analyze, compare, create, and compose shapes. (Standards 4-6).

- **Standard K.G.1** Describe objects in the environment using names of shapes, and describe the relative positions of these objects using terms such as above, below, beside, in front of, behind, and next to.
- **Standard K.G.2** Correctly name shapes regardless of their orientations or overall size.
- **Standard K.G.3** Identify shapes as two-dimensional ("flat") or three-dimensional ("solid").
- **Standard K.G.4** Analyze, compare, and sort two- and three-dimensional shapes and objects, in different sizes and orientations, using informal language to describe their similarities, differences, and other attributes (for example, color, size, shape, number of sides).
- **Standard K.G.5** Model and create shapes from components such as *sticks and clay balls.*
- **Standard K.G.5** Compose simple shapes to form larger shapes. *For example, "Can you join these two triangles with full sides touching to make a rectangle?"*

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UTAH CORE STATE STANDARDS *for* MATHEMATICS

1

Mathematics | Grade 1

In Grade 1, instructional time should focus on four critical areas: (1) developing understanding of addition, subtraction, and strategies for addition and subtraction within 20; (2) developing understanding of whole number relationships and place value, including grouping in tens and ones; (3) developing understanding of linear measurement and measuring lengths as iterating length units; and (4) reasoning about attributes of, and composing and decomposing geometric shapes.

1) Students develop strategies for adding and subtracting whole numbers based on their prior work with small numbers. They use a variety of models, including discrete objects and length-based models (e.g., cubes connected to form lengths), to model add-to, take-from, put-together, take-apart, and compare situations to develop meaning for the operations of addition and subtraction, and to develop strategies to solve arithmetic problems with these operations. Students understand connections between counting and addition and subtraction (e.g., adding two is the same as counting on two). They use properties of addition to add whole numbers and to create and use increasingly sophisticated strategies based on these properties (e.g., "making tens") to solve addition and subtraction problems within 20. By comparing a variety of solution strategies, children build their understanding of the relationship between addition and subtraction.

2) Students develop, discuss, and use efficient, accurate, and generalizable methods to add within 100 and subtract multiples of 10. They compare whole numbers (at least to 100) to develop understanding of and solve problems involving their relative sizes. They think of whole numbers between 10 and 100 in terms of tens and ones (especially recognizing the numbers 11 to 19 as composed of a ten and some ones). Through activities that build number sense, they understand the order of the counting numbers and their relative magnitudes.

3) Students develop an understanding of the meaning and processes of measurement, including underlying concepts such as iterating (the mental activity of building up the length of an object with equal-sized units) and the transitivity principle for indirect measurement.[4]

4) Students compose and decompose plane or solid figures (for example, put two triangles together to make a quadrilateral) and build understanding of part-whole relationships as well as the properties of the original and composite shapes. As they combine shapes, they recognize them from different perspectives and orientations, describe their geometric attributes, and determine how they are alike and different, to develop the background for measurement and for initial understandings of properties such as congruence and symmetry.

Strand: Mathematical Practices 1.MP

The Standards for Mathematical Practice in First Grade describe mathematical habits of mind that teachers should seek to develop in their students. Students become mathematically proficient in engaging with mathematical content and concepts as they learn, experience, and apply these skills and attitudes.

Standard 1.MP.1

Make sense of problems and persevere in solving them. Explain the meaning of a problem, look for entry points to begin work on the problem, and plan and choose a solution pathway. When a solution pathway does not make sense, look for another pathway that does. Upon finding a solution, look back at the problem to determine if the solution is reasonable and accurate, often checking answers to problems using a different method or approach.

Standard 1.MP.2

Reason abstractly and quantitatively. Make sense of quantities and their relationships in problem situations. Contextualize quantities and operations by using images or stories. Decontextualize a given situation and represent it symbolically. Interpret symbols as having meaning, not just as directions to carry out a procedure. Know and flexibly use different properties of operations, numbers, and geometric objects.

Standard 1.MP.3

Construct viable arguments and critique the reasoning of others. Explain the mathematical reasoning underlying a strategy, solution, or conjecture by using concrete referents such as objects, drawings, diagrams, and actions. Listen to or read the arguments of others, decide whether they make sense, ask useful questions to clarify or improve the arguments, and build on those arguments.

Standard 1.MP.4

Model with mathematics. Identify the mathematical elements of a situation and create a mathematical model that shows the relationships among them. Identify important quantities in a contextual situation, use mathematical models to show the relationships of those quantities, analyze the relationships, and draw conclusions.

Standard 1.MP.5

Use appropriate tools strategically. Consider the tools that are available when solving a mathematical problem, whether in a real-world or mathematical context. Choose tools that are relevant and useful to the problem at hand such as:

a. physical objects
b. drawings or diagrams
c. physical tools or technologies
d. mathematical tools such as estimation or a particular strategy or algorithm.

Standard 1.MP.6

Attend to precision. Communicate precisely to others by crafting careful explanations that communicate mathematical reasoning by:

a. referring specifically to each important mathematical element
b. describing the relationships among them, and
c. connecting their words clearly to their representations.

Calculate accurately and efficiently and use clear and concise notation to record their work.

Standard 1.MP.7

Look for and make use of structure. Recognize and apply the structures of mathematics through patterns, properties, and flexibility of numbers.

Standard 1.MP.8

Look for and express regularity in repeated reasoning. Notice repetitions in mathematics when solving multiple related problems. Use observations and reasoning to find shortcuts or generalizations.

Students should spend the large majority of their time on the major work of the grade. Those standards are indicated by ■. Supporting work, designated □ and, where appropriate, additional work, designated ○ can engage students in the major work of the grade.

Strand: Operations and Algebraic Thinking 1.OA

First grade students represent and solve problems involving addition and subtraction within 20 (Standards 1, 2, 5, 6). They understand and apply properties of operations and the relationship between addition and subtraction (Standards 3, 4). They work with addition and subtraction equations (Standards 7, 8).

■ **Standard 1.OA.1** Use addition and subtraction within 20 to solve word problems involving situations of adding to, taking from, putting together, taking apart, and comparing, with unknowns in all positions. *For example, by using objects, drawings, and equations with a symbol for the unknown number to represent the problem.* See Glossary, Table 1.

■ **Standard 1.OA.2** Solve word problems that call for addition of three whole numbers whose sum is less than or equal to 20. *For example, by using objects, drawings, and equations with a symbol for the unknown number to represent the problem.*

■ **Standard 1.OA.3** Apply properties of operations as strategies to add and subtract. *For example: If 8 + 3 = 11 is known, then 3 + 8 = 11 is also known. {Commutative property of addition.) To add 2 + 6 + 4, the second two numbers can be added to make a ten, so 2 + 6 + 4 = 2 + 10 =12. {Associative property of addition.)* First grade tudents need not use formal terms for these properties.

■ **Standard 1.OA.4**Understand subtraction as an unknown-addend problem. *For example, subtract 10 – 8 by finding the number that makes 10 when added to 8.*

■ **Standard 1.OA.5** Relate counting to addition and subtraction. *For example, by counting on 2 to add 2.*

■ **Standard 1.OA.6** Add and subtract within 20.

- **a.** Use strategies such as counting on; making ten (*for example, 8 + 6 = 8 + 2 + 4 = 10 + 4 = 14*); decomposing a number leading to a ten (*for example, 13 - 4 = 13 - 3 - 1 = 10 - 1 = 9*); using the relationship between addition and subtraction (*for example, knowing that 8 + 4 = 12, one knows 12 - 8 = 4*); and creating equivalent but easier or known sums (*for example, adding 6 + 7 by creating the known equivalent 6 + 6 + 1 = 12 + 1 = 13*).
- **b.** By the end of Grade 1, demonstrate fluency for addition and subtraction within 10.

■ **Standard 1.OA.7** Understand the meaning of the equal sign, and determine if equations involving addition and subtraction are true or false. *For example, which of the following equations are true and which are false? 6 = 6, 7 = 8 – 1, 5 + 2 = 2 + 5, 4 + 1 = 5 + 2.*

■ **Standard 1.OA.8** Determine the unknown whole number in an addition or subtraction equation relating three whole numbers. *For example, determine the unknown number that makes the equation true in each of the equations 8 + ? = 11, 5 = ? – 3, 6 + 6 = ?*

Strand: Number and Operations in Base Ten 1.NBT

Students in first grade extend the counting sequence (Standard 1). They understand place value (Standards 2, 3). They use place value understanding and properties of operations to add and subtract (Standards 4, 5, 6).

Standard 1.NBT.1 Count to 120, starting at any number less than 120. In this range, read and write numerals and represent a number of objects with a written numeral.

Standard 1.NBT.2 Understand that the two digits of a two-digit number represent amounts of tens and ones. Understand the following as special cases:

a. 10 can be thought of as a bundle of ten ones called a "ten."

b. The numbers from 11 to 19 are composed of a ten and one, two, three, four, five, six, seven, eight, or nine ones.

c. The numbers 10, 20, 30, 40, 50, 60, 70, 80, 90 refer to one, two, three, four, five, six, seven, eight, or nine tens (and 0 ones).

Standard 1. NBT.3 Compare two two-digit numbers based on meanings of the tens and ones digits, recording the results of comparisons with the symbols >, =, and <.

Standard 1.NBT.4 Add within 100, including adding a two-digit number and a one-digit number, and adding a two-digit number and a multiple of 10, using concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; relate the strategy to a written method and explain the reasoning used. Understand that in adding two-digit numbers, one adds tens and tens, ones and ones; and it is sometimes necessary to compose a ten.

Standard 1.NBT.5 Given a two-digit number, mentally find 10 more or 10 less than the number, without having to count; explain the reasoning used.

Standard 1.NBT.6 Subtract multiples of 10 in the range 10-90 from multiples of 10 in the range 10-90 (positive or zero differences), using concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; relate the strategy to a written method and explain the reasoning used.

Strand: Measurement and Data 1.MD

First grade students will measure lengths indirectly and by iterating length units (Standards 1, 2). They tell and write time (Standard 3). They represent and interpret data (Standard 4). They identify the value of coins (Standard 5).

Standard 1.MD.1 Order three objects by length; compare the lengths of two objects indirectly by using a third object.

Standard 1.MD.2 Express the length of an object as a whole number of length units, by laying multiple copies of a shorter object (the length unit) end to end; understand that the length measurement of an object is the number of same-size length units that span it with no gaps or overlaps. *Limit to contexts where the object being measured is spanned by a whole number of length units with no gaps or overlaps.*

Standard 1.MD.3 Tell and write time in hours and half-hours using analog and digital clocks.

Standard 1.MD.4 Organize, represent, and interpret data with up to three categories; ask and answer questions about the total number of data points, how many in each category, and how many more or less are in one category than in another.

Standard 1.MD.5 Identify the values of pennies, nickels, dimes and quarters and know their comparative values. (*For example, a dime is of greater value than a nickel).* Use appropriate notation to designate a coin's value. *(For example, 5¢).*

Strand: Geometry 1.G

First grade students will reason with shapes and their attributes (Standards 1, 2, 3).

- **Standard 1.G.1** Distinguish between defining attributes (*for example triangles are closed and three-sided*) versus non-defining attributes (*for example, color, orientation, overall size*); build and draw shapes that possess defining attributes.

- **Standard 1.G.2** Compose shapes.
  - **a.** Compose two-dimensional shapes (rectangles, squares, trapezoids, triangles, half-circles, and quarter-circles) to create a composite shape, and compose new shapes from the composite shape.
  - **b.** Compose three-dimensional shapes (cubes, right rectangular prisms, right circular cones, and right circular cylinders) to create a composite shape, and compose new shapes from the composite shape. First Grade students do not need to learn formal names such as "right rectangular prism."

- **Standard 1.G.3**-Partition circles and rectangles into two and four equal shares, describe the shares using the words *halves, fourths,* and *quarters*, and use the phrases *half of, fourth of,* and *quarter of*. Describe the whole as two of or four of the shares. Understand for these examples that decomposing into more equal shares creates smaller shares.

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UTAH CORE STATE STANDARDS
For

MATHEMATICS

2

Mathematics | Grade 2

In Grade 2, instructional time should focus on four critical areas: (1) extending understanding of base-ten notation; (2) building fluency with addition and subtraction; (3) using standard units of measure; and (4) describing and analyzing shapes.

1) Students extend their understanding of the base-ten system. This includes ideas of counting in fives, tens, and multiples of hundreds, tens, and ones, as well as number relationships involving these units, including comparing. Students understand multi-digit numbers (up to 1000) written in base-ten notation, recognizing that the digits in each place represent amounts of thousands, hundreds, tens, or ones (for example, 853 is 8 hundreds + 5 tens + 3 ones).

2) Students use their understanding of addition to develop fluency with addition and subtraction within 100. They solve problems within 1000 by applying their understanding of models for addition and subtraction, and they develop, discuss, and use efficient, accurate, and generalizable methods to compute sums and differences of whole numbers in base-ten notation, using their understanding of place value and the properties of operations. They select and accurately apply methods that are appropriate for the context and the numbers involved to mentally calculate sums and differences for numbers with only tens or only hundreds.

3) Students recognize the need for standard units of measure (such as centimeter and inch) and they use rulers and other measurement tools with the understanding that linear measure involves an iteration of units. They recognize that the smaller the unit, the more iterations they need to cover a given length.

4) Students describe and analyze shapes by examining their sides and angles. Students investigate, describe, and reason about decomposing and combining shapes to make other shapes. Through building, drawing, and analyzing two- and three-dimensional shapes, students develop a foundation for understanding area, volume, congruence, similarity, and symmetry in later grades.

Strand: Mathematical Practices 2.MP

The Standards for Mathematical Practice in Second Grade describe mathematical habits of mind that teachers should seek to develop in their students. Students become mathematically proficient in engaging with mathematical content and concepts as they learn, experience, and apply these skills and attitudes.

Standard 2.MP.1

Make sense of problems and persevere in solving them. Explain the meaning of a problem, look for entry points to begin work on the problem, and plan and choose a solution pathway. When a solution pathway does not make sense, look for another pathway that does. Upon finding a solution, look back at the problem to determine if the solution is reasonable and accurate, often checking answers to problems using a different method or approach.

Standard 2.MP.2

Reason abstractly and quantitatively. Make sense of quantities and their relationships in problem situations. Contextualize quantities and operations by using images or stories. Decontextualize a given situation and represent it symbolically. Interpret symbols as having meaning, not just as directions to carry out a procedure. Know and flexibly use different properties of operations, numbers, and geometric objects.

Standard 2.MP.3

Construct viable arguments and critique the reasoning of others. Explain the mathematical reasoning underlying a strategy, solution, or conjecture by using concrete referents such as objects, drawings, diagrams, and actions. Listen to or read the arguments of others, decide whether they make sense, ask useful questions to clarify or improve the arguments, and build on those arguments.

Standard 2.MP.4

Model with mathematics. Identify the mathematical elements of a situation and create a mathematical model that shows the relationships among them. Identify important quantities in a contextual situation, use mathematical models to show the relationships of those quantities, analyze the relationships, and draw conclusions.

Standard 2.MP.5

Use appropriate tools strategically. Consider the tools that are available when solving a mathematical problem, whether in a real-world or mathematical context. Choose tools that are relevant and useful to the problem at hand such as:

a. physical objects
b. drawings or diagrams
c. physical tools or technologies
d. mathematical tools such as estimation or a particular strategy or algorithm.

Standard 2.MP.6

Attend to precision. Communicate precisely to others by crafting careful explanations that communicate mathematical reasoning by:

a. referring specifically to each important mathematical element
b. describing the relationships among them, and
c. connecting their words clearly to their representations.

Calculate accurately and efficiently and use clear and concise notation to record their work.

Standard 2.MP.7

Look for and make use of structure. Recognize and apply the structures of mathematics through patterns, properties, and flexibility of numbers.

Standard 2.MP.8

Look for and express regularity in repeated reasoning. Notice repetitions in mathematics when solving multiple related problems. Use observations and reasoning to find shortcuts or generalizations.

Students should spend the large majority of their time on the major work of the grade. Those standards are indicated by ■. Supporting work, designated □ and, where appropriate, additional work, designated ○ can engage students in the major work of the grade.

Strand: Operations and Algebraic Thinking 2.OA

Second grade students represent and solve problems involving addition and subtraction. (Standard 1) They fluently add and subtract within 20 (Standard 2) and work with equal groups of objects to gain foundations for multiplication. (Standards 3-4)

■ **Standard 2.OA.1** Use addition and subtraction within 100 to solve one- and two-step word problems involving situations of adding to, taking from, putting together, taking apart, and comparing with unknowns in all positions by, for example, using drawings and equations with a symbol for the unknown number to represent the problem.

■ **Standard 2.OA.2** Fluently add and subtract within 20.

a. Add and subtract within 20 using mental strategies such as counting on; making ten (for example, 8 + 6 = 8 + 2 + 4 = 10 + 4 = 14); decomposing a number leading to a ten (for example, 13 – 4 = 13 – 3 – 1 = 10 – 1 = 9); using the relationship between addition and subtraction (for example, knowing that 8 + 4 = 12, one knows 12 – 8 = 4); and creating equivalent but easier or known sums (for example, adding 6 + 7 by creating the known equivalent 6 + 6 + 1 = 12 + 1 = 13).

b. By the end of Grade 2, know from memory all sums of two one-digit numbers.

□ **Standard 2.OA.3** Determine whether a group of objects (up to 20) has an odd or even number of members, (for example, by pairing objects or counting them by 2s). Write an equation to express an even number as a sum of two equal addends.

□ **Standard 2.OA.4** Use addition to find the total number of objects arranged in rectangular arrays with up to 5 rows and up to 5 columns; write an equation to express the total as a sum of equal addends.

Strand: Number and Operations in Base Ten 2.NBT

Second grade students understand place value (Standards 1-4). They use place value understanding and properties of operations to add and subtract (Standards 5-9).

■ **Standard 2.NBT.1** Understand that the three digits of a three-digit number represent amounts of hundreds, tens, and ones; for example, 706 equals 7 hundreds, 0 tens, and 6 ones. Understand the following as special cases:

a. 100 can be thought of as a bundle of ten tens-called a "hundred."

b. The numbers 100, 200, 300, 400, 500, 600, 700, 800, 900 refer to one, two, three, four, five, six, seven, eight, or nine hundreds (and 0 tens and 0 ones).

■ **Standard 2.NBT.2** Count within 1000; skip-count by 5s, 10s, and 100s.

■ **Standard 2.NBT.3** Read and write numbers to 1000 using base-ten numerals, number names, and expanded form.

■ **Standard 2.NBT.4** Compare two three-digit numbers based on meanings of the hundreds, tens, and ones digits, using >, =, and < symbols to record the results of comparisons.

■ **Standard 2.NBT.5** Fluently add and subtract within 100 using strategies based on place value, properties of operations, and/or the relationship between addition and subtraction.

■ **Standard 2.NBT.6** Add up to four two-digit numbers using strategies based on place value and properties of operations.

■ **Standard 2.NBT.7** Add and subtract within 1000 using concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; relate the strategy to a written method. Understand that in adding or subtracting three-digit numbers, one adds or

subtracts hundreds and hundreds, tens and tens, ones and ones; and it is sometimes necessary to compose or decompose tens or hundreds.

- **Standard 2.NBT.8** Mentally add 10 or 100 to a given number 100-900, and mentally subtract 10 or 100 from a given number 100-900.
- **Standard 2.NBT.9** Explain why addition and subtraction strategies work, using place value and the properties of operations. Explanations may be supported by drawings or objects.

Strand: Measurement and Data 2.MD

Second grade students measure and estimate lengths in standard units (Standards 1-4) and relate addition and subtraction to length (Standards 5-6). They work with time and money (Standards 7-8). They represent and interpret data (Standards 9-10).

- **Standard 2.MD.1** Measure the length of an object by selecting and using appropriate tools such as rulers, yardsticks, meter sticks, and measuring tapes.
- **Standard 2.MD.2** Measure the length of an object twice, using length units of different lengths for the two measurements; describe how the two measurements relate to the size of the unit chosen.
- **Standard 2.MD.3** Estimate lengths using units of inches, feet, centimeters, and meters.
- **Standard 2.MD.4** Measure to determine how much longer one object is than another, expressing the length difference in terms of a standard length unit. For example, after measuring a pencil and a crayon, a student uses the measurements to determine that the pencil is 2 inches longer than the crayon.
- **Standard 2.MD.5** Use addition and subtraction within 100 to solve word problems involving lengths that are given in the same units. For example, use drawings (such as drawings of rulers) and equations with a symbol for the unknown number to represent the problem.
- **Standard 2.MD.6** Represent whole numbers as lengths from 0 on a number line diagram with equally spaced points corresponding to the numbers 0, 1, 2, … Represent whole-number sums and differences within 100 on a number line diagram.
- **Standard 2.MD.7** Tell and write time from analog and digital clocks to the nearest five minutes, using a.m. and p.m.
- **Standard 2.MD.8** Solve word problems involving dollar bills, quarters, dimes, nickels, and pennies, using $ and ¢ symbols appropriately. *For example, if you have 2 dimes and 3 pennies, how many cents do you have?*
- **Standard 2.MD.9** Generate measurement data by measuring lengths of several objects to the nearest whole unit, or by making repeated measurements of the same object. Show the measurements by making a line plot, where the horizontal scale is marked off in whole-number units.
- **Standard 2.MD.10** Draw a picture graph and a bar graph (with single-unit scale) to represent a data set with up to four categories. Solve simple put-together, take-apart, and compare problems using information presented in a bar graph.

Strand: Geometry 2.G

Second graders reason with shapes and their attributes.

- **Standard 2.G.1** Recognize and draw shapes having specified attributes, such as a given number of angles or a given number of equal faces. Sizes are compared directly or visually, not compared by measuring. Identify triangles, quadrilaterals, pentagons, hexagons, and cubes.
- **Standard 2.G.2** Partition a rectangle into rows and columns of same-size squares and count to find the total number of them.
- **Standard 2.G.3** Partition circles and rectangles into two, three, or four equal shares, describe the shares using the words *halves, thirds, half of, a third of*, etc., and describe the whole as two halves, three thirds, four fourths. Recognize that equal shares of identical wholes need not have the same shape.

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UTAH CORE STATE STANDARDS *for* MATHEMATICS

3

Mathematics | Grade 3

In Grade 3, instructional time should focus on four critical areas: (1) developing understanding of multiplication and division and strategies for multiplication and division within 100; (2) developing understanding of fractions, especially unit fractions (fractions with numerator 1); (3) developing understanding of the structure of rectangular arrays and of area; and (4) describing and analyzing two-dimensional shapes.

(1) Students develop an understanding of the meanings of multiplication and division of whole numbers through activities and problems involving equal-sized groups, arrays, and area models; multiplication is finding an unknown product, and division is finding an unknown factor in these situations. For equal-sized group situations, division can require finding the unknown number of groups or the unknown group size. Students use properties of operations to calculate products of whole numbers, using increasingly sophisticated strategies based on these properties to solve multiplication and division problems involving single-digit factors. By comparing a variety of solution strategies, students learn the relationship between multiplication and division.

(2) Students develop an understanding of fractions, beginning with unit fractions. Students view fractions in general as being built out of unit fractions, and they use fractions along with visual fraction models to represent parts of a whole. Students understand that the size of a fractional part is relative to the size of the whole. For example, 1/2 of the paint in a small bucket could be less paint than 1/3 of the paint in a larger bucket, but 1/3 of a ribbon is longer than 1/5 of the same ribbon because when the ribbon is divided into 3 equal parts, the parts are longer than when the ribbon is divided into 5 equal parts. Students are able to use fractions to represent numbers equal to, less than, and greater than one. They solve problems that involve comparing fractions by using visual fraction models and strategies based on noticing equal numerators or denominators.

(3) Students recognize area as an attribute of two-dimensional regions. They measure the area of a shape by finding the total number of same- size units of area required to cover the shape without gaps or overlaps, a square with sides of unit length being the standard unit for measuring area. Students understand that rectangular arrays can be decomposed into identical rows or into identical columns. By decomposing rectangles into rectangular arrays of squares, students connect area to multiplication, and justify using multiplication to determine the area of a rectangle.

(4) Students describe, analyze, and compare properties of two-dimensional shapes. They compare and classify shapes by their sides and angles, and connect these with definitions of shapes. Students also relate their fraction work to geometry by expressing the area of part of a shape as a unit fraction of the whole.

Strand: Mathematical Practices 3.MP

The Standards for Mathematical Practice in Third Grade describe mathematical habits of mind that teachers should seek to develop in their students. Students become mathematically proficient in engaging with mathematical content and concepts as they learn, experience, and apply these skills and attitudes.

Standard 3.MP.1

Make sense of problems and persevere in solving them. Explain the meaning of a problem, look for entry points to begin work on the problem, and plan and choose a solution pathway. When a solution pathway does not make sense, look for another pathway that does. Upon finding a solution, look back at the problem to determine if the solution is reasonable and accurate, often checking answers to problems using a different method or approach.

Standard 3.MP.2

Reason abstractly and quantitatively. Make sense of quantities and their relationships in problem situations. Contextualize quantities and operations by using images or stories. Decontextualize a given situation and represent it symbolically. Interpret symbols as having meaning, not just as directions to carry out a procedure. Know and flexibly use different properties of operations, numbers, and geometric objects.

Standard 3.MP.3

Construct viable arguments and critique the reasoning of others. Explain the mathematical reasoning underlying a strategy, solution, or conjecture by using concrete referents such as objects, drawings, diagrams, and actions. Listen to or read the arguments of others, decide whether they make sense, ask useful questions to clarify or improve the arguments, and build on those arguments.

Standard 3.MP.4

Model with mathematics. Identify the mathematical elements of a situation and create a mathematical model that shows the relationships among them. Identify important quantities in a contextual situation, use mathematical models to show the relationships of those quantities, analyze the relationships, and draw conclusions.

Standard 3.MP.5

Use appropriate tools strategically. Consider the tools that are available when solving a mathematical problem, whether in a real-world or mathematical context. Choose tools that are relevant and useful to the problem at hand such as:

a. physical objects
b. drawings or diagrams
c. physical tools or technologies
d. mathematical tools such as estimation or a particular strategy or algorithm.

Standard 3.MP.6

Attend to precision. Communicate precisely to others by crafting careful explanations that communicate mathematical reasoning by:

a. referring specifically to each important mathematical element
b. describing the relationships among them, and
c. connecting their words clearly to their representations.

Calculate accurately and efficiently and use clear and concise notation to record their work.

Standard 3.MP.7

Look for and make use of structure. Recognize and apply the structures of mathematics through patterns, properties, and flexibility of numbers.

Standard 3.MP.8

Look for and express regularity in repeated reasoning. Notice repetitions in mathematics when solving multiple related problems. Use observations and reasoning to find shortcuts or generalizations.

Students should spend the large majority of their time on the major work of the grade. Those standards are indicated by ■. Supporting work, designated □ and, where appropriate, additional work, designated ○ can engage students in the major work of the grade.

Strand: Operations and Algebraic Thinking 3.OA

Third grade students represent and solve problems involving multiplication and division within 100. (Standards 1-4 & Standard 7) They demonstrate understanding of the properties of multiplication and the relationship between multiplication and division. (Standards 5-6) Students use the four operations to identify and explain patterns in arithmetic. (Standards 8-9)

■ **Standard 3.OA.1** Interpret products of whole numbers, such as interpret 5 × 7 as the total number of objects in 5 groups of 7 objects each. *For example, describe a context in which a total number of objects can be expressed as 5 × 7.*

■ **Standard 3.OA.2** Interpret whole-number quotients of whole numbers, such as: interpret 56 ÷ 8, 56 being the number of objects that are shared between 8 groups. For example, describe a context in which a number of shares (partitive) or a number of groups (quotitive) can be expressed as 56 ÷ 8.

■ **Standard 3.OA.3** Use multiplication and division within 100 to solve word problems in situations involving equal groups, arrays, and measurement quantities. For example, use drawings and equations with a symbol for the unknown number to represent the problem.

■ **Standard 3.OA.4** Determine the unknown whole number in a multiplication or division equation relating three whole numbers. *For example, determine the unknown number – product, factor, quotient, dividend, divisor that makes the equation true in each of the equations 8 x ? = 48, 5 = ? ÷ 3, 6 x 6 = ?.*

■ **Standard 3.OA.5** Apply properties of operations as strategies to multiply and divide. Ex*amples: If 6 x 4 = 24 is known, then 4 x 6 = 24 is also known.{Commutative property of multiplication.) 3 x 5 x 2 can be found by 3 x 5 = 15, then 15 x 2 = 30, or by 5 x 2 = 10, then 3 x 10 = 30. {Associative property of multiplication.) Knowing that 8 x 5 = 40 and 8 x 2 = 16, one can find 8 x 7 as 8 x {5 + 2) = {8 x 5) + {8 x 2) = 40 + 16 = 56. {Distributive property.)* (Third grade students may, but need not, use formal terms for these properties.)

■ **Standard 3.OA.6** Understand division as an unknown-factor problem. Understand the relationship between multiplication and division (multiplication and division are inverse operations). *For example, find 32 ÷ 8 by finding the number that makes 32 when multiplied by 8.*

■ **Standard 3.OA.7** Fluently multiply and divide.

a. Fluently multiply and divide within 100, using strategies such as the relationship between multiplication and division or properties of operations. (for example; knowing that 8 *x* 5 = 40, one knows 40 ÷ 5 = 8).

b. By the end of Grade 3, know from memory all products of two one-digit numbers.

■ **Standard 3.OA.8** Solve two-step word problems.

a. Solve two-step word problems using the four operations. Know how to perform operations in the conventional order when there are no parentheses to specify a particular order (Order of Operations). (Limit to problems posed with whole numbers and having whole number answers.)

b. Represent two-step problems using equations with a letter standing for the unknown quantity. Create accurate equations to match word problems).

c. Assess the reasonableness of answers using mental computation and estimation strategies including rounding.

■ **Standard 3.OA.9** Identify arithmetic patterns (including patterns in the addition table or multiplication table), and explain them using properties of operations. *For example, observe that 4 times a number is always even, and explain why 4 times a number can be decomposed into two equal addends.*

Strand: Number and Operations in Base Ten 3.NBT

Third grade students use place value understanding and properties of operations to perform multi-digit arithmetic.

- **Standard 3.NBT.1** Use place value understanding to round whole numbers to the nearest 10 or 100.
- **Standard 3.NBT.2** Fluently add and subtract within 1000 using strategies and algorithms based on place value, properties of operations, and/or the relationship between addition and subtraction.
- **Standard 3.NBT.3** Multiply one-digit whole numbers by multiples of 10 in the range 10-90 (for example; 9 x 80, 5 x 60) using strategies based on place value and properties of operations.

Strand: Number and Operations—Fractions 3.NF

Third grade students develop understanding of fractions as numbers.

- **Standard 3.NF.1** Understand that a unit fraction has a numerator of 1, and a non-zero denominator, Denominators are limited to 2, 3, 4, 6, and 8 in third grade.

  a) Understand a fraction 1/*b* as the quantity formed by 1 part, when a whole is partitioned into *b* equal parts.

  b) Understand a fraction *a/b* as the quantity formed by *a* parts of size 1/*b*. For example; ¼ + ¼ + ¼ = ¾.

- **Standard 3.NF.2** Understand a fraction as a number on the number line; represent fractions on a number line diagram.

  a. Represent a fraction 1/ *b* on a number line diagram by defining the interval from 0 to 1 as the whole and partitioning it into *b* equal parts. Recognize that each part has size 1/*b* and that the endpoint of the part based at 0 locates the number 1/*b* on the number line.

  b. Represent a fraction *a/b* on a number line diagram by marking off *a* lengths 1/*b* from 0. Recognize that the resulting interval has size *a/b* and that its endpoint locates the number *a/b* on the number line.

- **Standard 3.NF.3** Explain equivalence of fractions in special cases, and compare fractions by reasoning about their size.

  a. Understand two fractions as equivalent if they are the same size, or the same point on a number line.

  b. Recognize and generate simple equivalent fractions, such as; 1/2 = 2/4, 4/6 = 2/3. Explain why the fractions are equivalent by, for example, using a visual fraction model.

  c. Express whole numbers as fractions, and recognize fractions that are equivalent to whole numbers. For example, express 3 in the form 3 = 3/1; recognize that 6/1 = 6; locate 4/4 and 1 at the same point of a number line diagram.

  d. Compare two fractions with the same numerator or the same denominator by reasoning about their size. Recognize that comparisons are valid only when the two fractions refer to the same whole. Record the results of comparisons with the symbols >, =, or <, and justify the conclusions, for example, by using a visual fraction model.

Strand: Measurement and Data 3.MD

Third grade students will solve problems involving measurement and estimation of intervals of time, liquid volumes, and masses of objects. (Standards 1-2) They will represent and interpret data. (Standards 3-4) They will understand concepts of area and relate area to multiplication and addition. (Standards 5-7) Students will recognize perimeter as an attribute of plane figures and distinguish between linear and area measures. (Standard 8).

- **Standard 3.MD.1** Tell and write time to the nearest minute and measure time intervals in minutes. Solve word problems involving addition and subtraction of time intervals in minutes, for example, by representing the problem on a number line diagram.
- **Standard 3.MD.2** Measure and estimate liquid volumes and masses of objects using standard units of grams (g), kilograms (kg), milliliters (ml), and liters (l). (Excludes compound units such as cubic centimeters (cc or cm^3) and finding the geometric volume of a container). Add, subtract, multiply, or divide to solve one-step word problems involving masses of objects or volumes of liquids that are given in the same units, for example, by using drawings (such as a beaker with a measurement scale) to represent the problem. Excludes multiplicative comparison problems.
- **Standard 3.MD.3** Draw a scaled picture graph and a scaled bar graph to represent a data set with several categories. Solve one- and two-step "how many more" and "how many less" problems using information presented in scaled bar graphs. *For example, draw a bar graph in which each square in the bar graph might represent 5 pets.*
- **Standard 3.MD.4** Generate measurement data by measuring lengths using rulers marked with halves and fourths of an inch. Show the data by making a line plot, where the horizontal scale is marked off in appropriate units-whole numbers, halves, or quarters.
- **Standard 3.MD.5** Recognize area as an attribute of plane figures and understand concepts of area measurement.
    a. A square with side length 1 unit, called "a unit square," is said to have "one square unit" of area, and can be used to measure area.
    b. A plane figure which can be covered without gaps or overlaps by n unit squares is said to have an area of *n* square units.
- **Standard 3.MD.6** Measure areas by counting unit squares (square cm, square m, square in, square ft., and improvised units).
- **Standard 3.MD.7** Relate area to the operations of multiplication and addition. (Refer to 3.OA.5)
    a. Find the area of a rectangle with whole-number side lengths by tiling it, and show that the area is the same as would be found by multiplying the side lengths.
    b. Multiply side lengths to find areas of rectangles with whole-number side lengths in the context of solving real world and mathematical problems, and represent whole-number products as rectangular areas in mathematical reasoning.
    c. Use tiling to show in a concrete case that the area of a rectangle with whole-number side lengths a and $b + c$ is the sum of $a \times b$ and $a \times c$. Use area models to represent the distributive property in mathematical reasoning.
    d. Recognize area as additive. Find areas of rectilinear figures by decomposing them into non-overlapping rectangles and adding the areas of the non- overlapping parts, applying this technique to solve real world problems.
- **Standard 3.MD.8** Solve real world and mathematical problems involving perimeters of polygons, including finding the perimeter given the side lengths, finding an unknown side length, and exhibiting rectangles with the same perimeter and different areas or with the same area and different perimeters.

Strand: Geometry 3.G

Third grade students will reason with shapes and their attributes.

- ☐ **Standard 3.G.1** Understand that shapes in different categories (for example, rhombuses, rectangles, and others) may share attributes (for example, having four sides), and that the shared attributes can define a larger category (for example, quadrilaterals). Recognize rhombuses, rectangles, and squares as examples of quadrilaterals, and draw examples of quadrilaterals that do not belong to any of these subcategories.

- ☐ **Standard 3.G.2** Partition shapes into parts with equal areas. Express the area of each part as a unit fraction of the whole. *For example, partition a shape into 4 parts with equal area, and describe the area of each part as 1/4 of the area of the shape.*

Utah Education

UTAH CORE STATE STANDARDS *for* MATHEMATICS

4

Mathematics | Grade 4

In Grade 4, instructional time should focus on three critical areas: (1) developing understanding and fluency with multi-digit multiplication, and developing understanding of dividing to find quotients involving multi-digit dividends; (2) developing an understanding of fraction equivalence, addition and subtraction of fractions with like denominators, and multiplication of fractions by whole numbers, (3) understanding that geometric figures can be analyzed and classified based on their properties, such as having parallel sides, perpendicular sides, particular angle measures, and symmetry.

1) Students generalize their understanding of place value to 1,000,000, understanding the relative sizes of numbers in each place. They apply their understanding of models for multiplication (equal-sized groups, arrays, area models), place value, and properties of operations, in particular the distributive property, as they develop, discuss, and use efficient, accurate, and generalizable methods to compute products of multi-digit whole numbers. Depending on the numbers and the context, they select and accurately apply appropriate methods to estimate or mentally calculate products. They develop fluency with efficient procedures for multi- plying whole numbers; understand and explain why the procedures work based on place value and properties of operations; and use them to solve problems. Students apply their understanding of models for division, place value, properties of operations, and the relationship of division to multiplication as they develop, discuss, and use efficient, accurate, and generalizable procedures to find quotients involving multi-digit dividends. They select and accurately apply appropriate methods to estimate and mentally calculate quotients, and interpret remainders based upon the context.

2) Students develop understanding of fraction equivalence and operations with fractions. They recognize that two different fractions can be equal (for example, 15/9 = 5/3), and they develop methods for generating and recognizing equivalent fractions. Students extend previous understandings about how fractions are built from unit fractions, composing fractions from unit fractions, decomposing fractions into unit fractions, and using the meaning of fractions and the meaning of multiplication to multiply a fraction by a whole number.

3) Students describe, analyze, compare, and classify two-dimensional shapes. Through building, drawing, and analyzing two-dimensional shapes, students deepen their understanding of properties of two-dimensional objects and the use of them to solve problems involving symmetry.

Mathematical Practices 4.MP

The Standards for Mathematical Practice in Fourth Grade describe mathematical habits of mind that teachers should seek to develop in their students. Students become mathematically proficient in engaging with mathematical content and concepts as they learn, experience, and apply these skills and attitudes.

Standard 4.MP.1

Make sense of problems and persevere in solving them. Explain the meaning of a problem, look for entry points to begin work on the problem, and plan and choose a solution pathway. When a solution pathway does not make sense, look for another pathway that does. Upon finding a solution, look back at the problem to determine if the solution is reasonable and accurate, often checking answers to problems using a different method or approach.

Standard 4.MP.2

Reason abstractly and quantitatively. Make sense of quantities and their relationships in problem situations. Contextualize quantities and operations by using images or stories. Decontextualize a given situation and represent it symbolically. Interpret symbols as having meaning, not just as directions to carry out a procedure. Know and flexibly use different properties of operations, numbers, and geometric objects.

Standard 4.MP.3

Construct viable arguments and critique the reasoning of others. Explain the mathematical reasoning underlying a strategy, solution, or conjecture by using concrete referents such as objects, drawings, diagrams, and actions. Listen to or read the arguments of others, decide whether they make sense, ask useful questions to clarify or improve the arguments, and build on those arguments.

Standard 4.MP.4

Model with mathematics. Identify the mathematical elements of a situation and create a mathematical model that shows the relationships among them. Identify important quantities in a contextual situation, use mathematical models to show the relationships of those quantities, analyze the relationships, and draw conclusions.

Standard 4.MP.5

Use appropriate tools strategically. Consider the tools that are available when solving a mathematical problem, whether in a real-world or mathematical context. Choose tools that are relevant and useful to the problem at hand such as:

a. physical objects
b. drawings or diagrams
c. physical tools or technologies
d. mathematical tools such as estimation or a particular strategy or algorithm.

Standard 4.MP.6

Attend to precision. Communicate precisely to others by crafting careful explanations that communicate mathematical reasoning by:

a. referring specifically to each important mathematical element
b. describing the relationships among them, and
c. connecting their words clearly to their representations.

Calculate accurately and efficiently and use clear and concise notation to record their work.

Standard 4.MP.7

Look for and make use of structure. Recognize and apply the structures of mathematics through patterns, properties, and flexibility of numbers.

Standard 4.MP.8

Look for and express regularity in repeated reasoning. Notice repetitions in mathematics when solving multiple related problems. Use observations and reasoning to find shortcuts or generalizations.

Students should spend the large majority of their time on the major work of the grade. Those standards are indicated by ■. Supporting work, designated □ and, where appropriate, additional work, designated ○ can engage students in the major work of the grade.

Strand: Operations and Algebraic Thinking 4.OA

Fourth grade students use the four operations with whole numbers (addition, subtraction, multiplication, and division) to solve problems (Standards 1-3). Students gain familiarity with factors and multiples (Standard 4). Students generate and analyze numeric and shape patterns (Standard 5).

■ **Standard 4.OA.1** Interpret a multiplication equation as a comparison, for example, interpret 35 = 5 x 7 as a statement that 35 is 5 times as many as 7 and 7 times as many as 5. Represent verbal statements of multiplicative comparisons as multiplication equations.

■ **Standard 4.OA.2** Multiply or divide to solve word problems involving multiplicative comparison, for example, by using drawings and equations with a symbol for the unknown number to represent the problem, distinguishing multiplicative comparison from additive comparison.

■ **Standard 4.OA.3** Solve multistep word problems posed with whole numbers and having whole-number answers using the four operations, including problems in which remainders must be interpreted.

a. Represent these problems using equations with a letter standing for the unknown quantity.

b. Assess the reasonableness of answers using mental computation and estimation strategies including rounding.

□ **Standard 4.OA.4** Find all factor pairs for a whole number in the range 1-100. Recognize that a whole number is a multiple of each of its factors. Determine whether a given whole number in the range 1-100 is a multiple of a given one-digit number. Determine whether a given whole number in the range 1-100 is prime or composite.

○ **Standard 4.OA.5** Generate a number or shape pattern that follows a given rule. Identify apparent features of the pattern that were not explicit in the rule itself. *For example, given the rule "Add 3" and the starting number 1, generate terms in the resulting sequence and observe that the terms appear to alternate between odd and even numbers. Explain informally why the numbers will continue to alternate in this way.*

Strand: Number and Operations in Base Ten 4.NBT

Fourth Grade students will be able to generalize place value understanding for multi-digit whole numbers by analyzing patterns, writing whole numbers in a variety of ways, making comparisons, and rounding (Standards 1-3). Students will use place value understanding and properties of operations to perform multi-digit addition, subtraction, multiplication, and division using a one digit divisor (Standards 4-6).

■ **Standard 4.NBT.1** Recognize that in a multi-digit whole number, a digit in one place represents ten times what it represents in the place to its right. For example, recognize that 700 ÷ 70 = 10 by applying concepts of place value and division.

■ **Standard 4.NBT.2** Read and write multi-digit whole numbers using base-ten numerals, number names, and expanded form. Compare two multi-digit numbers based on meanings of the digits in each place, using >, =, and < symbols to record the results of comparisons.

■ **Standard 4.NBT.3** Use place value understanding to round multi-digit whole numbers to any place.

■ **Standard 4.NBT.4** Fluently add and subtract multi-digit whole numbers using the standard algorithm.

- **Standard 4.NBT.5** Multiply a whole number of up to four digits by a one-digit whole number, and multiply two two-digit numbers, using strategies based on place value and the properties of operations. Illustrate and explain the calculation by using equations, rectangular arrays, and/or area models.

- **Standard 4.NBT.6** Find whole-number quotients and remainders with up to four-digit dividends and one-digit divisors, using strategies based on place value, the properties of operations, and/or the relationship between multiplication and division. Illustrate and explain the calculation by using equations, rectangular arrays, and/or area models.

Strand: Number and Operations—Fractions 4.NF

Fourth grade students will extend their understandings of equivalence and ordering of fractions with denominators 2, 3, 4, 5, 6, 8, 10, 12, and 100 (Standards 1-2). Students will build fractions with denominators 2, 3, 4, 5, 6, 8, 10, 12, and 100 from unit fractions by applying and extending previous understandings of operations on whole number (Standards 3-4). Students will understand decimal notation to the hundredths and compare decimal fractions with denominators of 10 and 100 (Standards 5-7).

- **Standard 4.NF.1** Explain why a fraction *a/b* is equivalent to a fraction *(n* x *a)/(n* x *b)* by using visual fraction models, with attention to how the number and size of the parts differ even though the two fractions themselves are the same size. Use this principle to recognize and generate equivalent fractions.

- **Standard 4.NF.2** Compare two fractions with different numerators and different denominators, for example, by creating common denominators or numerators, or by comparing to a benchmark fraction such as 1/2. Recognize that comparisons are valid only when the two fractions refer to the same whole. Record the results of comparisons with symbols >, =, or <, and justify the conclusions, for example, by using a visual fraction model.

- **Standard 4.NF.3** Understand a fraction *a/b* with *a > 1* as a sum of fractions 1/*b*. In other words, any fraction is a sum of unit fractions.
    a. Understand addition and subtraction of fractions as joining and separating parts referring to the same whole.
    b. Decompose a fraction into a sum of fractions with the same denominator in more than one way, recording each decomposition by an equation. Justify decompositions, for example, by using a visual fraction model. *For example, 3/8 = 1/8 + 1/8 + 1/8; 3/8 = 1/8 + 2/8 ; 2 1/8 = 1 + 1 + 1/8; 2 1/8 = 8/8 + 8/8 + 1/8.*
    c. Add and subtract mixed numbers with like denominators, for example, by replacing each mixed number with an equivalent fraction, and/or by using properties of operations and the relationship between addition and subtraction. *For example, 3 1/4 + 2 1/4 = 13/4 + 9/4 = 22/4; 3 1/4 + 2 1/4 = (3 + 2) + (1/4 + 1/4) = 5 + 2/4 = 5 2/4, which is equivalent to 22/4.*
    d. Solve word problems involving addition and subtraction of fractions referring to the same whole and having like denominators, for example, by using visual fraction models and equations to represent the problem.

- **Standard 4.NF.4** Apply and extend previous understandings of multiplication to multiply a fraction by a whole number. Understand a fraction *a/b* as a multiple of *1/b*. *For example, use a visual fraction model to represent 5/4 as the product 5 x (1/4), recording the conclusion by the equation 5/4 = 5 x (1/4). Fraction denominators for 4th grade are limited to* 2, 3, 4, 5, 6, 8, 10, 12, and 100.
    a. Understand a multiple of a/b as a multiple of 1/b, and use this understanding to multiply a fraction by a whole number. *For example, use a visual fraction model to express 3 x (2/5) as 6 x (1/5), recognizing this product as 6/5. (In general, n x (a/b) = (n x a)/b.)*
    b. Solve word problems involving multiplication of a fraction by a whole number, for example, by using visual fraction models and equations to represent the problem. *For example, if each person at a party will eat 3/8 of a pound of roast beef, and there will be 5 people at the party, how many pounds of roast beef will be needed? Between what two whole numbers does your answer lie?*

Standard 4.NF.5 Express a fraction with denominator 10 as an equivalent fraction with denominator 100, and use this technique to add two fractions with respective denominators 10 and 100. *For example, express 3/10 as 30/100, and add 3/10 + 4/100 = 34/100.*

Standard 4.NF.6 Use decimal notation for fractions with denominators 10 or 100. *For example, rewrite 0.62 as 62/10, describe a length as 0.62 meters; locate 0.62 on a number line diagram.*

Standard 4.NF.7 Compare two decimals to hundredths by reasoning about their size. Recognize that comparisons are valid only when the two decimals refer to the same whole. Record the results of comparisons with the symbols >, =, or <, and justify the conclusions, for example, by using a visual model.

Strand: Measurement and Data 4.MD

Fourth grade students will be able to solve problems involving measurement and conversion of measurements from a larger unit to a smaller unit (Standards 1-2). Students will apply their knowledge of area and perimeter to solve real world and mathematical problems (Standard 3). Students will represent and interpret data through the use of a line plot (Standard 4). Students will understand various concepts of angles and angle measurement (Standard 5-7).

Standard 4.MD.1 Know relative sizes of measurement units within each system of units (standard and metric) including km, m, cm; l, ml; kg, g; lb., oz.; l, ml; hr, min, sec. Within a single system of measurement, express measurements in a larger unit in terms of a smaller unit. Record measurement equivalents in a two-column table. *For example, know that 1 ft is 12 times as long as 1 in. Express the length of a 4 ft snake as 48 in. Know that 1 m is 100 times as long as 1 cm. Generate a conversion table for feet and inches listing the number pairs (1, 12), (2, 24), (3, 36)…*

Standard 4.MD.2 Use the four operations to solve word problems involving distances, intervals of time, liquid volumes, masses of objects, and money.

a. Include problems involving simple fractions or decimals, and problems that require expressing measurements given in a larger unit in terms of a smaller unit.

b. Represent measurement quantities using diagrams such as number line diagrams that feature a measurement scale.

Standard 4.MD.3 Apply the area and perimeter formulas for rectangles in real world and mathematical problems. *For example,* find *the width of a rectangular room given the area of the flooring and the length, by viewing the area formula as a multiplication equation with an unknown factor.*

Standard 4.MD.4 Make a line plot to display a data set of measurements in unit fractions (1/2, 1/4, 1/8). Solve problems involving addition and subtraction with like denominators of fractions by using information presented in line plots. *For example, from a line plot find and interpret the* difference *in length between the longest and shortest* pencils in a classroom.

Standard 4.MD.5 Recognize angles as geometric figures that are formed wherever two rays share a common endpoint, and understand concepts of angle measurement.

a. An angle is measured with reference to a circle with its center at the common endpoint of the rays, by considering the fraction of the circular arc between the points where the two rays intersect the circle. An angle that turns through 1/360 of a circle is called a "one-degree angle," and can be used to measure angles.

b. An angle that turns through *n* one-degree angles is said to have an angle measure of *n* degrees.

Standard 4.MD.6 Measure angles in whole-number degrees using a protractor. Sketch angles of specified measure.

Standard 4.MD.7 Recognize angle measure as additive.

a. When an angle is decomposed into non-over-lapping parts, the angle measure of the whole is the sum of the angle measures of the parts.

b. Solve addition and subtraction problems to find unknown angles on a diagram in real world and mathematical problems, for example, by using an equation with a symbol for the unknown angle measure.

Strand: Geometry 4.G

Fourth grade students will be able to draw and identify lines and angles as well as classify shapes by properties of their lines and angles.

- **Standard 4.G.1** Draw points, lines, line segments, rays, angles (right, acute, obtuse), and perpendicular and parallel lines. Identify these in two-dimensional figures.

- **Standard 4.G.2** Classify two-dimensional figures based on the presence or absence of parallel or perpendicular lines, or the presence or absence of angles of a specified size. Recognize right triangles as a category, and identify right triangles.

- **Standard 4.G.3** Recognize a line of symmetry for a two-dimensional figure as a line across the figure such that the figure can be folded along the line into matching parts. Identify line-symmetric figures and draw lines of symmetry.

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UTAH CORE STATE STANDARDS *for* MATHEMATICS

5

Mathematics | Grade 5

In Grade 5, instructional time should focus on three critical areas: (1) developing fluency with addition and subtraction of fractions, and developing understanding of the multiplication of fractions and of division of fractions in limited cases (unit fractions divided by whole numbers and whole numbers divided by unit fractions); (2) extending division to 2-digit divisors, integrating decimal fractions into the place value system and developing understanding of operations with decimals to hundredths, and developing fluency with whole number and decimal operations; and (3) developing understanding of volume.

1. Students apply their understanding of fractions and fraction models to represent the addition and subtraction of fractions with unlike denominators as equivalent calculations with like denominators. They develop fluency in calculating sums and differences of fractions, and make reasonable estimates of them. Students also use the meaning of fractions, of multiplication and division, and the relationship between multiplication and division to understand and explain why the procedures for multiplying and dividing fractions make sense. (Note: this is limited to the case of dividing unit fractions by whole numbers and whole numbers by unit fractions.)

2. Students develop understanding of why division procedures work based on the meaning of base-ten numerals and properties of operations. They finalize fluency with multi-digit addition, subtraction, multi- plication, and division. They apply their understandings of models for decimals, decimal notation, and properties of operations to add and subtract decimals to hundredths. They develop fluency in these computations, and make reasonable estimates of their results. Students use the relationship between decimals and fractions, as well as the relationship between finite decimals and whole numbers (i.e., a finite decimal multi- plied by an appropriate power of 10 is a whole number), to understand and explain why the procedures for multiplying and dividing finite decimals make sense. They compute products and quotients of decimals to hundredths efficiently and accurately.

3. Students recognize volume as an attribute of three-dimensional space. They understand that volume can be measured by finding the total number of same-size units of volume required to fill the space with- out gaps or overlaps. They understand that a 1-unit by 1-unit by 1-unit cube is the standard unit for measuring volume. They select appropriate units, strategies, and tools for solving problems that involve estimating and measuring volume. They decompose three-dimensional shapes and find volumes of right rectangular prisms by viewing them as decom- posed into layers of arrays of cubes. They measure necessary attributes of shapes in order to determine volumes to solve real world and mathematical problems.

Strand: Mathematical Practices 5.MP

The Standards for Mathematical Practice in Fifth Grade describe mathematical habits of mind that teachers should seek to develop in their students. Students become mathematically proficient in engaging with mathematical content and concepts as they learn, experience, and apply these skills and attitudes.

Standard 5.MP.1

Make sense of problems and persevere in solving them. Explain the meaning of a problem, look for entry points to begin work on the problem, and plan and choose a solution pathway. When a solution pathway does not make sense, look for another pathway that does. Upon finding a solution, look back at the problem to determine if the solution is reasonable and accurate, often checking answers to problems using a different method or approach.

Standard 5.MP.2

Reason abstractly and quantitatively. Make sense of quantities and their relationships in problem situations. Contextualize quantities and operations by using images or stories. Decontextualize a given situation and represent it symbolically. Interpret symbols as having meaning, not just as directions to carry out a procedure. Know and flexibly use different properties of operations, numbers, and geometric objects.

Standard 5.MP.3

Construct viable arguments and critique the reasoning of others. Explain the mathematical reasoning underlying a strategy, solution, or conjecture by using concrete referents such as objects, drawings, diagrams, and actions. Listen to or read the arguments of others, decide whether they make sense, ask useful questions to clarify or improve the arguments, and build on those arguments.

Standard 5.MP.4

Model with mathematics. Identify the mathematical elements of a situation and create a mathematical model that shows the relationships among them. Identify important quantities in a contextual situation, use mathematical models to show the relationships of those quantities, analyze the relationships, and draw conclusions.

Standard 5.MP.5

Use appropriate tools strategically. Consider the tools that are available when solving a mathematical problem, whether in a real-world or mathematical context. Choose tools that are relevant and useful to the problem at hand such as:

a. physical objects
b. drawings or diagrams
c. physical tools or technologies
d. mathematical tools such as estimation or a particular strategy or algorithm.

Standard 5.MP.6

Attend to precision. Communicate precisely to others by crafting careful explanations that communicate mathematical reasoning by:

a. referring specifically to each important mathematical element
b. describing the relationships among them, and
c. connecting their words clearly to their representations.

Calculate accurately and efficiently and use clear and concise notation to record their work.

Standard 5.MP.7

Look for and make use of structure. Recognize and apply the structures of mathematics through patterns, properties, and flexibility of numbers.

Standard 5.MP.8

Look for and express regularity in repeated reasoning. Notice repetitions in mathematics when solving multiple related problems. Use observations and reasoning to find shortcuts or generalizations.

Students should spend the large majority of their time on the major work of the grade. Those standards are indicated by ■. Supporting work, designated □ and, where appropriate, additional work, designated ○ can engage students in the major work of the grade.

Strand: Operations and Algebraic Thinking 5.OA

Fifth Grade students write and interpret numerical expressions (Standards 1 and 2), and analyze patterns and relationships Standard 3)

○ **Standard 5.OA.1** Use parentheses, brackets, or braces in numerical expressions, and evaluate expressions with these symbols.

○ **Standard 5.OA.2** Write and interpret simple numerical expressions.

- ***a.*** Write simple expressions that record calculations with numbers. *For example 2 x (8+7) to express the calculation "add 8 and 7, then multiply by 2."*
- **b.** Interpret numerical expressions without evaluating them. *For example use their conceptual understanding of multiplication to interpret 3 x (18939 + 921) as being three times as large as 18932 + 921 without calculating the indicated sum or product.*

○ **Standard 5.OA.3** Generate two numerical patterns using two given rules. Identify apparent relationships between corresponding terms. Form ordered pairs consisting of corresponding terms from the two patterns, and graph the ordered pairs on a coordinate plane. *For example, given the rule "Add 3" and the starting number 0, and given the rule "Add 6" and the starting number 0, generate terms in the resulting sequences, and observe that the terms in one sequence are twice the corresponding terms in the other sequence. Explain informally why this is so.*

Strand: Number and Operations in Base Ten 5.NBT

Fifth Grade students will understand the place value system (Standards 1-4). They will perform operations with multi-digit whole numbers and with decimals to hundredths (Standards 5-7).

■ **Standard 5.NBT.1** Recognize that in a multi-digit number, a digit in one place represents 10 times as much as it represents in the place to its right and 1/10 of what it represents in the place to its left.

■ **Standard 5.NBT.2** Explain patterns in the number of zeros of the product when multiplying a number by powers of 10, and explain patterns in the placement of the decimal point when a decimal is multiplied or divided by a power of 10. Use whole-number exponents to denote powers of 10.

■ **Standard 5.NBT.3** Read, write, and compare decimals to thousandths.

- **a.** Read and write decimals to thousandths using base-ten numerals, number names, and expanded form, *for example, 347.392 = 3 x 100 + 4 x 10 + 7 x 1 + 3 x (1/10) + 9 x (1/100) + 2 x (1/1000)*.
- **b.** Compare two decimals to thousandths based on meanings of the digits in each place, using >, =, and < symbols to record the results of comparisons.

■ **Standard 5.NBT.4** Use place value understanding to round decimals to any place.

■ **Standard 5.NBT.5** Fluently multiply multi-digit whole numbers using the standard algorithm.

■ **Standard 5.NBT.6** Find whole-number quotients of whole numbers with up to four-digit dividends and two-digit divisors, using strategies based on place value, the properties of operations, and/or the relationship between multiplication and division. Illustrate and explain the calculation by using equations, rectangular arrays, and/or area models.

- **Standard 5.NBT.7** Add, subtract, multiply, and divide decimals to hundredths, using concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; relate the strategy to a written method and explain the reasoning used. In this standard, dividing decimals is limited to a whole number dividend with a decimal divisor or a decimal dividend with a whole number divisor. Compare the value of the quotient on the basis of the values of the dividend and divisor.

Strand: Number and Operations—Fractions 5.NF

Fifth grade students will use equivalent fractions as a strategy to add and subtract fractions (Standards 1 and 2). They will apply and extend previous understandings of multiplication and division to multiply and divide fractions (Standards 3 – 7).

- **Standard 5.NF.1** Add and subtract fractions with unlike denominators (including mixed numbers) by replacing given fractions with equivalent fractions in such a way as to produce an equivalent sum or difference of fractions with like denominators. *For example, 2/3 + 5/4 = 8/12 + 15/12 = 23/12.*
  (In general, a/b + c/d = (ad + bc)/bd.)

- **Standard 5.NF.2** Solve real word problems involving addition and subtraction of fractions referring to the same whole, including cases of unlike denominators by, for example, using visual fraction models or equations to represent the problem. Use benchmark fractions and number sense of fractions to estimate mentally and assess the reasonableness of answers. *For example, recognize 2/5 + 1/2 = 3/7 as incorrect result, by observing that 3/7 < 1/2.*

- **Standard 5.NF.3** Interpret a fraction as division of the numerator by the denominator *(a/b = a ÷ b)*. Solve word problems involving division of whole numbers leading to answers in the form of fractions or mixed numbers, through the use of visual fraction models or equations to represent the problem. *For example, interpret 3/4 as the result of dividing 3 by 4, noting that 3/4 multiplied by 4 equals 3, and that when 3 wholes are shared equally among 4 people each person has a share of size 3/4. If 9 people want to share a 50-pound sack of rice equally by weight, how many pounds of rice should each person get? Between what two whole numbers does your answer lie?*

- **Standard 5.NF.4** Apply and extend previous understandings of multiplication to multiply a fraction or whole number by a fraction.

  a. Interpret the product *(a/b) x q* as *a* parts of a partition of *q* into *b* equal parts; equivalently, as the result of a sequence of operations *a x q ÷ b* using a *visual fraction model. For example, use a fraction model to show (2/3) x 4 = 8/3, and create a story context for this equation. Do the same with (2/3) x (4/5) = 8/15. (In general, (a/b) x (c/d) = ac/bd.)*

  b. Find the area of a rectangle with fractional side lengths by tiling it with unit squares of the appropriate unit fraction side lengths, and show that the area is the same as would be found by multiplying the side lengths. Multiply fractional side lengths to find areas of rectangles, and represent fraction products as rectangular areas.

- **Standard 5.NF.5** Interpret multiplication as scaling.

  a. Compare the size of a product to the size of one factor on the basis of the size of the other factor, without performing the indicated multiplication. *For example, the products of expressions such as 5 x 3 or ½ x 3 can be interpreted in terms of a quantity, 3, and a scaling factor, 5 or ½. Thus in addition to knowing that 5 x 3 = 15, they can also say that 5 x 3 is 5 times as big as 3, without evaluating the product. Likewise they see ½ x 3 as half the size of 3.*

  b. Explain why multiplying a given number by a fraction greater than 1 results in a product greater than the given number (recognizing multiplication by whole numbers greater than 1 as a familiar case); explain why multiplying a given number by a fraction less than 1 results in a product smaller than the given number; and relate the principle of fraction equivalence. *For example, 6/10 = (2x3)/(2x5).* In general, *a/b = (n x a)/(n x b)* has the effect of multiplying *a/b* by 1.

- **Standard 5.NF.6** Solve real world problems involving multiplication of fractions and mixed numbers, *for example, by using visual fraction models or equations to represent the problem.*
- **Standard 5.NF.7** Apply and extend previous understandings of division to divide unit fractions by whole numbers and whole numbers by unit fractions. Use strategies to divide fractions by reasoning about the relationship between multiplication and division. Division of a fraction by a fraction is not a requirement at this grade.
    a. Interpret division of a unit fraction by a non-zero whole number, and compute such quotients. *For example, create a story context for (1/3) ÷ 4, and use a visual fraction model to show the quotient.* Use the relationship between multiplication and division to explain that *(1/3) ÷ 4 = 1/12* because *(1/12) x 4 = 1/3*.
    b. Interpret division of a whole number by a unit fraction, and compute such quotients. *For example, create a story context for 4 ÷ (1/5), and use a visual fraction model to show the quotient. Use the relationship between multiplication and division to explain that 4 ÷ (1/5) = 20 because 20 x (1/5) = 4.*
    c. Solve real world problems involving division of unit fractions by non-zero whole numbers and division of whole numbers by unit fractions, for example, by using visual fraction models and equations to represent the problem. *For example, how much chocolate will each person get if 3 people share 1/2 lb. of chocolate equally? How many 1/3-cup servings are in 2 cups of raisins?*

Strand: Measurement and Data 5.MD

Fifth grade students will convert like measurement units within a given measurement system (Standard 1). They will represent and interpret data (Standard 2). Students will understand concepts of geometric measurement and volume, as well as how multiplication and addition relate to volume. (Standard 3)

- **Standard 5.MD.1** Convert among different-sized standard measurement units within a given measurement system (*for example, convert 5 cm to 0.05 m*); use these conversions in solving multi-step, real world problems.
- **Standard 5.MD.2** Make a line plot to display a data set of measurements in fractions of a unit (1/2, 1/4, 1/8). Use operations on fractions for this grade to solve problems involving information presented in line plots. *For example, given different measurements of liquid in identical measuring cups with fractional measurements, find the amount of liquid each measuring cup would contain if the total amount in all the measuring cups were redistributed equally. Use data from the resultant graph to find the total length in inches.*
- **Standard 5.MD. 3** Recognize volume as an attribute of solid figures and understand concepts of volume measurement.
    a. A cube with side length 1 unit, called a "unit cube," is said to have "one cubic unit" of volume, and can be used to measure volume.
    b. A solid figure which can be packed without gaps or overlaps using *n* unit cubes is said to have a volume of *n* cubic units.
- **Standard 5.MD.4** Measure volumes by counting unit cubes, using cubic cm, cubic in., cubic ft., and improvised units.
- **Standard 5.MD.5** Relate volume to the operations of multiplication and addition and solve real world and mathematical problems involving volume.
    a. Find the volume of a right rectangular prism with whole-number side lengths by packing it with unit cubes, and show that the volume is the same as would be found by multiplying the edge lengths, equivalently by multiplying the height by the area of the base. Represent threefold whole-number products as volumes, e.g., to represent the associative property of multiplication.
    b. Apply the formulas *V = l x w x h and V = b x h* for rectangular prisms to find volumes of right rectangular prisms with whole-number edge lengths in the con- text of solving real world and mathematical problems.

c. Recognize volume as additive. Find volumes of solid figures composed of two non-overlapping right rectangular prisms by adding the volumes of the non-overlapping parts, applying this technique to solve real world problems.

Geometry 5.G

Fifth Grade students will graph points on the coordinate plane to solve real-world and mathematical problems in quadrant one (Standards 1 and 2). They will classify two-dimensional figures into categories based on their properties. (Standards 3 and 4)

- **Standard 5.G.1** Compose and understand the coordinate plane.
  a. Use a pair of perpendicular number lines, called axes, to define a coordinate system, with the intersection of the lines (the origin) arranged to coincide with the 0 on each line and a given point in the plane located by using an ordered pair of numbers, called its coordinates.

  b. Using quadrant one on the coordinate plane, understand that the first number in a coordinate pair indicates how far to travel from the origin in the direction of the horizontal axis, and the second number indicates how far to travel in the direction of the vertical axis, with the convention that the names of the two axes and the coordinates correspond (*x*-axis and *x*-coordinate, *y*-axis and *y*-coordinate).

- **Standard 5.G.2** Represent real world and mathematical problems by graphing points in the first quadrant of the coordinate plane, and interpret coordinate values of points in the context of the situation.

- **Standard 5.G.3** Understand that attributes belonging to a category of two-dimensional figures also belong to all subcategories of that category. *For example, all rectangles have four right angles and squares are rectangles, so all squares have four right angles.*

- **Standard 5.G.4** Classify two-dimensional figures in a hierarchy based on properties.

Utah STATE OFFICE of Education

UTAH CORE STATE STANDARDS *for* MATHEMATICS

6

Mathematics | Grade 6

In Grade 6, instructional time should focus on four critical areas: (1) connecting ratio and rate to whole number multiplication and division and using concepts of ratio and rate to solve problems; (2) completing understanding of division of fractions and extending the notion of number to the system of rational numbers, which includes negative numbers; (3) writing, interpreting, and using expressions and equations; and (4) developing understanding of statistical thinking.

1) Students use reasoning about multiplication and division to solve ratio and rate problems about quantities. By viewing equivalent ratios and rates as deriving from, and extending, pairs of rows (or columns) in the multiplication table, and by analyzing simple drawings that indicate the relative size of quantities, students connect their understanding of multiplication and division with ratios and rates. Thus students expand the scope of problems for which they can use multiplication and division to solve problems, and they connect ratios and fractions. Students solve a wide variety of problems involving ratios and rates.

2) Students use the meaning of fractions, the meanings of multiplication and division, and the relationship between multiplication and division to understand and explain why the procedures for dividing fractions make sense. Students use these operations to solve problems. Students extend their previous understandings of number and the ordering of numbers to the full system of rational numbers, which includes negative rational numbers, and in particular negative integers. They reason about the order and absolute value of rational numbers and about the location of points in all four quadrants of the coordinate plane.

3) Students understand the use of variables in mathematical expressions. They write expressions and equations that correspond to given situations, evaluate expressions, and use expressions and formulas to solve problems. Students understand that expressions in different forms can be equivalent, and they use the properties of operations to rewrite expressions in equivalent forms. Students know that the solutions of an equation are the values of the variables that make the equation true. Students use properties of operations and the idea of maintaining the equality of both sides of an equation to solve simple one-step equations. Students construct and analyze tables, such as tables of quantities that are in equivalent ratios, and they use equations (such as $3x = y$) to de- scribe relationships between quantities.

4) Building on and reinforcing their understanding of number, students begin to develop their ability to think statistically. Students recognize that a data distribution may not have a definite center and that different ways to measure center yield different values. The median measures center in the sense that it is roughly the middle value. The mean measures center in the sense that it is the value that each data point would take on if the total of the data values were redistributed equally, and also in the sense that it is a balance point. Students recognize that a measure of variability (interquartile range or mean absolute deviation) can also be useful for summarizing data because two very different sets of data can have the same mean and median yet be distinguished by their variability. Students learn to describe and summarize numerical data sets, identifying clusters, peaks, gaps, and symmetry, considering the context in which the data were collected.

Students in Grade 6 also build on their work with area in elementary school by reasoning about relationships among shapes to determine area, surface area, and volume. They find areas of right triangles, other triangles, and special quadrilaterals by decomposing these shapes, rearranging or removing pieces, and relating the shapes to rectangles. Using these methods, students discuss, develop, and justify formulas for areas of triangles and parallelograms. Students find areas of polygons and surface areas of prisms and pyramids by decomposing them into pieces whose area they can determine. They reason about right rectangular prisms with fractional side lengths to extend formulas for the volume of a right rectangular prism to fractional side lengths. They prepare for work on scale drawings and constructions in Grade 7 by drawing polygons in the coordinate plane.

Strand: Mathematical Practices 6.MP

The Standards for Mathematical Practice in Sixth Grade describe mathematical habits of mind that teachers should seek to develop in their students. Students become mathematically proficient in engaging with mathematical content and concepts as they learn, experience, and apply these skills and attitudes.

Standard 6.MP.1

Make sense of problems and persevere in solving them. Explain the meaning of a problem, look for entry points to begin work on the problem, and plan and choose a solution pathway. When a solution pathway does not make sense, look for another pathway that does. Upon finding a solution, look back at the problem to determine if the solution is reasonable and accurate, often checking answers to problems using a different method or approach.

Standard 6.MP.2

Reason abstractly and quantitatively. Make sense of quantities and their relationships in problem situations. Contextualize quantities and operations by using images or stories. Decontextualize a given situation and represent it symbolically. Interpret symbols as having meaning, not just as directions to carry out a procedure. Know and flexibly use different properties of operations, numbers, and geometric objects.

Standard 6.MP.3

Construct viable arguments and critique the reasoning of others. Explain the mathematical reasoning underlying a strategy, solution, or conjecture by using concrete referents such as objects, drawings, diagrams, and actions. Listen to or read the arguments of others, decide whether they make sense, ask useful questions to clarify or improve the arguments, and build on those arguments.

Standard 6.MP.4

Model with mathematics. Identify the mathematical elements of a situation and create a mathematical model that shows the relationships among them. Identify important quantities in a contextual situation, use mathematical models to show the relationships of those quantities, analyze the relationships, and draw conclusions.

Standard 6.MP.5

Use appropriate tools strategically. Consider the tools that are available when solving a mathematical problem, whether in a real-world or mathematical context. Choose tools that are relevant and useful to the problem at hand such as:

a. physical objects
b. drawings or diagrams
c. physical tools or technologies
d. mathematical tools such as estimation or a particular strategy or algorithm.

Standard 6.MP.6

Attend to precision. Communicate precisely to others by crafting careful explanations that communicate mathematical reasoning by:

a. referring specifically to each important mathematical element
b. describing the relationships among them, and
c. connecting their words clearly to their representations.

Calculate accurately and efficiently and use clear and concise notation to record their work.

Standard 6.MP.7

Look for and make use of structure. Recognize and apply the structures of mathematics through patterns, properties, and flexibility of numbers.

Standard 6.MP.8

Look for and express regularity in repeated reasoning. Notice repetitions in mathematics when solving multiple related problems. Use observations and reasoning to find shortcuts or generalizations.

Students should spend the large majority of their time on the major work of the grade. Those standards are indicated by ■. Supporting work, designated □ and, where appropriate, additional work, designated ○ can engage students in the major work of the grade.

Strand: Ratios and Proportional Relationships 6.RP

Sixth Grade students understand ratio concepts and use ratio reasoning to solve problems.

■ Standard 6.RP.1 Understand the concept of a ratio and use ratio language to describe a ratio relationship between two quantities. The following are examples of ratio language: *"The ratio of wings to beaks in the bird house at the zoo was 2:1, because for every 2 wings there was 1 beak." "For every vote candidate A received, candidate C received three votes."*

■ Standard 6.RP.2 Understand the concept of a unit rate *a/b* associated with a ratio *a:b* with *b*≠0, and use rate language in the context of a ratio relationship. The following are examples of rate language: *"This recipe has a ratio of* 4 *cups of flour to* 2 *cups of sugar, so* the rate *is* 2 cups *of flour for each cup of sugar." "We paid $75 for 15 hamburgers, which is a rate of $5 per hamburger."* (In sixth grade, unit rates are limited to non-complex fractions.)

■ Standard 6.RP.3 Use ratio and rate reasoning to solve real-world (with a context) and mathematical (void of context) problems, using strategies such as reasoning about tables of equivalent ratios, tape diagrams, double number line diagrams, or equations involving unit rate problems.

- **a.** Make tables of equivalent ratios relating quantities with whole-number measurements, find missing values in the tables, and plot the pairs of values on the coordinate plane. Use tables to compare ratios.
- **b.** Solve unit rate problems including those involving unit pricing and constant speed. *For example: if it took* 4 *hours to mow* 8 *lawns, how many lawns could be mowed in 32 hours? What is the hourly rate at which lawns were being mowed?*
- **c.** Find a percent of a quantity as a rate per 100. Solve problems involving finding the whole, given a part and the percent. (*For example: 30% of a quantity means 30/100 times the quantity*)
- **d.** Use ratio reasoning to convert measurement units; manipulate and transform units appropriately when multiplying or dividing quantities.

Strand: The Number System 6.NS

Sixth grade students apply and extend previous understandings of multiplication and division of whole numbers to divide fractions by fractions (Standard 1). They compute (add, subtract, multiply and divide) fluently with multi-digit numbers and decimals and find common factors and multiples (Standards 2 - 4). They apply and extend previous understandings of numbers to the system of rational numbers (Standards 5 - 8).

■ Standard 6.NS.1 Compute quotients of fractions by fractions.

- **a.** Solve real-world problems involving division of fractions by fractions, and explain the meaning of quotients in fraction division problems.
- **b.** Apply strategies such as using visual fraction models, applying the relationship between multiplication and division, and using equations to represent such problems as: *How much chocolate will each person get if 3 people share ½ lb. of chocolate equally? How many 3/4-cup servings are in 2/3 of a cup of yogurt? How wide is a rectangular strip of land with length 3/4 mi and area 1/2 square mi?*
- **c.** Create story context for {2/3) + {3/4) and use a visual fraction model to show the quotient; use the relationship between multiplication and division to explain that {2/3) + {3/4) = 8/9 because 3/4 of 8/9 is 2/3. {In general, {a/b) + {c/d) = ad/bc.)

○ **Standard 6.NS.2** Fluently divide multi-digit numbers using the standard algorithm.

Standard 6.NS.3 Fluently add, subtract, multiply, and divide multi-digit decimals using the standard algorithm for each operation.

a. Fluently divide multi-digit decimals using the standard algorithm, limited to a whole number dividend with a decimal divisor or a decimal dividend with a whole number divisor.

b. Solve division problems in which both the dividend and the divisor are multi-digit decimals; develop the standard algorithm by using models, the meaning of division, and place value understanding.

Standard 6.NS.4 Find the greatest common factor of two whole numbers less than or equal to 100 and the least common multiple of two whole numbers less than or equal to 12. Use the distributive property to express a sum of two whole numbers 1-100 with a common factor as a multiple of a sum of two whole numbers with no common factor. *For ex- ample, express 36 + 8 as 4 {9 + 2).*

Standard 6.NS.5 Understand that positive and negative numbers are used together to describe quantities having opposite directions or values (*for example, temperature above/below zero, elevation above/below sea level, credits/debits, positive/negative electric charge)*; use positive and negative numbers to represent quantities in real-world contexts, explaining the meaning of 0 in each situation.

Standard 6.NS.6 Understand a rational number as a point on the number line. Extend number line diagrams and coordinate axes familiar from previous grades to represent points on the line and in the plane with negative number coordinates.

a. Recognize opposite signs of numbers as indicating locations on opposite sides of 0 on the number line; recognize that the opposite of the opposite of a number is the number itself, f*or example: -(-3) = 3, and that 0 is its own opposite.*

b. Understand that the signs of numbers in ordered pairs indicate their location in quadrants of the coordinate plane; recognize that when two ordered pairs differ only by signs, the locations of the points are related by reflections across one or both axes.

c. Find and position integers and other rational numbers on a horizontal or vertical number line diagram; find and position pairs of integers and other rational numbers on a coordinate plane.

Standard 6.NS.7 Understand ordering and absolute value of rational numbers.

a. Interpret statements of inequality as statements about the relative position of two numbers on a number line diagram. *For example: Interpret –3 > –7 as a statement that -3 is located to the right of -7 on a number line oriented from left to right.*

b. Write, interpret, and explain statements of order for rational numbers in real-world contexts. *For example, write –3 ^{o}C > –7 ^{o}C to express the fact that –3 ^{o}C is warmer than –7 ^{o}C.*

c. Understand the absolute value of a rational number as its distance from 0 on the number line; interpret absolute value as magnitude for a positive or negative quantity in a real-world context. *For example: for an account balance of –30 dollars, write |–30| = 30 to describe the size of the debt in dollars.*

d. Distinguish comparisons of absolute value from statements about order. *For example: Recognize that an account balance less than –30 dollars represents a debt greater than 30 dollars.*

Standard 6.NS.8 Solve real-world and mathematical problems by graphing points in all four quadrants of the coordinate plane. Include use of coordinates and absolute value to find distances between points with the same x-coordinate or the same y-coordinate.

Strand: Expressions and Equations 6.EE

Sixth grade students apply and extend previous understandings of arithmetic to algebraic expressions involving exponents and variables (Standards 1 – 4). They reason about and solve one-variable equations and inequalities (Standards 5 – 8). Represent and analyze quantitative relationships between dependent and independent variables in a real-world context (Standard 9).

Standard 6.EE.1 Write and evaluate numerical expressions involving whole-number exponents.

Standard 6.EE.2 Write, read, and evaluate expressions in which letters represent numbers.

- **a.** Write expressions that record operations with numbers and with letters representing numbers. *For example: Express the calculation "Subtract y from 5" as 5 – y. "Jane had $105.00 in her bank account. One year later she had x dollars more. Write an expression that shows her new balance" as $105.00 + x.*
- **b.** Identify parts of an expression using mathematical terms (sum, term, product, factor, quotient, coefficient); view one or more parts of an expression as a single entity and a sum of two terms. *For example, describe the expression 2 {8 + 7) as a product of two factors; view {8 + 7) as both a single entity and a sum of two terms.*
- **c.** Evaluate expressions at specific values of their variables. Include expressions that arise from formulas used in real-world problems. Perform arithmetic operations, including those involving whole-number exponents, applying the Order of Operations when there are no parentheses to specify a particular order. *For example, use the formulas $V = s^3$ and $A = 6 s^2$ to find the volume and surface area of a cube with sides of length s = 1/2.*

Standard 6.EE.3 Apply the properties of operations to generate equivalent expressions. *For example, apply the distributive property to the expression 3 (2 + x) to produce the equivalent expression 6 + 3x; apply the distributive property to the expression 24x + 18y to produce the equivalent expression 6 (4x + 3y); apply properties of operations to y + y + y to produce the equivalent expression 3y.*

Standard 6.EE.4 Identify when two expressions are equivalent. *For example: the expressions y + y + y and 3y are equivalent because they name the same number regardless of which number y represents.*

Standard 6.EE.5 Understand solving an equation or inequality as a process of answering the question: which values from a specified set, if any, make the equation or inequality true? Use substitution to determine whether a given number in a specified set makes an equation or inequality true.

Standard 6.EE.6 Use variables to represent numbers and write expressions when solving a real-world or mathematical problem; understand that a variable can represent an unknown number, or, depending on the purpose at hand, any number in a specified set.

Standard 6.EE.7 Solve real-world and mathematical problems by writing and solving equations of the form x + a = b and ax= b for cases in which a, b and x are all non-negative rational numbers.

Standard 6.EE.8 Write an inequality of the form x > c or x < c to represent a constraint or condition in a real-world or mathematical problem. Recognize that inequalities of the form x > c or x < c have infinitely many solutions; represent solutions of such inequalities on number line diagrams.

Standard 6.EE.9 Use variables to represent two quantities in a real-world problem that change in relationship to one another; write an equation to express one quantity, thought of as the dependent variable, in terms of the other quantity, thought of as the independent variable. Analyze the relationship between the dependent and independent variables using graphs and tables, and relate these to the equation. *For example, in a problem involving motion at constant speed, list and graph ordered pairs of distances and times, and write the equation d = 65t to represent the relationship between distance and time.*

Strand: Geometry 6.G

Sixth grade students solve real-world and mathematical problems involving area, surface area, and volume.

- **Standard 6.G.1** Find the area of right triangles, other triangles, special quadrilaterals, and polygons by composing and decomposing into rectangles, triangles and/or other shapes~~;~~ apply these techniques in the context of solving real-world and mathematical problems.

- **Standard 6.G.2** Find the volume of a right rectangular prism with appropriate unit fraction edge lengths by packing it with cubes of the appropriate unit fraction edge lengths (for example, 3½ x 2 x 6) and show that the volume is the same as would be found by multiplying the edge lengths of the prism. Apply the formulas V = lwh and V = Bh to find volumes of right rectangular prisms with fractional edge lengths in the context of solving real-world and mathematical problems. (Note: Model the packing using drawings and diagrams.)

- **Standard 6.G.3** Draw polygons in the coordinate plane given coordinates for the vertices; use coordinates to find the length of a side joining points with the same x coordinate or the same y coordinate. Apply these techniques in the context of solving real-world and mathematical problems.

- **Standard 6.G.4** Represent three-dimensional figures using nets made up of rectangles and triangles, and use the nets to find the surface area of these figures. Apply these techniques in the context of solving real-world and mathematical problems.

Strand: Statistics and Probability 6.SP

Sixth grade students develop understanding of statistical variability of data (Standards 1 – 3). They summarize and describe distributions (Standards 4 – 5).

- **Standard 6.SP.1** Recognize a statistical question as one that anticipates variability in the data related to the question and accounts for it in the answers. *For example, "How old am I?" is not a statistical question, but "How old are the students in my school?" is a statistical question because one anticipates variability in students' ages*.

- **Standard 6.SP.2** Understand that a set of data collected to answer a statistical question has a distribution which can be described by its center, spread/range and overall shape.

- **Standard 6.SP.3** Recognize that a measure of center for a numerical data set summarizes all of its values with a single number, while a measure of variation describes how its values vary with a single number.

- **Standard 6.SP.4** Display numerical data in plots on a number line, including dot plots, histograms and box plots. Choose the most appropriate graph/plot for the data collected.

- **Standard 6.SP.5** Summarize numerical data sets in relation to their context, such as by:
    a. Reporting the number of observations.
    b. Describing the nature of the attribute under investigation, including how it was measured and its units of measurement.
    c. Giving quantitative measures of center (median and/or mean) and variability (interquartile range and/or mean absolute deviation), as well as describing any overall pattern and any striking deviations (for example, outliers) from the overall pattern with reference to the context in which the data were gathered.
    d. Relating the choice of measures of center and variability to the shape of the data distribution and the context in which the data were gathered.

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: Secondary Mathematics Standards 90-Day Public Feedback

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Background:
In accordance with Utah State Code 53A-1-402.8, the Standards Review Committee for Secondary Mathematics was convened on September 17, 2014. Proposed core revisions were submitted and approved to move to the 90-day public review at the May 8, 2015 Board meeting. The 90-day review period has ended.

Key Points:
Five public review meetings were held throughout the state. Documents with proposed revisions and a survey to provide comments and feedback have been available online since May 8, 2015. Approximately 100 teachers, administrators, board members, parents, and other community members attended the public review meetings. Approximately 40 comments were submitted via the online survey. A summary of feedback will be presented to the Board along with recommendations regarding revisions.

Anticipated Action:
The Standards and Assessment Committee will review the feedback and make recommendations to the Board regarding approval of the Secondary Mathematics Steering Committee to move forward finalizing the revisions of the secondary mathematics standards based on public feedback.

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Summary of 90-day Review Period for Utah Secondary Mathematics Standards

Report of FY 2015

Prepared by the
Utah State Office of Education
September 18, 2015

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Summary of 90-day Review Period for Utah Secondary Mathematics Standards

Purpose and Time line of 90-day Review for Secondary Mathematics

Utah law requires that any new core standards are released to the public for a 90-day review period and at least 3 public hearings are held throughout the state on the standards (HB 342). The 90-day review for the revision of the Utah Secondary Mathematics Standards occurred between May 8th and August 18th, 2015. During this time feedback was collected from five public hearings and an online feedback tool.

Public Hearings on Secondary Mathematics Standards

Five public meetings were held throughout the state focusing on the draft of the revisions of the Secondary Mathematics Standards after approval during the May 8th Board meeting.

June 8, 2015	St. George
June 10, 2015	Jordan
June 25, 2015	Box Elder
June 30, 2015	Davis (NUAMES)
July 29, 2015	Duchesne

Approximately 100 people attended

Online Feedback Tool Data

The feedback tool was made available through a link on the USOE website. To create easy access, a link was created on the home page of the USOE website under the popular links tab to take visitors straight to the draft for the Secondary Mathematics standards, proposed changes, and the link for the online feedback tool. The online tool collected the following data:

- Location
- Primary role of the person reviewing the standards (e.g. teacher, parent, admin, higher education faculty).
- For each section of the standard document the reviewer selected the type of feedback to provide, either approve changes as presented, provide general (open ended) feedback or provide specific feedback related to standards. If providing feedback to standards, options were as follows:
    - Propose a modification to an existing standard
    - Propose removal of an existing standard
    - Propose creation of a standard

The reviewer was then given space to provide comments, feedback, and suggestions in a text box.

Online Tool Feedback Summary

There have been 42 responses recorded using the online feedback tool. The online feedback with specific comments and suggestions follows this report. In summary, of the responses:

- 14 answered questions and gave specific feedback regarding the proposed changes of the standards. This feedback included typographical errors and made alternate suggestions of standards to be moved in Secondary II.
- 11 responses provided additional changes to be considered. This feedback included where to put specific standards in the Honors courses as well as which standards should be removed from Secondary II.
- 11 responses stated to "approve the changes as recommended".
- Five responses referred to general concerns/comments to the core and the revision process. This feedback included requests that no revisions be made at this time to one comment from a parent who expressed concern that their student had a hard time transitioning from the old core to the new core and would this be another change?
- One response requested that no revisions be made at all and to keep the core as is.

Public Hearings Summary

There were approximately 100 people who attended the five public hearings. The meetings all started with the process for revising the secondary mathematics core, then showing the audience where the proposed revisions are located on the USOE website, along with encouraging everyone to submit feedback using the online survey. The remaining time was turned over to participants to share comments regarding standards, the process, or whatever they would like. In all five locations, the question regarding when changes, including SAGE summative assessment, would be put into place. Other comments that came up in multiple locations referred to agreement that standards being moved from Secondary II to other courses, although there were differences as to what content should be moved. Most of these recommendations were included in the online summary. Specific comments regarding Probability in Secondary II changes should decrease the percent of problems coming from SAGE were mentioned. Likewise, in another location, the audience spoke about the standards they felt should be moved from Secondary II as well as some of the actual proposed changes. In one location, a group of parents shared the struggles their student had during the transition period from the old core to the 2010 new core. Three parents indicated that their middle school honors students who were placed into above grade level courses had, at some point, struggled and are no longer prepared for higher level mathematics. One person expressed concern about lack of resources for teachers. Another group mentioned that the core is so much better than what we used to have before 2010, but that they agreed that we could modify and improve the standards and believe this will occur with the revisions.

Next Steps

The secondary mathematics writing team (made up of teachers, district specialists, and higher education representatives from Utah universities) has read the public review feedback and will meet on September 3rd, 2015, to make modifications to standards and finalize the new format, matching

that of all content area standards. The finalized standards will then be brought to the Board where we will request final approval of the revised Secondary Mathematics Core standards.

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: Amended Elementary Library Media Standards

Background:
Elementary Library Media Standards are up for review and revision.

Key Points:
A stakeholder committee began the review and revision of the K-5 Library Media Standards in November of 2014 under the direction of Jennifer Throndsen, K-12 Literacy and Library Coordinator.

The standards were available for public comment from April-July 2015. The committee responded to the feedback and made adjustments to the standards. The proposed final draft of the standards is ready for Board review.

Anticipated Action:
The Standards and Assessment Committee will review and make recommendations to the full Board for approval of the amended version of the Elementary Library Media Standards.

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Utah State Office of Education

core standards *for* LIBRARY MEDIA K–5

The Utah State Board of Education, in January of 1984, established policy requiring the identification of specific core standards to be met by all K–12 students in order to graduate from Utah's secondary schools. The Utah State Board of Education regularly updates the Utah Core Standards, while parents, teachers, and local school boards continue to control the curriculum choices that reflect local values.

The Utah Core Standards are aligned to scientifically based content standards. They drive high quality instruction through statewide comprehensive expectations for all students. The standards outline essential knowledge, concepts, and skills to be mastered at each grade level or within a critical content area. The standards provide a foundation for ensuring learning within the classroom.

Utah STATE OFFICE of Education

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Brad C. Smith, State Superintendent of Public Instruction

Reading engagement is a foundational skill for learning, personal growth, and enjoyment. The degree to which students can read and understand text in all formats and all contexts is a key indicator of success in school and in life. Teacher librarians actively promote reading. They provide equitable access to literary and informational texts in a variety of subjects, genres, and formats. Teacher librarians facilitate the acquisition of tools, knowledge, and skills to allow every student to read for interpretation and the development of new understandings.

Strand 1: Reading for intellectual, personal, and emotional growth

Standard 1: Establish reading behaviors for lifelong learning and growth.

a. Select texts from a variety of formats and genres to read for enjoyment, answer questions, and acquire knowledge.
b. Gain understanding and make connections while reading and interacting with text.
c. Demonstrate perseverance and stamina when reading or listening to a variety of texts.
d. Listen to, view, read, and integrate information to build a knowledge base.

Standard 2: Differentiate between literature (fiction) and informational (nonfiction) text.

a. Categorize text as literary or informational.
b. Use selection criteria (e.g., interest, content) when choosing materials for a defined purpose.

Strand 2: Meaning of text through format and text features

Standard 1: Demonstrate knowledge of the physical features (e.g., cover, spine, title page, cursor, scroll bar) of reading materials, both electronic and print.

Standard 2: Read, view, and listen for information presented in a variety of formats (e.g., textual, visual, audio).

Standard 3: Identify the elements of story.

Standard 4: Identify the roles, tools, and purposes of authors, illustrators, and other contributors to a text.

Strand 3: Library purpose and function

Standard 1: Exhibit library etiquette.

Standard 2: Understand the library layout, the library classification system, and the circulation process.

Standard 3: Contribute to a reading and learning community, including recommending reading materials to peers and respecting reading choices of others.

Standard 4: Make use of personal, community, and global libraries, both physical and electronic.

Information and Research: Through engagement in the research process, students will apply critical thinking skills (e.g., analysis, evaluation, organization, synthesis) to draw conclusions and construct new understandings. Teacher librarians, in collaboration with classroom teachers, will engage students in research processes (e.g., inquiry-based assignments, information problem solving). Such experiences will develop student self-confidence in solving problems in an environment where information resources and technologies are increasingly complex.

Strand 4: Defining an information problem and identifying information needed

Standard 1: Define an information problem.

a. Analyze the task to identify the information problem.
b. Seek clarification from teachers and others.
c. Select and narrow (or broaden) topics into a manageable focus.
d. Conceptualize the form of the final product based on target audience and criteria for evaluation.

Standard 2: Identify the information needed.

a. Analyze the task and information needed.
b. Generate essential questions for new understanding and to guide inquiry.
c. Select and narrow (or broaden) keywords and phrases in search terms.

Strand 5: Identifying, evaluating, and selecting sources

Standard 1: Identify information sources (e.g., texts, places, people).

Standard 2: Evaluate and select sources based on predetermined criteria (e.g., relevancy, currency, credibility).

Strand 6: Locating sources and accessing information

Standard 1: Locate identified sources.

a. Demonstrate how to navigate library catalogs, the Internet, and databases.
b. Apply effective location skills, asking for help as needed.
c. Revise and focus search as necessary to yield more effective results.

Standard 2: Access information within sources by using relevant tools (e.g., table of contents, indexes, keyword searches, sidebars, related subjects).

Strand 7: Engaging with and extracting information

Standard 1: Engage with information by reading, viewing, and listening to sources in a variety of formats.

a. Use questions to guide reading, viewing, and listening to sources while building connections between prior knowledge and new information.
b. Analyze and make sense of information (e.g., identifying main ideas, supporting details, bias, point of view, misconceptions, conflicting information).

Standard 2: Select, extract, and record information that addresses the information problem, answers guiding questions, and meets evaluation criteria.

a. Apply critical thinking skills to evaluate and select information in terms of relevancy, currency, and credibility, including fact and opinion, bias, prejudice, and propaganda.

b. Compare and validate information in sources, noting differences, contradictions, types of data or research methods.
c. Use a variety of note-taking strategies, including summarizing and paraphrasing, while noting sources.
d. Monitor gathered information for gaps and weaknesses and modify questions, sources or strategies as needed to elicit adequate information.

Strand 8: Organizing, synthesizing, and presenting information

Standard 1: Organize information from multiple sources.

a. Organize, evaluate, and synthesize selected information to support conclusions.
b. Select format of the learning product for the designated audience and use technology or other tools to integrate, organize, and present information from multiple sources.
c. Follow ethical and legal guidelines in using and citing information to avoid plagiarism and copyright violations.
d. Apply evaluation criteria to create, revise, and finalize the learning product.
e. Collaborate with others to exchange ideas, make decisions, create products, and peer edit as appropriate.

Standard 2: Present a learning product using a variety of presentation techniques (e.g., writing, speaking, media) to communicate new understandings.

Strand 9: Evaluate the process and product

Standard 1: Evaluate the execution of the product for efficacy and quality, and identify areas needing improvement to determine how to proceed in the future.

a. Assess the product based on pre-established evaluation criteria.
b. Reflect upon how the product could be improved or modified.
c. Solicit, reflect, and act upon peer reviews and teacher comments about the product.

Standard 2: Identify areas of the processes that were successfully executed, as well as those needing improvement, to determine how to proceed in the future.

a. Reflect upon how the process could be improved or modified.
b. Reflect upon and describe the level of personal satisfaction with the process and product.
c. Identify areas of personal growth, technology, and time-management skills, including the ability to collaborate.

Media engagement is the competent application of literacy skills to media and technology messages. Its goal is to help students develop the habits of inquiry and skills of expression that they need to be critical thinkers, effective communicators, and active, digital citizens in today's world. By learning the standards and objectives, students will acquire an understanding of the elements, construction, and potential impact of media messages while learning to make informed choices in the use of media. Teacher librarians, in collaboration with classroom teachers, can integrate these standards into curricular units throughout a wide range of subjects to ensure students are equipped with these essential 21st century skills.

Strand 10: Awareness, modern citizenship, and informed decision making

Standard 1: Define basic terms and concepts of media.
Standard 2: Recognize that media messages are intentionally constructed.
Standard 3: Recognize that people experience the same message differently.
Standard 4: Understand how the use of media can broaden experiences throughout life.
Standard 5: Identify and explain rights and responsibilities with respect to media and digital citizenship.

Strand 11: Analyze, question, and think critically

Standard 1: Analyze techniques used to construct media messages.
Standard 2: Analyze the impact of media messages on a receiver.

Strand 12: Evaluate elements

Standard 1: Evaluate media messages for accuracy, authenticity, relevance, and source authority.
Standard 2: Evaluate and select media for personal and educational use.

Strand 13: Produce and present

Standard 1: Identify messages for presentation, using a multi-step process, by determining intent, content, audience, and length.
Standard 2: Develop and apply criteria for quality media productions.
Standard 3: Create, present, and evaluate the final product.

Strand 14: Digital citizenship

Standard 1: Understand and practice safe and responsible use of information and technology.
Standard 2: Identify issues with and consequences of misusing media.

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

DISCUSSION: R277-497 *School Grading System*

Background:
Amendments to R277-497 were recently adopted by the Board in the Board's August meeting to include an exemption from school grading for alternative and special needs schools. R277-497 is progressing through the administrative rulemaking process. A student growth formula still needs to be established.

Key Points:
A formula for calculating a growth target for a Utah public education student is needed within the rule. Staff will present options to the Board for later inclusion into R277-497.

Anticipated Action:
The Standards and Assessment Committee will discuss the structure of a student growth formula and direct staff to revise R277-497 to bring back to the Committee in October for consideration.

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R277. Education, Administration.
R277-497. School Grading System.
R277-497-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;

(b) Section 53A-1-1113, which directs the Board to adopt rules to implement a school grading system;

(c) Section 53A-1-1104, which authorizes the Board to make a rule to establish an accountability plan for an alternative school or special needs school that the Board has exempt from school grading; and

(d) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is to provide consistent definitions, standards, and procedures for LEAs to report school data through a school grading system.

R277-497-2. Definitions.

(1)"Alternative school" means the same as that term is defined in Section 53A-1-1102.

(2) "Special needs school" means a school that only enrolls a student that:

(a) has at least one of the following disabilities:

(i) an intellectual disability;

(ii) a hearing impairment or deafness;

(iii) a speech or language impairment;

(iv) a visual impairment, including blindness;

(v) deafblindness;

(vi) an emotional disturbance;

(vii) an orthopedic impairment;

(viii) autism;

(ix) developmental delay;

(x) traumatic brain injury;

(xi) other health impairment;

(xii) multiple disabilities; or

(xiii) specific learning disabilities; and

(b) has been determined to need placement in a special school by an IEP team.

(3) “Sufficient student growth” means a student growth percentile of 40 or above.

R277-497-3. Board Responsibilities.

(1) The Board may not count a student who does not participate in required testing under Section 53A-1-603 due to parent excuse provisions of Subsection 53A-15-1403(9) and Section R277-404-6 in determining the participation rate for purposes of school grades.

(2) The Board and LEAs shall take necessary actions within their authority to satisfy Subsection 53A-15-1403(9)(b).

R277-497-4. LEA Responsibilities.

(1) An LEA shall provide accurate and timely data as required under Rule R277-484

to allow for the development of the school reports.

(2) An LEA shall use the school reports as a communication tool to inform parents and the community about school performance.

(3) An LEA shall ensure that the school reports are available for all parents.

R277-497-5. School Responsibilities.

(1) A school shall provide data for the school report as provided in Rule R277-484.

(2) A school shall cooperate with the Board and LEAs to ensure that the school report is available for all parents.

R277-497-6. Exemption from School Grading.

(1)(a) As authorized by Section 53A-1-1104, an alternative school or a special needs school may submit a request for an exemption from school grading for the next three school years to the Board by July 1.

(b) The request shall demonstrate that:

(i) the school meets the definition of an alternative school or a special needs school;

(ii) the school has the approval of:

(A) the school's LEA governing board; or

(B) if the school is the Utah Schools for the Deaf and the Blind, the USDB advisory committee; and

(iii) if the school has received an exemption for a previous school year, the school has timely submitted to the Superintendent all information necessary for the Board to evaluate the school as required by Section 53A-1-1104.

(2)(a) The Board shall exempt a school from school grading if the school meets the requirements of Subsection (1).

(b) Except as provided by Subsection (2)(c), an exemption from school grading is valid for three school years.

(c) The Board may revoke an exemption if a school fails to timely submit to the Superintendent all information necessary for the Board to annually evaluate the school in accordance with the accountability plan.

R277-497-7. Accountability Plan – General Provisions.

(1)(a) This rule incorporates by reference the Guide to Utah's Comprehensive Accountability System for Alternative Schools - June 6, 2014, which describes the accountability plan required by Section 53A-1-1104, with the exceptions for a special needs school described in Section R277-497-8.

(b) The Superintendent shall annually evaluate a school in accordance with the accountability plan by calculating a school's composite score, which has a maximum value of 1500, by summing the school's weighted indicator scores.

(2) The accountability plan consists of five indicators weighted as follows:

(a) growth, which measures student academic progress based on a school's median student growth percentile for all students and below proficient students, is 20% with a maximum score of 300;

(b) attendance, which is the higher of a school's attendance rate in the current year or improvement in cohort attendance rate from the previous year, is 25% with a maximum score of 375;

(c) credit earning, which measures the degree to which a student enrolled in the

current year is successfully completing courses in which the student is enrolled or is making improvement in cohort credit earning rate from the previous year, is 25% with a maximum score of 375;

(d) attainment, which measures the extent to which a student successfully completes or make substantial progress toward completion of meaningful educational goals, is 20% with a maximum score of 300; and

(e) school climate, which measures whether a school is collecting data to evaluate school climate and using results to inform efforts to improve climate, is ten percent with a maximum score of 150.

(3) The Superintendent shall assign the scores based on the rubrics established in the guide.

R277-497-8. Accountability Plan Exceptions.

(1) At the request of a special needs school, the Superintendent may exempt a student from the attendance indicator score calculation if the student has a documented medical condition that prevents the student from attending 160 days of school.

(2) In accordance with a Section 53A-1-111, a student with a disability may take an alternative assessment to determine the student's growth instead of the Student Assessment of Growth and Excellence.

(3) If required by Section R277-410-5, a special needs school shall report on the school's progress on the school's accreditation improvement plan in the School Snapshot section of the school's report card published by the Superintendent under Subsection 53A-1-1104(5)(b)(ii).

KEY: school reports, grading system
Date of Enactment or Last Substantive Amendment: 2015
Notice of Continuation: August 13, 2015
Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-1104; 53A-1-1113; 53A-1-401(3)

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-404 Requirements for Assessments of Student Achievement (Amendment and Continuation)

Background:

1. R277-404 is amended to incorporate opt out provisions required by S.B. 204, 2015 Legislative Session and provide technical and conforming changes.
2. In addition to the amendments to R277-404, the rule is continued consistent with Board policy for continuation of rules and the Utah Administrative Rulemaking Act. The rule was last continued effective September 13, 2013.

Key Points:

1. Opt out provisions are provided in this rule consistent with new legislation and technical and conforming changes are made throughout the rule.
2. R277-404 continues to be necessary because it provides procedures for a Board developed and directed comprehensive assessment system for all students.

Anticipated Action:

1. It is proposed that the Standards and Assessment Committee consider approving R277-404, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-404, as amended, on second reading.
2. It is proposed that the Committee consider approving R277-404 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-404 for continuation on second reading.

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R277. Education, Administration.

R277-404. Requirements for Assessments of Student Achievement.

R277-404-[~~2~~]1. Authority and Purpose.

[~~A.~~](1) This rule is authorized by:

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

(b) Sections 53A-1-603 through 53A-1-611, which direct the Board to adopt rules for the maintenance and administration of U-PASS[~~,~~];

(c) Subsection 53A-15-1403(9)([~~6~~]b), which requires the Board to adopt rules to establish a statewide procedure for excusing a student from taking certain assessments[~~,~~]; and

(d) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities.

[~~B.~~](2) The purpose of this rule is to:

(a) provide consistent definitions; and

(b) [~~to~~]assign responsibilities and procedures for a Board developed and directed comprehensive assessment system for all students, as required by state and federal law.

R277-404-[~~1~~]2. Definitions.

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

[~~B.~~](1) "Benchmark reading assessment" means an assessment:

(a) determined by the Board for a student[~~s~~] in grade 1 through 3; and

(b) administered to a student[~~s~~] at the beginning, midpoint, and end of year[~~;~~].

[~~C.~~](2)(a) "College readiness assessment" means an assessment adopted by the Board that includes a college admissions test that provides an assessment of language arts, mathematics, and science, that is most commonly used by local universities to assess student preparation for college.

(b) [~~The c~~]"College readiness assessment" may include:

(i) the Armed Services Vocational Aptitude Battery or [~~(~~]ASVAB[~~)~~]; and

(ii) a battery of assessments that is predictive of success in higher education.

(c) "College readiness assessment" includes the American College Testing

exam[~~,~~] or [~~(~~]ACT[~~)~~].

[~~D. "Educator" means an individual licensed under Section 53A-6-104 and who meets the requirements of R277-501.~~]

[~~E.~~](3) "English Learner" or [~~(~~]"EL"[~~)~~] student" means a student who is learning in English as a second language.

[~~F.~~](4) "English language proficiency assessment" means an assessment:

(a) designated by[~~ the~~] USOE; and

(b) designed to measure the acquisition of the academic English language for an English Learner[~~s~~] student.

[~~G.~~](5) "Family Educational Rights and Privacy Act of 1974" or [~~(~~]"FERPA[~~)~~]," 20 U.S.C. 1232g, means a federal law designed to protect the privacy of students' education records.[~~ The law is hereby incorporated by reference.~~]

[~~H. "Individualized Education Program (IEP)" means an individualized instructional and assessment plan for students who are eligible for special education services under the Individuals with Disabilities Education Act of 2004.~~

~~I. "LEA" means local education agency, including local school boards/ public school districts and schools, and charter schools.~~]

[~~J.~~](6) "National Assessment of Education Progress" or [~~(~~]"NAEP[~~)~~]" [~~is~~]means the national achievement assessment administered by the United States Department of Education to measure and track student academic progress.

[~~K.~~](7) "Online [~~W~~]writing [~~A~~]assessment" means a Board-designated online assessment to measure writing performance for a student[~~s~~] in grades 3 through 11.

[~~L.~~](8) "Pre-post" means an assessment administered at the beginning of the school year and at the end of the school year to determine individual student growth in academic proficiency [~~which~~]that has occurred during the school year.

[~~M.~~](9) "State administered assessment" means a formative, interim, summative SAGE, Utah alternate assessment, benchmark reading assessment, EXPLORE, PLAN, or the ACT.

[~~N.~~](10) "Student Assessment of Growth and Excellence" or [~~(~~]"SAGE[~~)~~]" means a summative computer adaptive assessment for:

(a) English language arts grades 3 through 11;

(b) mathematics:

(i) grades 3 through 8[~~,~~]; and

(ii) Secondary I, II, and III; and

(c) science:

(i) grades 4 through 8[~~,~~];

(ii) earth science[~~,~~];

(iii) biology[~~,~~];

(iv) physics; and

(v) chemistry.

[~~O.~~](11) "Section 504 accommodation plan" means a plan:

(a) required by Section 504 of the Rehabilitation Act of 1973[~~, means a plan~~]; and

(b) designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

[~~P.~~](12) "Summative adaptive assessment[~~s~~]" means an assessment[~~s~~]:

(a) administered upon completion of instruction to assess a student's achievement[~~.~~];

(b) [~~The assessments are~~]administered online under the direct supervision of a licensed educator[~~ and are~~];

(c) designed to identify student achievement on the standards for the respective grade and course[~~.~~]; and

(d) [~~The assessments~~]measure the full range of student ability by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly.

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

[~~R.~~](13) "Utah alternate assessment" means:

(a) an assessment instrument designated by[~~ the~~] USOE for a student[~~s~~] in special education with a disabilit[~~ies~~]y so severe the[~~y~~] student [~~are~~]is not able to participate in the components of U-PASS even with an assessment accommodation[~~s~~] or modification[~~s.~~]; and

(b) [~~The Utah alternative assessment~~]measures progress on the Utah core instructional goals and objectives in the student's [~~individual education program~~

{]IEP[}].

[S.](14) “Utah eTranscript and Record Exchange” or [{]“UTREx[}]” means a system that allows:

(a) an LEA and USOE to electronically exchange an individual detailed student record[s to be exchanged electronically between public education LEAs and the USOE, and allows]; and

(b) electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

[T.] “Utah Performance Assessment System for Students” or [{]“U-PASS[}]” means:

([1]a) a summative adaptive assessment[s] of a student[s] in grades 3 through 12 in basic skills courses;

([2]b) an online writing assessment in grades 3 through 11, as part of SAGE;

([3]c) a college readiness assessment[s]; and

([4]d) summative assessment of a student[s] in grade 3 to measure reading grade level using grade 3 SAGE English Language Arts.

R277-404-3. Board Responsibilities.

[A.](1) The Board shall maintain a comprehensive assessment system for all students in grades K-12[. This assessment system shall] that includes:

([1]a) a summative adaptive assessment[s] in:

(i) English language arts for grades 3 through 11;

(ii) mathematics for grades 3 through 8;

(iii) secondary math 1, 2, and 3;[and];

(iv) science for grades 4 through 8; and

(v) earth systems, biology, physics and chemistry;

([2]b) an [O]online [W]writing [A]assessment for grades 3 through 11;

([3]c) pre-post kindergarten assessment for a kindergarten student[s] as determined by the LEA;

([4]d) one benchmark reading assessment[approved by the Board for students in grades 1 through 3 and administered to students at the beginning, midpoint and end of year];

([~~5~~]e) grade 3 end of year summative reading assessment using grade 3 SAGE English Language Arts;

([~~6~~]f) Utah's alternate assessment, for an eligible student[~~s~~] with a disabilit[~~ies~~]y;

([~~7~~]g) an English language proficiency [~~test~~]assessment;

([~~8~~]h) National Assessment of Educational Progress (NAEP);

([~~9~~]i) college readiness assessment[~~s~~] for:

(i) grade 11 and optional college; and

(ii) career readiness assessment[~~s~~] in grade 8 or 9 and 10, as determined by the LEA; and

([~~10~~]j) reporting by[~~ the~~] USOE of U-PASS results[~~ to include:~~].

([~~a~~]2) The report required by Subsection (1)(j) shall include:

(a) student performance based on information that is disaggregated with respect to race, ethnicity, gender, English proficiency, eligibility for special education services, and free or reduced price school lunch status;

(b) security features to maintain the integrity of the system, including statewide uniform assessment dates, assessment administration protocols, and training; and

(c) summative adaptive assessment results disseminated by USOE to an LEA[~~s~~], parent[~~s~~], and other[~~s~~], as appropriate, consistent with FERPA.

[~~B.~~](3) The Board shall provide specific rules, administrative guidelines, timelines, procedures, and assessment ethics training and requirements for all required assessments.

R277-404-4. LEA Responsibilities.

[~~A.~~](1) An LEA[~~s~~] shall develop a comprehensive assessment system plan to include the assessments described in Subsection R277-404-3[~~A~~](1).

(2) Th[~~is~~]e plan shall, at a minimum, include:

([~~1~~]a) professional development for an educator[~~s~~] to fully implement the assessment system;

([~~2~~]b) training for an educator[~~s~~] and an appropriate paraprofessional[~~s~~] in the requirements of assessment administration ethics;[~~ and~~]

([~~3~~]c) training for an educator[~~s~~] and an appropriate paraprofessional[~~s~~] to utilize assessment results effectively to inform instruction; and

([~~4~~]d) adequate oversight of test administration to ensure compliance with Section 53A-1-603[~~(1)~~] as follows:

([~~a~~]i) an LEA[~~s~~] or online provider[~~s~~] shall test all enrolled students unless a student[~~s have~~] has a written parental excuse under Subsection 53A-15-1403(9);

([~~b~~]ii) a [~~S~~]student[~~s~~] participating in the Statewide Online Education Program [~~shall be~~]is assessed consistent with Section 53A-15-1210; and

([~~c~~]iii) a [~~T~~]third party vendor[~~s~~] or contractor[~~s~~] may not administer or supervise U-PASS[~~ assessments~~].

[~~B.~~](3) An LEA[~~s~~] shall make all policies and procedures consistent with the law, Board rules for standardized assessment administration, and the USOE Testing Ethics Policy, approved by the Board August 8, 2014, incorporated by reference, and located at USOE, 250 East 500 South, Salt Lake City, or online at http://www.schools.utah.gov/assessment/Directors/Resources.aspx .

[~~C.~~](4) At least once each school year, an LEA[~~s~~] shall provide professional development for all educators, administrators, and standardized assessment administrators concerning guidelines and procedures for standardized assessment administration, including educator responsibility for assessment security and proper professional practices.

[~~D.~~](5) LEA assessment staff shall use the USOE Testing Ethics Policy in providing training for all assessment administrators[~~/~~] and proctors.

[~~E.~~](6) An LEA[~~s~~] may not release state assessment data publicly until authorized to do so by[~~ the~~] USOE.

R277-404-5. School Responsibilities.

[~~A.~~](1) An LEA[~~s/~~] and school[~~s~~] shall require an educator[~~s~~] and assessment administrator[~~s/~~] and proctor[~~s~~] to individually sign the Testing Ethics signature page provided by[~~ the~~] USOE acknowledging or assuring that the educator administers assessments consistent with ethics and protocol requirements.

[~~B.~~](2) All educators and assessment administrators shall conduct assessment preparation, supervise assessment administration, provide assessment

results, and complete error resolution.

[~~C.~~](3) All educators and assessment administrators[~~/~~] and proctors shall securely handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, LEA rules and policies, Board rules, USOE Testing Ethics Policy, and state applications of federal requirements for funding.

[~~D.~~](4) A student's IEP, EL, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments.

R277-404-6. Student and Parent Participation in Student Assessments in Public Schools; Parental Exclusion from Testing and Safe Harbor Provisions.

[~~A.~~](1)(a) Parents are primarily responsible for their children's education and have the constitutional right to determine which aspects of public education, including assessment systems, in which their children participate.

(b) Parents may further exercise their inherent rights to exempt their children from a state administered assessment without further consequence by an LEA.

[~~B.~~](2) LEAs shall administer state administered assessments to all students unless:

([~~1~~]a) the Utah alternate assessment is approved for specific students consistent with federal law and as specified in a student's IEP; or

([~~2~~]b) students are excused by a parent or guardian under Section 53A-15-1403(9) and as provided in this rule.

[~~C.~~](3)(a) A parent may exercise the right to exempt their child from a state administered assessment.

(b) Upon exercising the right to exempt a child from a state administered assessment under this provision, an LEA may not impose an adverse consequence on a child as a result of the exercise of rights under this provision.

(4) In order to exercise the right to exempt a child from a state administered assessment under this provision and insure the protections of this provision, a parent shall[~~ annually complete the Board approved parent excuse form a minimum of one (1) day prior to the administration of the state administered assessment and provide the form to the responsible school.~~]:

(a) fill out the Parental Exclusion from State Assessment Form provided on USOE's website; and

(b) submit the form:

(i) to the principal or LEA either by email, mail, or in person; and

(ii) on an annual basis and at least one day prior to beginning of the assessment.

[~~D.~~](5) School grading, teacher evaluations, and student progress reports or grades may not be negatively impacted by students excused from taking a state administered assessment.

[~~E.~~](6) Any assessment [~~not mandated by the Board as defined in R277-404-1M~~]that is not a state administered assessment, the administration of [~~such~~]the assessments, and the consequence of taking or failing to take [~~such~~]the assessments [~~shall be~~]is governed by polic[~~ies~~]y [~~to be~~]adopted by each LEA.

[~~F.~~](7) An LEA[~~s~~] shall provide a student's individual test results and scores to the student's parent or guardian upon request and consistent with the protection of student privacy.

[~~G.~~](8) An LEA may not reward a student for taking a state administered assessment[~~ as defined in R277-404-1M~~].

R277-404-7. Public Education Employee Compliance with Assessment Requirements, Protocols, and Security.

[~~A.~~](1) An [~~E~~]educator[~~s~~], test administrator[~~s/~~] or proctor[~~s~~], administrator[~~s~~], [~~and~~]or school employee[~~s~~] may not:

([~~1~~]a) provide a student[~~s~~] directly or indirectly with a specific question[~~s~~], answer[~~s~~], or the content of any specific item in a standardized assessment prior to assessment administration;

([~~2~~]b) download, copy, print, take a picture[~~s~~] of, or make any facsimile of protected assessment material prior to, during, or after assessment administration without express permission of[~~ the~~] USOE and an LEA administrator[~~s~~];

([~~3~~]c) change, alter, or amend any student online or paper response answer or any other standardized assessment material[~~s~~] at any time in[~~ such~~] a way that alters the student's intended response;

([~~4~~]d) use any prior form of any standardized assessment, [~~(~~]including pilot assessment materials[~~)~~], that USOE has not[~~ been~~] released[~~ by the USOE~~] in assessment preparation without express permission of[~~ the~~] USOE and an LEA administrator[~~s~~];

([~~5~~]e) violate any specific assessment administrative procedure specified in the assessment administration manual,[~~ or~~] violate any state or LEA standardized assessment policy or procedure, or violate any procedure specified in[~~ the~~] USOE Testing Ethics Policy;

([~~6~~]f) fail to administer a state required assessment;

([~~7~~]g) fail to administer a state required assessment within the designated assessment window;

([~~8~~]h) submit falsified data;

([~~9~~]i) allow a student[~~s~~] to copy, reproduce, or photograph an assessment item[~~s~~] or component[~~s~~]; or

([~~10~~]j) knowingly do anything that would affect the security, validity, or reliability of standardized assessment scores of any individual student, class, or school.

[~~B.~~](2) A school employee shall promptly report a[~~H~~]n assessment violation[~~s~~] or irregularit[~~ies~~]y to a building administrator, an LEA superintendent or director, or [~~the~~]USOE.

[~~C.~~](3) An [~~E~~]educators who violates th[~~ese~~]is rule[~~s~~] or an assessment protocol[~~s are~~] is subject to Utah Professional Practices Advisory Commission or Board disciplinary action consistent with R277-515.

[~~D.~~](4) All assessment material[~~s~~], questions, and student responses for required assessments [~~shall be~~]is designated protected, consistent with Section 63G-2-305, until released by[~~ the~~] USOE.

[~~E.~~](5)(a) Each LEA shall ensure that all assessment content is secured so that only authorized personnel have access and that assessment materials are returned to USOE following testing, as required by[~~ the~~] USOE.

(b) An [~~I~~]individual educator[~~s~~] or school employee[~~s~~] may not retain or distribute test materials, in either paper or electronic form, for purposes inconsistent with ethical test administration or beyond the time period allowed for test

administration.

R277-404-8. Time Periods for Assessment Administration.

[~~A.~~](1) An LEA educator[~~s~~] or trained employee[~~s~~] shall administer assessments required under R277-404-3 consistent with the following schedule:

([~~1~~]a) [~~A~~]all summative adaptive assessments, an online writing assessment, and a Utah alternative assessment for [~~(~~]elementary and secondary, English language arts, math, science[~~)~~], within[~~ the~~] USOE annually designated assessment windows[~~.~~];

([~~2~~]b) [~~The~~]English language proficiency assessment:

([~~a~~]i) [~~LEA educators or trained employees shall administer the assessment~~] annually to all English Learner students identified as Level 1 Entering, Level 2 Beginning, Level 3 Developing, Level 4 Expanding, or enrolled for the first time in the LEA at any time during the school year to show student progress; and

([~~b~~]ii) [~~LEA educators or trained employees shall~~]submit [~~English language proficiency assessment~~]materials to[~~ the~~] USOE-identified scoring provider for scanning and scoring on a schedule defined by[~~ the~~] USOE[~~.~~];

([~~3~~]c) [~~LEA educators or trained employees shall administer~~]pre-post kindergarten assessment for a kindergarten student[~~s~~] as determined by the LEA during assessment windows determined by the LEA[~~.~~];

([~~4~~]d) [~~LEA educators or trained employees shall administer~~]one benchmark reading assessment determined by the Board for grade 1, grade 2, and grade 3 students in the beginning, midpoint, and end of the school year[~~.~~]

([~~5~~]e) [~~LEA educators or trained employees shall administer~~]grade 3 end of year summative reading assessment using grade 3 SAGE English Language Arts[~~.~~]; and

([~~6~~]f) [~~LEA educators or trained employees shall administer~~]NAEP assessments determined and required annually by the United States Department of Education and administered to students as directed by United States Department of Education.

[~~B.~~](2) An LEA educator[~~s~~] or trained employee[~~s~~] shall complete all required assessment procedures prior to the end of[~~ the~~] USOE-defined assessment

window[~~(s)~~].

[~~C.~~](3)(a) An LEA[~~s~~] that ha[~~ve~~]s an alternative schedule[~~s~~] shall submit an annual testing plan to[~~ the~~] USOE by September 1 annually.

(b) The plan shall:

([~~1~~]i) set dates for summative adaptive assessment administration for courses taught face to face or online;

([~~2~~]ii) set dates to assess students at the point in the course where students have had approximately the same amount of instructional time as students on a traditional full year schedule; and

([~~3~~]iii) provide a course level assessment schedule to[~~ the~~] USOE before instruction begins for the course.

R277-404-9. Data Exchanges.

[~~A.~~](1) [~~The~~]USOE IT Section shall communicate regularly with an LEA[~~s~~] regarding the required format[~~s~~] for electronic submission of required data.

[~~B.~~](2) An LEA[~~s~~] shall update UTREx data using the processes and according to schedule[~~(s)~~] determined by[~~ the~~] USOE.

[~~C.~~](3) An LEA[~~s~~] shall ensure that any computer software for maintaining or submitting LEA data is compatible with data reporting requirements [~~as determined~~]established in Rule in R277-484.

[~~D.~~](4) [~~The~~]USOE shall provide direction[~~s~~] to a[~~ll~~]n LEA[~~s~~] detailing the data exchange requirements for each assessment.

[~~E.~~](5) [~~Each~~]An LEA shall verify that it has satisfied all the requirements of [~~the~~]USOE-provided directions[~~ have been satisfied~~].

[~~F.~~](6) Consistent with Utah law,[~~ the~~] USOE shall return assessment results from all required assessments to the school before the end of the school year.

KEY: assessment, student achievement

Date of Enactment or Last Substantive Amendment: [~~June 23,~~]2015

Notice of Continuation: [~~September 13, 2013~~]2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-603 through 53A-1-611; 53A-1-401(3)

Utah STATE OFFICE of Education

Leadership...Service...Accountability

2015-16 Parental Exclusion from State Assessment Form

As a parent/guardian, I **do not** want my child to participate in 2016 the following state-wide administered assessments:

Student Name_____ Student ID_____

_____SAGE (Student Assessment of Growth and Excellence) English Language Arts/Literacy

_____SAGE (Student Assessment of Growth and Excellence) Writing Portion (ELA/Literacy)

*Parental exclusion on either section of English Language Arts/Literacy results in a non-reportable assessment

_____SAGE (Student Assessment of Growth and Excellence) Math

_____ SAGE (Student Assessment of Growth and Excellence) Science

_____DIBELS (Dynamic Indicators of Basic Early Literacy) Grades 1-3

_____DLM (Dynamic Learning Maps for students with significant cognitive disabilities)

_____AAPPL (Assessment of Performance toward Proficiency in Languages for students in Dual Immersion programs)

_____Civics Exam

*Passage of the Civics exam is required for graduation

I understand that Utah's SAGE assessment systems, DIBELS, and DLM have been designed to measure grade-level academic standards. I also acknowledge the academic feedback provided by these assessments are utilized by teachers and administrators to review student progress toward learning targets, plan instruction, provide teacher feedback, inform potential course placement, provide important achievement data to students and parents and allow for public reporting about school quality. I further understand that parental exclusion of assessments for my student, for some accountability measures, may negatively impact my child's school.

I understand that the Local Education Agency/school will securely store this parental exclusion form and will share this decision only with the appropriate staff at my child's school. I request that the Local Education Agency/school will add this request to my child's permanent record that my child "Is excluded from testing" for the current academic year only.

I acknowledge that this signed form must be returned to the principal of my child's school or Local Education Agency on an annual basis and at least one day prior to beginning of the assessment. This information will be kept at the child's school or Local Education Agency.

_____ Parent/Guardian Signature

_____ Parent/Guardian Name (please print)

_____ Contact Information/Email/phone/address

_____ My Child's Grade

_____ My Child's School

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7500 Fax: (801) 538-7769

Brad C. Smith, State Superintendent of Public Instruction

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: R277-921 *Strengthening College and Career Readiness Pilot Program* (New)

Background:
This new rule R277-921 is created in response to H.B. 198 *Strengthening College and Career Readiness*, 2015 Legislative Session, which creates the Strengthening College and Career Readiness Pilot Program.

Key Points:
The new rule provides procedures and criteria for applying for and awarding college and career readiness grants, and provides reporting requirements for grantees.

Anticipated Action:
It is proposed that the Committee consider approving R277-921 on first reading and, if approved by the Committee, the Board consider approving R277-921 on second reading.

Contact: Sydnee Dickson, 801-538-7515
Angie Stallings, 801-538-7550
Lillian Tsosie Jensen, 801-538-7962

R277. Education, Administration.

R277-921. Strengthening College and Career Readiness Program.

R277-921-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests the general control and supervision of the public education system in the Board;

(b) Subsection 53A-1-401(3), which authorizes the Board to adopt rules in accordance with its responsibilities; and

(c) Section 53A-15-1601, which requires the Board to make rules regarding the program.

(2) The purpose of this rule is to establish:

(a) procedures and criteria for applying for and awarding a grant; and

(b) reporting requirements for a grantee.

R277-921-2. Definitions.

(1) “Certificate” means the certificate described in Subsection 53A-15-1601(3)(a) that a school counselor may receive through participation in the program.

(2) “Grant” means payment of a course fee for a course required to earn the certificate.

(3) “Program” means the Strengthening College and Career Readiness Program created in Section 53A-15-1601.

(4) “School counselor” means a person who:

(a) holds a Utah School Counselor License;

(b) has a master’s degree or higher from an accredited institution;

(c) is an employee of an LEA who provides counseling and information to a student about an educational or career choice;

(d) has received an evaluation as effective or higher through the LEA’s evaluation system; and

(e) is recommended to participate in the program by a supervisor.

R277-921-3. Grant Application.

(1) An LEA may apply for a grant on behalf of a school counselor by

submitting an application:

(a) provided on USOE's website;

(b) to the Superintendent; and

(c) except as provided in Subsection (2), on or before June 30.

(2) If the annual appropriation for the program exceeds the grant requests, the Superintendent may extend the deadline specified in Subsection (1)(c) by posting a new deadline on USOE's website.

R277-921-4. Procedure and Criteria for Awarding Grant.

(1) If the grant applications exceed the annual appropriation for the program, the Superintendent shall give preference in awarding a grant to an applicant if:

(a) the school where the school counselor works has an approved Comprehensive Counseling and Guidance Program;

(b) the school where the school counselor works meets the school counselor-to-student ratio of 1:350, according to Rule R277-462; and

(c) the school counselor is licensed as a school counselor according to Rule R277-506.

(2) A school counselor who fails to complete a course that is paid for by a grant shall repay the course fee to the Superintendent.

R277-921-5. Reporting Requirements for Grantee.

After completing the course work necessary to receive the certificate, the school counselor shall submit to the Superintendent:

(1) an action plan to implement the skills developed through earning the certificate to improve students' college and career readiness; and

(2) an application that is provided on USOE's website to add the certificate to the school counselor's license.

KEY: counseling, grant program, college and career readiness

Date of Enactment or Last Substantive Amendment: 2015

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-401(3);

59 **53A-15-1601**

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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: September 17-18, 2015

INFORMATION: UPSTART Pilot Program Annual Report

Background: The UPSTART Program is a program that provides preschool children with interactive, individualized instruction that is delivered digitally at home. An annual report, including an independent evaluation of the success of the program, is required by statute 53A-1a-1000.

Key Points: As part of the UPSTART evaluation, an independent evaluation is conducted to represent the effectiveness of giving preschool children access at home to interactive individualized instruction delivered by computers and the internet to prepare them academically for success in school.

An annual report is due to the Education Interim Committee in October 2015. This report addresses the number of families participating in the program, the frequency of use of the instructional software, and student performance on pre-kindergarten and post-kindergarten assessments.

Anticipated Action: The Standards and Assessment Committee will review the 2015 report on the UPSTART Program and give feedback on the report to be given to the Education Interim Committee in October.

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UPSTART Program

Report of FY 2015

Prepared by the

Utah State Office of Education

September 18, 2015

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UPSTART

In Compliance with Intent Language of 53A-1a-1001

Introduction: UPSTART Cohort 5

UPSTART is a pilot project established by the Utah state legislature that uses a home-based education technology approach to develop the school readiness skills of preschool children. In its fifth year of operation, the project's implementation contractor – the Waterford Institute – enrolled 1,577 preschool children and provided them a game formatted program of early literacy instruction delivered by personal computers and the Internet, designed to prepare them academically for kindergarten. The 1,577 children enrolled in the fifth year cohort, hereafter referred to as C5, participated in UPSTART from September 2013 through June 2014.

Demographics

Slightly more girls (50.5%) were enrolled than boys (49.5%). In terms of ethnicity, 74% of the enrollment was Caucasian, 20% of Hispanic origin, and the ethnicity of the remaining 6% was composed of children from African American, Asian, Native American, Pacific Islander and unknown backgrounds. The primary language spoken by the vast majority of the children was English (84%). Approximately 15% of the children spoke Spanish and 1% spoke other languages. Twelve percent of the children had a diagnosed disability, most often speech impairments.

A majority (70%) of the 1,577 preschool children who enrolled in the fifth year of UPSTART were from low income families, according to data provided by the Waterford Institute. Thirty five percent of the parents had some college, while 37% received a bachelor's degree. The vast majority of the parents were married (89%). C5 enrollment included the highest number of children from low-income and Spanish-speaking homes in the history of the UPSTART program. In comparison with Utah's demographics where 7% of students are ELL; the UPSTART enrollment included 16% ELL, serving more than twice the state percentage.

Outcome Measures

The reading skills taught by the Waterford Early Learning Program include:

- Phonological Awareness: phonemic segmenting and blending.
- Phonics: letter name knowledge, sound knowledge, and word reading.
- Comprehension and Vocabulary: vocabulary knowledge.
- Language Concepts: oral reading fluency.

The Cohort 5 evaluation used a treatment group and an untreated comparison group, with both pretest and posttest data collected on the same children over a 12 month interval during the year prior to enrollment in Kindergarten. The two assessments used to evaluate the effectiveness of the program were as follows:

The Brigance. The Brigance Inventory of Educational Development was selected as an early literacy measure of phonics and vocabulary knowledge and as a measure of pre-Kindergarten academic and cognitive skills.

The Bader. The Bader was selected as a measure of phonological awareness.

Data Collection

271 preschool children were recruited for the C5 evaluation study; 109 treatment group children (enrolled in UPSTART) and 162 control group children (not enrolled in UPSTART). The 109 treatment group children came from an initial random sample of 150 C5 enrollees whose families were contacted about participating in the C5 evaluation, and recruited for testing. The control children were recruited from preschools, daycare centers, and other childcare organizations in Utah. Children were pretested on the Brigance and Bader, during the summer of 2013. They were subsequently posttested on the Brigance and Bader a year later during the summer of 2014.

The final analysis sample for the C5 evaluation used the data collected from 194 children. The UPSTART treatment group was composed of 94 children who passed the screening interview and were able to provide valid and matched pretest and posttest data on the Brigance (89 of whom also had valid and matched Bader data). The non-UPSTART control group was composed of a random sample of 100 control children who were selected from the 141 cases with valid and matched Brigance and Bader test data. These two files were then merged to form the final analysis sample in which the treatment and control group samples were reasonably balanced in size.

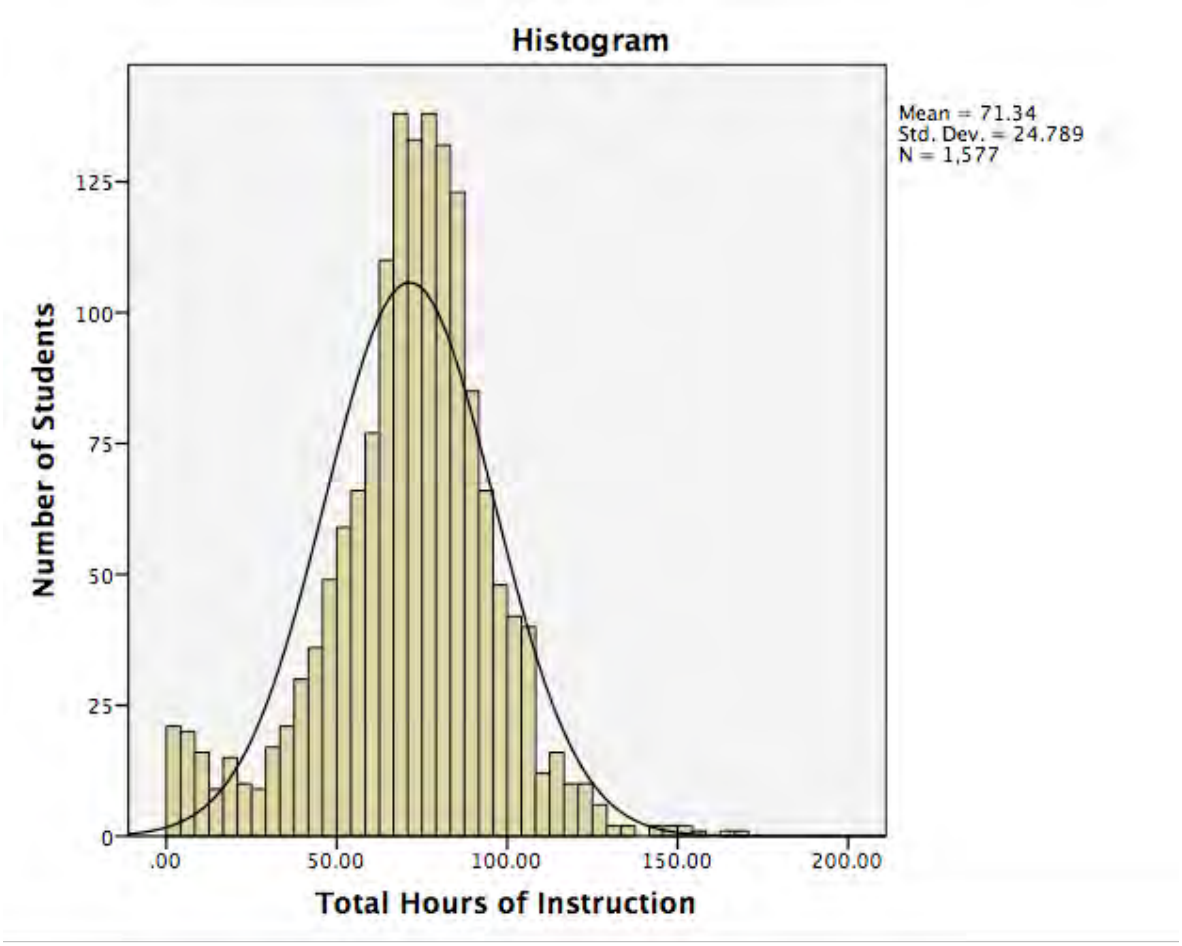
UPSTART Implementation Results

As in previous years, most of the C5 participants (74%) received a computer drive with the UPSTART curriculum loaded on it. Approximately 8% received a computer loan and a free Internet subscription to help them access the UPSTART curriculum. Another 7% were loaned a personal computer to use at home while participating in UPSTART. The remaining 11% were provided with various combinations of educational technology to enable them to access the UPSTART curriculum, including wireless and cellular devices.

Findings about UPSTART curriculum usage are summarized below.

- **C5 Population Usage.** In the C5 population (see Figure 1), UPSTART curriculum usage was normally distributed with an average usage level of approximately 71 hours.

Figure 1



UPSTART Impact Results

Do UPSTART children have better literacy skills as entering kindergarteners than control group students?

To determine whether there was an impact of the UPSTART preschool experience on young student's literacy skills, a sample of program participants was compared with a similar group of nonparticipants on Brigance and Bader posttest.

Do UPSTART children show stronger literacy growth rates from preschool to Kindergarten than control group students?

To determine whether UPSTART students show stronger literacy growth rates from preschool to kindergarten compared to control students, paired sample t-tests were run to compare pretest and posttest gain scores for the matched Brigance and Bader treatment groups on the total test and each of the subtests. The same analysis was performed with the Brigance and Bader matched control groups.

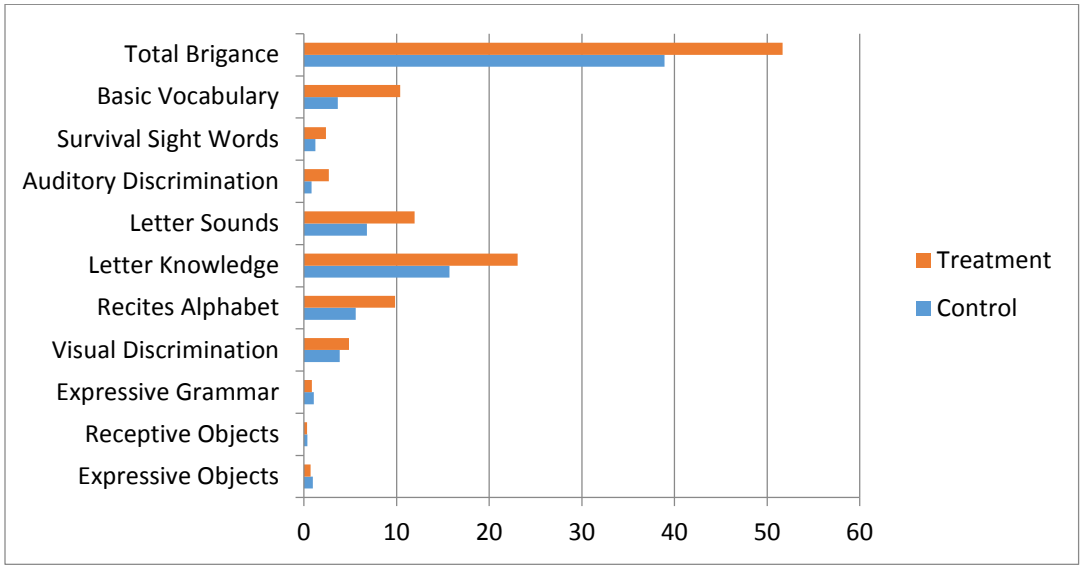
Brigance Results

Posttest results showed that the UPSTART treatment group performed significantly better than the control children on three of the Brigance subtests*:* Visual Discrimination, Letter Sounds, and Vocabulary. On the Total Brigance, the treatment group children outscored the control group children by an average of 11.84 points (18% improvement).

Brigance Growth Score Results*.*

Differences in growth rates in seven areas all favored the UPSTART treatment group. That is, *UPSTART children showed significantly stronger growth rates in the total Brigance, basic vocabulary, survival sight words, auditory discrimination, letter sounds, letter knowledge, recites alphabet, and visual discrimination*. The Brigance growth rate results are presented in Figure 2.

Figure 2



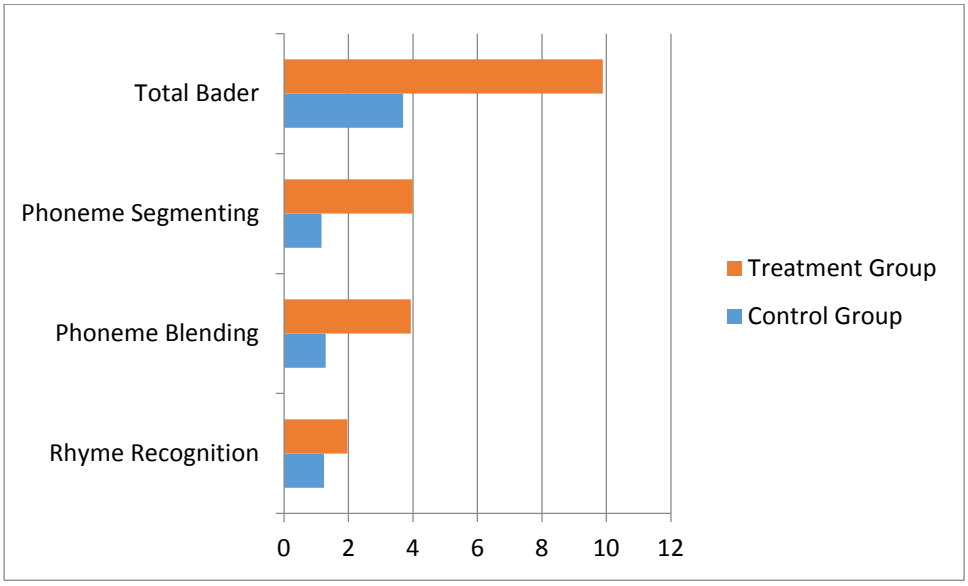
Bader Results

Bader posttest results showed a statistically significant treatment group effect for Phoneme Blending and Phoneme Segmentation as well as for the Total Bader.

Bader Growth Score Results.

The UPSTART treatment group showed significantly stronger growth rates relative to the control group on the Total Bader and on two of the three Bader subtests. Specifically, *the UPSTART treatment group showed stronger growth rates from pretest to posttest for Phoneme Blending and Phoneme Segmenting skills as well as for the overall Bader assessment*. These results are shown in Figure 3.

Figure 3



Implications for Practice

The results of the usage analysis have the greatest implications for UPSTART instructional practice. The C5 children who benefitted the most from UPSTART in terms of developing their early phonics-related skills – as measured by the Brigance assessment – were those children who used the online curriculum for at least 65 hours. Alternatively, those children who benefited the most in terms of developing their phonological awareness skills – as measured by the Bader assessment -- were those children who used the online curriculum for at least 77 hours. These results suggest that young children may need more instructional time for developing phonological awareness skills relative to basic phonics skills.

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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: September 17-18, 2015

INFORMATION: Early Intervention Reading Software Annual Report

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Background:
UCA 53A-17a-167 *The Early Intervention Program* funds educational technology to address early reading through the use of early interactive reading software, specifically for literacy instruction and assessment for students in kindergarten through grade 3.

Key Points:
As part of the legislation, a report is due to the Education Interim Committee and the governor each year. The report requires an independent evaluator to report on student learning gains as a result of using the early interactive reading software. An executive summary of the results from the 2014-15 school year will be presented.

Anticipated Action:
The Standards and Assessment Committee will review the 2015 report on the *Early Intervention Program* and provide feedback on the report to be given to the Education Interim Committee in October.

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Early Intervention Program—Educational Technology

Report of FY 2015

Prepared by the

Utah State Office of Education

September 18, 2015

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Early Intervention Program—Educational Technology

In Compliance with Intent Language of 53A-17a-167

The Utah State Office of Education (USOE) hired the Evaluation and Training Institute (ETI), a non-profit research and consulting firm, to conduct a multi-year evaluation of the Early Intervention Program—Educational Technology to ensure that the program had the desired impact on students. The primary goals of the 2014-2015 evaluation were to explore how the early intervention software programs were used and to document the outcomes associated with student participation, including determining the overall impact of the program and comparing student learning achievement for each of the five software providers ("vendors"). The five vendors were (in alphabetical order): Curriculum Associates (i-Ready), Imagine Learning, Istation, Pearson (SuccessMaker), and Waterford. Each program was designed to support individualized student learning through computer-adaptive software that matches student achievement levels to provide tailored instruction.

This preliminary report provides an executive summary of the findings related to program implementation and student literacy outcomes for the 2014-2015 school year. The complete report may be requested from the USOE Teaching and Learning Department.

Purpose of the Evaluation

The purpose of the 2014-2015 evaluation was to explore characteristics of program use and to determine the effectiveness of the overall program and of the individual software programs. The following evaluation objectives were used to guide our evaluation and to organize the report sections:

1. Describe program implementation, use and fidelity
2. Describe the program impacts on student learning:
    - Determine if there were program-wide effects on student learning
    - Evaluate the relationship between program use and learning outcomes
    - Determine how the program effects differed among vendors
3. Provide policy and practice recommendations generated from the findings

The remainder of this report presents the evaluation findings from program implementation through the observed effects on students' academic achievement. The report culminates with a summary and recommendation section that presents stakeholders with next steps to improve program quality for maximum student benefits.

Description of Program Implementation and Fidelity to Vendors' Recommended Use

Program implementation includes information about the percentage and demographic characteristics of students enrolled in each program. Schools can choose which vendor with whom they want to work. The majority of schools used Imagine Learning software, which served approximately 38 percent of the students in the Early Intervention Program, with i-Ready being the second most popular. Waterford served the lowest number of students, and represented approximately 9 percent of licenses for the 2014-2015 school year.

Table 1. Participants by Vendors

Program	# Schools	# Students	% Students of Total Program
Imagine Learning	146	13,801	37.5%
i-Ready	55	10,420	28.3%
Istation	18	4,999	13.6%
SuccessMaker	20	4328	11.8%
Waterford	31	3,242	8.8%
Totals	270	36,790	100%

Source: Vendor Data

Demographic Characteristics

The majority of students who participated in the software programs were in Title I schools with 61% of the students enrolled. Additionally, 51% were classified as coming from families with low incomes (as measured by eligibility for free or reduced lunch).

Table 3. Demographic Characteristics of Program Participants

	N	% Total Sample
Gender		
Female	14,102	38%
Male	15,439	42%
Unknown[1]	7,215	19.6%
Race/Ethnicity		
White	22,119	60%
Hispanic	5,059	14%
Other	2363	6.5%
Unknown	7,215	19.6%
Title 1 School Status		
School-wide	13,083	44%
Targeted Assistance	5,122	17%
Unknown	7,215	19.6%
Low Income Family	15,066	51%
English Language Learner	2,948	8%
Special Education	3,212	9%
Migrant Family	67	.2%

Source: USOE Demographic Data; program vendor data

[1] In certain cases vendor student data did not match USOE student data, and demographic characteristics were not able to be linked to students.

Approximately 40% of the students started the school year below or well below benchmark levels of literacy.

Table 4. DIBELS Next BOY Literacy Benchmarks

DIBELS Literacy Benchmarks (Beginning of Year)	Program Participants
At or Above Benchmark	12,451 57.1%
Below Benchmark	2,996 13.7%
Well Below Benchmark	5,669 26%
N/A	708 3.2%
Total	21,824

Source: USOE Demographic Data; program vendor data; DIBELS data

Weekly Usage

Average weekly usage across grades was approximately 48 minutes. A wide range of average program use was found across vendors:

- Waterford had the highest average weekly use (78.2 minutes) by a wide margin, with the next highest weekly average almost 28 minutes less (Imagine Learning; 50.7 minutes)
- i-Ready had the highest number of students using the program for less than 24 weeks (36.2%) while Istation had the highest number of students using the program for 24 weeks or more (84.4%).

As shown in **Table 5**, students used the software programs an average of 48 minutes per week across all grades. Students in grades two and three had the lowest level of program use, averaging approximately 39 and 48 minutes per week, respectively. In contrast, first grade students used the software the most, with an average of 54.5 minutes per week of program use.

Table 5. Average Weekly Use (Minutes) by Grade Level

Grade	Average Weekly Use (Minutes)
Kindergarten	49.3
Grade One	54.5
Grade Two	48.3
Grade Three	39.1
Average	47.8

Source: USOE Demographic Data; program vendor data

Waterford had the highest average weekly usage of all the vendors by a large margin, with approximately 28 more minutes of weekly use than the vendor with the second highest average, Imagine Learning, in which students used the software an average of 51 minutes per week. i-Ready had the lowest average at approximately 36 minutes per week.

Table 6. Average Weekly Use (Minutes) by Program Vendor

	Average Weekly Use (Minutes)
Waterford ERP	78.2
Imagine Learning	50.7
Istation	49.0
SuccessMaker	44.5
i-Ready	35.9

Source: USOE Demographic Data; program vendor data

Fidelity of Minimum Dosage Recommendations

Program fidelity describes the extent that schools and districts complied with established guidelines on how the programs should be used in order to produce the intended benefits. Program vendors gave schools recommended use guidelines during their implementation trainings at the beginning of the school year. The dosage recommendations from the 2013-14 school year were initially used, but during 2014-15 these were revisited and revised to amend the usage requirements. The revised minimum dosage recommendations (see **Table 7**) provide an interim review of program fidelity.

Table 7. Vendor Minimum Dosage Recommendations

Vendor	Kindergarten	First Grade	Second Grade	Third Grade
i-Ready	45 minutes/week	45 minutes/week	45 minutes/week	45 minutes/week
Waterford	60 minutes/week	80 minutes/week	80 minutes/week	80 minutes/week
Imagine Learning	45 minutes/week	60 minutes/week	75 minutes/week	75 minutes/week
SuccessMaker	45 minutes/week	45 minutes/week	60 minutes/week	60 minutes/week
Istation	60 minutes/week	60 minutes/week	60 minutes/week	60 minutes/week

A school or district was considered to have met the fidelity requirements if at least 80% of the students using the software met the minimum dosage specified by the vendors based on their average weekly usage. **Table 8** depicts the percentage of students in each grade who met the fidelity requirements. Overall, the percentage of students who met fidelity was low, regardless of grade, with the highest percentage who met fidelity being for Kindergarten at nearly 41 percent. Students in the third grade had the fewest number of students meeting program fidelity (17%).

Table 8. Summary of Program Fidelity by Grade Level

	Total N	Met Fidelity	% Met Fidelity
Kindergarten	7606	3096	40.7%
Grade One	9316	3284	35.3%
Grade Two	7100	1768	24.9%
Grade Three	4362	737	16.9%

Table 9 shows the average weekly use, vendors' recommended minimum weekly use, and the percent of students who met the fidelity requirements for each vendor and grade. Waterford had by far the highest percentage of students who met the fidelity requirements (54%), and also had the highest

requirements of all the vendors. i-Ready was the vendor with the fewest percentage of students who met the fidelity requirements, and also had the lowest minimum dosage requirements of all the vendors.

Table 9. Program Fidelity Summary by Vendor and Grade Level

	Ave Weekly Use (Minutes)	Recommended Usage	% Met Fidelity
Waterford ERP	**78.2**	**--**	**53.6%**
Kindergarten	71.4	60	59.0%
1st Grade	92.1	80	55.4%
2nd Grade	64.7	80	45.6%
3rd Grade	54.0	80	29.7%
Imagine Learning	**50.7**	**--**	**29.5%**
Kindergarten	50.5	45	46.0%
1st Grade	50.8	60	27.4%
2nd Grade	50.4	75	15.6%
3rd Grade	51.2	75	16.5%
Istation	**49.0**	**--**	**28.5%**
Kindergarten	52.0	60	36.9%
1st Grade	54.6	60	35.3%
2nd Grade	51.7	60	26.6%
3rd Grade	36.1	60	13.1%
SuccessMaker	**44.5**	**--**	**32.7%**
Kindergarten	42.9	45	36.1%
1st Grade	48.1	45	51.9%
2nd Grade	48.0	60	24.4%
3rd Grade	34.3	60	12.1%
i-Ready	**35.9**	**--**	**27%**
Kindergarten	33.6	45	23.2%
1st Grade	36.8	45	27.6%
2nd Grade	37.4	45	28.7%
3rd Grade	35.2	45	21.4%

Program Impacts on Student Learning

ETI conducted a number of analyses to determine how the HB 513 program impacted student literacy achievement as measured by the DIBELS Next literacy assessment. The analyses are grouped into two main categories:

- Program-Wide Impacts: where the effects of the program are examined across all vendors; and,
- Vendor-Specific Impacts: where the effects of the program are compared among the vendors.

Program-Wide Impacts

ETI conducted two types of program-wide impact analyses that compared the outcomes of treatment students to control students, while accounting for beginning of year achievement levels. The first used a simple cross-tabulation approach to visually map the percentage of students who went up (or down) in

DIBELS Next benchmark scores[2] from beginning of year (BOY) to the end of year (EOY). The second analytic approach was more sophisticated and employed multilevel modeling statistical techniques to measure the programs impact while accounting for other things that influence students' DIBELS Next test scores. Control group students were matched to the treatment group students using Coarsened Exact Matching (CEM)[3] procedures. CEM takes into account previous achievement, student characteristics, and school type to reduce preexisting differences between the groups that may affect outcomes.

CEM Treatment-Control Group Matching Process

Students participating in the Early Intervention-Educational Technology Program (treatment students) were statistically matched to a comparison group of students who did not participate in the program (control students). This matching procedure consisted of a two-step process:

1. From our master (merged) data file, ETI produced a data file with 76,092 students who did not participate in the Early Intervention Program.
    - This resulted in a 3:1 ratio of potential control students to treatment students.
2. Students from the pool of potential controls were then matched to treatment students, which found an exact match—or twin—for each of the treatment students from the group of control students in terms of:
    - Grade level,
    - Sex (Female/Male),
    - Ethnicity (White, Hispanic, African American, or Asian),
    - Classification as an English Language Learner,
    - Poverty,
    - Special education designation,
    - Title 1 status of the school,
    - Beginning of year scores on the appropriate DIBELS subscale.

The matching process resulted in a data file with similar students in each group.

Program-Wide Impact Results

The program effects varied by grade and by student characteristics. Taken as a whole (across vendors), the program had the following outcomes by grade:

- **Kindergarten:** The Early Intervention Program has a positive effect on student literacy test scores in Kindergarten.
    - 9% more treatment students than control students moved from the lowest level of reading (Well-Below Benchmark) to the highest level (Benchmark).
    - Treatment students outperformed control students on several outcome measures, and scored approximately 6% higher (8 points) on EOY Composite scores than control students.
- **First and Second Grade:** In certain cases, statistically significant but small negative effects were associated with being enrolled in the program:

[2] DIBELS Next benchmark goals serve as an indicator of students' reading level. Benchmark categories are designated as "At or Above benchmark", "Below Benchmark", and "Well Below Benchmark."
[3] Iacus, Stefano M., Gary King and Giuseppe Porro. 2008. "Matching for Causal Inference Without Balance Checking." http://gking.harvard.edu/files/abs/cem-abs.shtml.

- In First Grade students in the treatment group scored four points lower than the control group on end of year Composite scores. This trend was true for both Title 1 and non-Title 1 schools.
- In Second Grade students in the treatment group scored six points lower than the control group on end of year Composite scores. This trend was true for both Title 1 and non-Title 1 schools.

- **Third Grade:** No significant program effects were observed.

Program-Wide Statistical Analyses Method Results

The program-wide analysis examined the whole program's impacts on student achievement regardless of which software program the student was using. This analysis was crucial to determine how the program worked as a whole, and to be able to review total program effects prior to looking at individual vendor effects (in the subsequent section on vendor-specific effects). In addition to determining the effects on students, ETI was interested in determining if the program was more or less effective in different types of schools. Title 1 status is a powerful indicator of school composition, with full Title 1 schools having high levels of students from low-income families. It was important to determine if school status had an effect on learning outcomes, so two-level statistical models were ran to determine program effects at the student and school levels.

Our multilevel model compared the effect of software use (treatment) from all combined vendors on DIBELS test scores in kindergarten, first, second, or third grades, while taking into account gender, prior test scores (baseline DIBELS test scores), special education designation and ELL status at the student level as well as Title 1 status at the school level. We factored in the Title 1 status of the school to determine whether the effect on students differed in Title 1 vs. non-Title 1, vs. partial Title 1 schools.

We ran two types of comparisons between treatment and control students: **between groups** and within groups. Our between groups analyses focus on the difference between treatment and control students' test scores while holding school and personal characteristics constant. The between groups analysis answers the question, *"What is the program effect on all students who were enrolled, no matter how much they used the program, when compared to a matched control group?"* This comparison gives stakeholders a big-picture view of how the entire program worked regardless of the nuances of implementation, dosage and student characteristics. Once we have determined the effects of the program regardless of usage, we can then study how usage interacts with students personal characteristics in our within group analyses.

Our within group analyses compares the program effects *within* different student groups to see if there are differential impacts depending on student characteristics (gender, ethnicity, ELL and others). The within group analyses answer the questions, *"What is the program effect on students as they increase their average weekly use (dosage)?"* and, *"How does the within group effect vary by student and school characteristics?"*

Between Groups Results

Results from the between groups models showed that outcomes varied by grade. The results showed that treatment students performed higher than control students in Kindergarten *no matter how much they used the program*. Just being in the treatment group, without accounting for average weekly use or number of weeks used, the students had higher test score gains than their matched control student counterparts. These trends do not hold up in grades 1-3, however, where treatment students had lower

gains than their control counterparts. Similar outcome trends were found in statistical models for Title 1 schools, where Kindergarten treatment students have higher learning gains but all other grades do not.

More detailed findings by grade are presented below:

Kindergarten: The Early Intervention Program has a positive effect on student literacy test scores in Kindergarten; treatment students outperformed control students on several outcome measures:

- Matched program students in kindergarten are likely to score on average **7.69** points better on their EOY Composite (Comp) DIBELS score compared to matched comparison students, while accounting for sex, Special Education and ELL designation, school Title 1 status, and BOY Composite scores.
- Matched program students in kindergarten are likely to score **1.39** points better on MOY First Sound Fluency (FSF) compared to matched students who did not use the software.
- Matched program students in kindergarten are likely to score **2.13** points better on Letter Naming Fluency (LNF) compared to matched comparison students.
- Matched program students are likely to score **1.95** better on EOY Phoneme Segmentation Fluency (PSF) (controlled at MOY) compared to matched comparison students.

First Grade: The Early Intervention Program does not have a positive effect on students' literacy test scores in first grade. In fact, it has a potentially negative relationship to first graders' literacy outcomes:

- Matched first grade program students are likely to score **4.39** points worse on EOY DIBELS Composite (Comp) scores compared to their matched comparison students.
- Matched first grade program students are likely to score no better or worse on Nonsense Word Fluency - Correct Letter Sounds (NWF-CLS) compared to their matched comparison students.
- Matched program students likely to score **.70** points lower on Nonsense Word Fluency - Whole Words Read (NWF-WWR) compared to their matched comparison students.
- Matched program students are likely to score **1.99** points lower on Oral Reading Fluency (DORF) compared to their matched comparison students.
- The lack of positive program wide results can be explained by the Vendor Specific Outcomes (see vendor-specific impacts section for more information):
    - The lack of positive effects associated with first grade could be due to the poor performance of two vendor products with the largest number of first grade students (i-Ready and Imagine Learning).

Second grade: The Early Intervention Program does not have a positive effect on students' literacy test scores in second grade. In fact, it has a potentially negative relationship to second graders' literacy outcomes:

- Matched first grade program students are likely to score **5.95** points worse on EOY DIBELS Composite (COMP) scores compared to their matched comparison students.
- Matched program students are likely to score **1.50** points worse on Oral Reading Fluency (DORF-Fluency) compared to their matched comparison students.

Third grade: The Early Intervention program does not have a positive effect on students' literacy outcomes in third grade.

- Matched third grade program students perform no better or worse on EOY Comp compared to their matched comparison group.
- Matched third grade program students perform no better or worse on Oral Reading Fluency (DORF-Fluency) compared to their matched comparison students.
- Matched third grade program students perform no better or worse on DAZE compared to their matched comparison students.

Within Treatment Group Analysis

Studying how dosage, or time spent using the software, impacts student outcomes allows stakeholders to learn how varying the dosage may improve student outcomes. In addition, learning about which student groups, which differ by student characteristics such as gender or Special Education Status, benefit more can also help to improve the program quality. This analysis includes students only in the treatment group, and only included Kindergarten students because there were no positive statistical results found for first through third grade in the between groups, program-wide analyses.

Kindergarten:

Every additional minute of weekly software use was associated with a **.16** increase in the EOY DIBELS Composite score for Kindergarteners. This is a slight but significant increase. We found differential effects for gender, special education and Title 1 status:

- Females who used the software for the recommended average minutes per week (48.86) were likely to score **2.57** points lower than males who used the software for the same amount of time.
- Special education students were likely to score **18** points lower compared to general education students who used the software for the mean number of minutes per week.
- Students in Title 1 schools who used the software for the mean number of minutes per week did better than similarly exposed students in non-Title 1 schools by **11.63** points on average.

Vendor-Specific Impacts

The USOE requested an analysis of program impacts to student learning by vendor to determine unique effects across the five software packages. In order to do this, ETI built two-level models that regressed adjusted average weekly use in minutes on DIBELS testing outcomes by grade, while taking into account other explanatory variables like gender, special education status, and the BOY composite score of each student as well as the Title 1 status of the school. A two level statistical model was used because we recognized that student test scores were more likely to be similar within schools than between schools, and we wanted to determine the effect of school type on student testing outcomes. Separate models were run for each of the five software vendors.

The multi-level models produced coefficients for the fixed effects (student level covariates) that represented the average amount the outcome measure would change for a one-minute change in average weekly use. Since models across vendors used the same scale for the outcome and predictor variables, the results across vendors are comparable.

Vendor treatment effects differed by grade and effect size:

- SuccessMaker had positive effects across the <u>most grades</u> (K-2) and had no negative effects associated with its use at any grade level
- Waterford had the highest positive effect on student learning in Kindergarten
- SuccessMaker had the highest positive effect on student learning in First Grade
- Istation had the third highest positive effects on student learning in Kindergarten and First Grade
- i-Ready and Imagine Learning had the smallest positive effects in Kindergarten and did not produce positive effects in grades 1-3
- Istation, Waterford and i-Ready showed a slight but statistically significant negative effect on

student learning in second grade

Grade level vendor results are describe below:

Kindergarten

- Waterford had the highest positive effect on EOY Composite scores at the end of Kindergarten: students' composite score can be expected to increase by .5 points for each minute increase in adjusted average weekly use.
- SuccessMaker and Istation show the second and third highest positive effect on DIBELS EOY Composite scores (respectively), but Istation has a more consistent effect over subscales as average weekly use increases.
- i-Ready and Imagine Learning produce positive outcomes as well, but at a much lower rate.
    - i-Ready and Imagine Learning both have the largest groups of Kindergarten students in our evaluation sample, and their lower effect sizes tend to decrease the kindergarten results when these results are aggregated across vendors.

First Grade

- SuccessMaker has the highest positive outcomes in First Grade: for every additional minute of average weekly use, on average students gained .3 points to their EOY test scores.
- Waterford and Istation show positive outcomes in First Grade, but Waterford has a more consistent effect including positive gains to students' EOY Composite scores. For every additional minute of average weekly use of the Waterford program, students gain approximately .2 points on their EOY Composite scores.
- The fact that almost 3,500 students in our evaluation sample (i-Ready and Imagine Learning; approximately 51% of the total sample) use software that is not associated with a positive change in DIBELS test scores obscures the overall positive results of the other three vendors when the results are aggregated across vendors.

2nd Grade

- SuccessMaker is the only vendor to show a positive effect on students test scores in second grade: for every one minute increase of average weekly software use, students had a .37 point increase to their EOY test scores on average.
    - Note: Although the SuccessMaker DORF-Fluency subscale presented here was not responsive to increased average weekly software use, other subscales[4] (not used in the analysis) most likely increased as SuccessMaker software use increased.
- Imagine Learning had no significant treatment effects in second grade.
- Istation, Waterford and i-Ready all had negative treatment effects across different second grade DIBELS scores.

3rd Grade

- In third grade, no increases in DIBELS scores were associated with increased average weekly software use from any vendors.

[4] ETI was not able to use all DIBELS Next subscales due to missing data, and we chose subscales that had full information across vendors for specific grades.

Summary

ETI combined data from different sources to develop an evaluation dataset that linked student literacy achievement (based on DIBELS Next test scores) to program software use, student characteristics, and school status (e.g. Title 1). Then, they proceeded to analyze the program outcomes through three lenses: 1) program implementation and fidelity to recommended weekly use; 2) program-wide impacts to student literacy; and 3) vendor-specific impacts to student literacy. ETI found wide variation in results across grades and vendors, but believes that there are consistent trends that can explain the findings.

Program Fidelity

The vast majority of schools are not using the program according to vendors' recommendations for weekly use. In 2013-2014, schools were given exact instructions to follow program vendor use recommendations to ensure fidelity of program delivery; however, evaluation results for that year showed that approximately 11% of schools implemented the program with fidelity (see, "*H.B. 513 Early Intervention Program Evaluation: Technical Report*)[5]. For the 2014-2015 program year, schools were to continue with 2013-14 dosage recommendations and vendors included information on minimum recommended use in their school trainings. ETI reviewed school and student program use patterns and determined that fidelity has increased this year but is still very low. When examining schools, 13% met program fidelity, which indicates a need for vast improvement before the program can reach its full potential impact. Student program fidelity is more encouraging in Kindergarten, where approximately 41% are using the program according to vendors' recommendations, but this drops precipitously through the grades and by third grade only approximately 17% are using the program as recommended.

Program-Wide Impacts

The program works well for general education Kindergarten students, as well as for students in Title 1 schools whom receive the most benefit. In Kindergarten, the Early Intervention Program succeeded in positively impacting students end-of-year test scores (EOY) beyond a matched control group: students in the program scored 6% higher on EOY scores, while accounting for other variables that could predict learning, such as gender, poverty and previous achievement. These results were even more positive for Title 1 schools, who had an 18% gain over control students on average. However, students with Special Education designations had less positive outcomes, scoring 18 points lower on average than their general education counterparts at EOY. The results for first through third grade are not as encouraging.

By first grade the results become more varied, and the program as a whole does not appear to help students improve their literacy achievement levels. It is clear, however, that much of these negative findings are due in part to certain vendors' performance, with some having more of an impact in our evaluation sample than others. By second grade only one vendor had a positive effect on student learning (SuccessMaker) and there were even negative effects from being in the program for other vendors.

Vendor-Specific Impacts

All vendors made a positive contribution to student learning in Kindergarten; however, Waterford and SuccessMaker had the greatest effect on student test scores. Given its positive effects on student learning across three grades (K-2), SuccessMaker's program was successful across the most grades. In general, vendor-specific effects followed the same trends across student groups, such as gender (males

[5] Hobbs, J., Beni, A., Overby, M. (2014). *H. B. 513 Early Intervention Program Evaluation: Technical Report.* Evaluation and Training Institute: Los Angeles, CA.

benefitted more than females), and Title 1 school status (Title 1 schools benefitted more than non-Title 1 schools) as the program-wide effects described previously.

Summary of Findings and Recommendations

This evaluation has shown that the program works for general education Kindergarten students, especially those in Title 1 schools, but there are questionable benefits for older students and students with special needs. The student outcomes must be weighed against how the program (and specific vendor software) was implemented throughout schools participating in the program. In other words, weak program fidelity makes it is hard to determine that the program does not work with students in grades 1-3. In fact, because overall program fidelity hovers around 17% for students in grade 3, and 25% in grade 2, we would suggest that it is unfair to interpret the student achievement outcomes with much conviction when the vast majority of students in those grades did not meet minimum weekly usage recommendations.

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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: September 17-18, 2015

INFORMATION: K-3 Reading Improvement Program Report

Background:
R277-406 *K-3 Reading Improvement Program* provides matching funds to districts and charter schools to help schools increase reading proficiency by the end of 3rd grade.

Key Points:
R277-406 *K-3 Reading Improvement Program and the State Reading Goal* requires a report to the Legislature for the past school year and the previous five years that includes information on student learning gains in reading; the percentage of third grade students reading on grade level; the progress of schools and school districts in meeting their uniform growth goals; the correlation between third grade students reading on grade level and results of the third grade language arts scores on computer adaptive tests; and may include recommendations on how to increase the percentage of third grade students that read on grade level.

Anticipated Action:
The Standards and Assessment Committee will review the 2015 report on the *K-3 Reading Improvement Program* and may give direction for changes prior to the report to the Education Interim Committee in October.

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K-3 Reading Improvement Program

Report of FY 2015

Prepared by the

Utah State Office of Education

September 18, 2015

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K-3 Reading Improvement Program

In Compliance with Intent Language of 53A-17a-150

Program Description

Utah identifies reading as the gateway to knowledge and lifelong learning. With the ever increasing demands of this literacy gateway, the K-3 Reading Improvement Program focuses on the early development of literacy skills, with additional emphasis on the prevention of reading difficulties and early intervention for students at risk of not meeting grade-based reading competency standards. Resources available to aid students include early, targeted intervention, optional extended-day kindergarten, standards and assessments for testing and monitoring reading competency three times per year in grades 1-3, optional progress monitoring assessment, ongoing professional development, coaching, and the use of data to inform instruction.

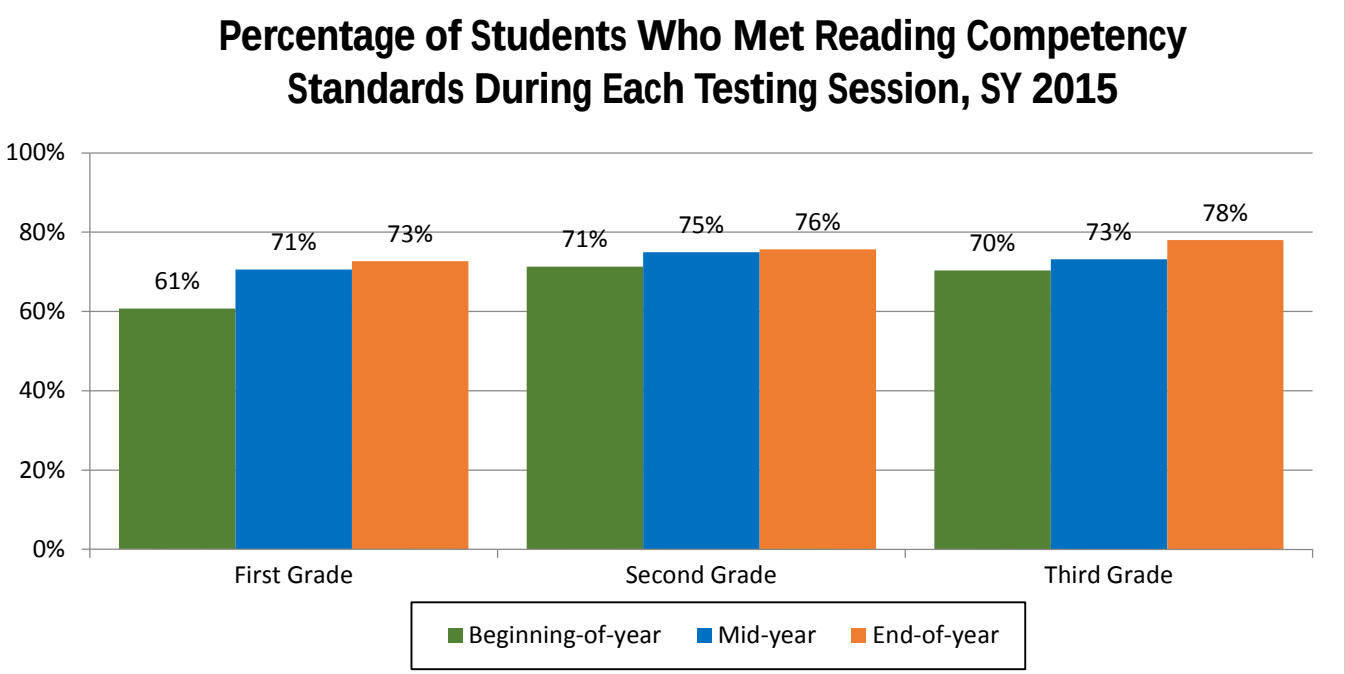
Testing and Monitoring

Beginning in 2013, LEAs were required to assess students' reading competency three (3) times a year (beginning, middle, and end of the school year) using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) assessment. LEAs administered DIBELS and reported: 1) whether each student met reading competency standards at the time of the testing period and 2) whether the student had received reading interventions at any time during the school year.

Overall Reading Competency

For students in grades 1 through 3, the percentage of students achieving reading competency increased by 5-12 percentage points from the beginning of the year (BOY) to the end of the year (EOY) in 2014-15. The percentages of students who met reading competency standards increased with each subsequent testing session for all grades, though not all grades increased equally. The percentage of students who met reading competency standards for their grade level during the beginning-of-year testing session was 61% among first graders, 71% among second graders, and 70% among third graders. The percentage of students who met reading competency standards for their grade level during the end-of-year testing session increased by 12 percentage points among first graders (to 73%), by 5 percentage points among second graders (to 76%), and by 8 percentage points among third graders (to 78%).

Exhibit 1. Percentages of Students Who Met Reading Competency Standards by Grade Level and Testing Session, School Year 2015.

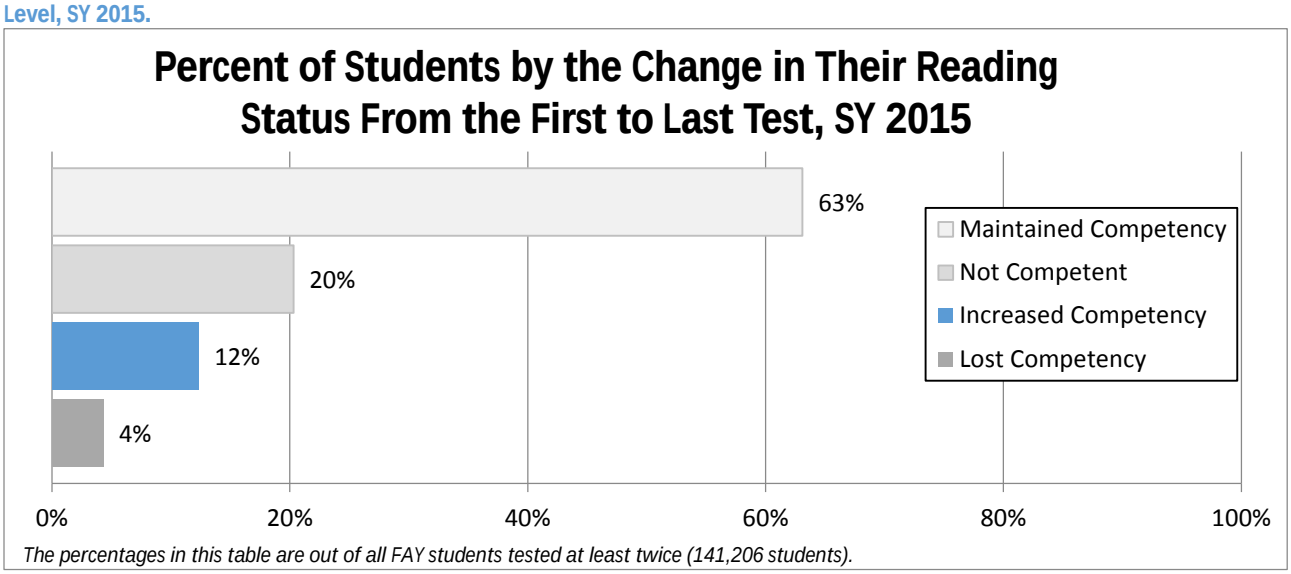


The percentages of students who met reading competency standards in this table are out of all students who attended a school for a full academic year (FAY; a 160-day equivalency or more), and were tested (the percent untested at the time of each of the test sessions was 1% in the fall, 3% midyear, and 1% at year-end).

Change in Reading Competency DIBELS Results Fall to Spring Benchmarks

It should be noted that not all students whose test results changed from the first to the last reading test made an improvement. Exhibit 2 shows the changes in students' reading competency test results throughout SY 2015. The percentage of students who never met reading competency standards for their grade level was 20% (this is two percentage points lower than in SY 2014). Other students maintained competency throughout the year (63%), increased their competency (12%), or lost competency (4%). Among the students who increased their competency, 67% received an intervention during SY 2015.

Exhibit 2. Changes in Reading Competency Test Results, From Students' First to Last Test Taken by the Type of Change, and Grade Level, SY 2015.

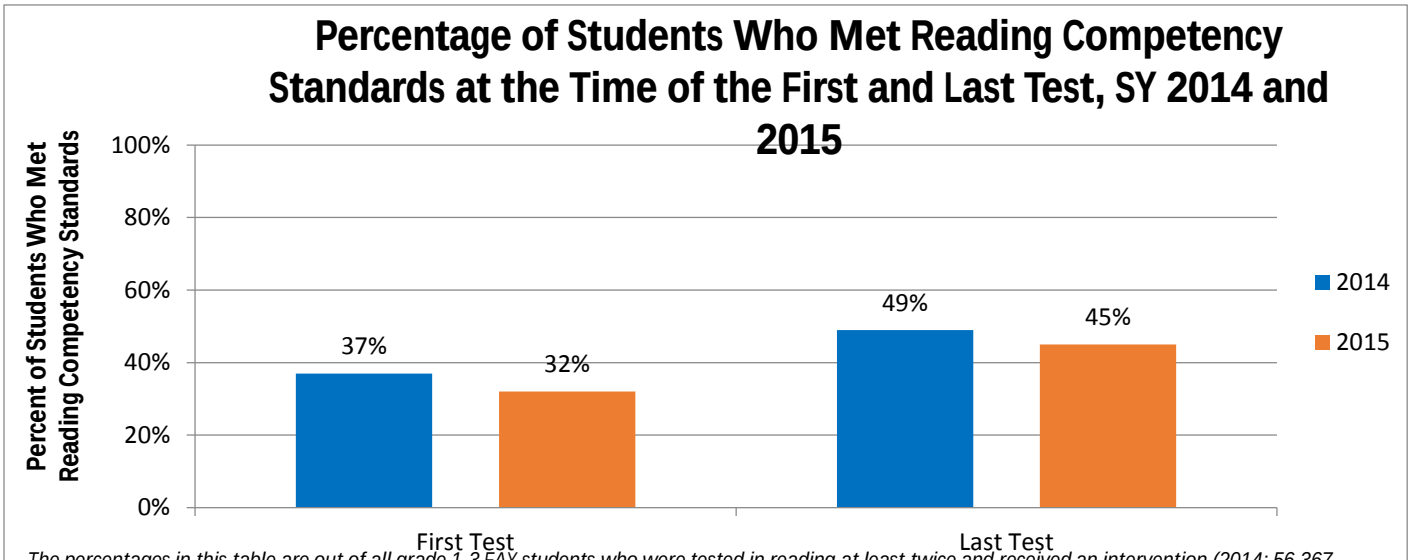


The percentages in this table are out of all FAY students tested at least twice (141,206 students).

Reading Interventions

Among students who received a reading intervention and were tested in reading at least twice during SY 2015, there was a 13 percentage point increase overall (from 32% to 45%), from the students' first to last test, in the percentage of students who met reading competency standards. In SY 2014, the increase was 12 percentage points.

Exhibit 3. Percentages of Students Who Received an Intervention by Reading Competency Status on Their First and Last Test Taken.



The percentages in this table are out of all grade 1-3 FAY students who were tested in reading at least twice and received an intervention (2014: 56,367 students; 2015: 54,003).

Interventions are provided to students who are not demonstrating reading competency. Without intervention, these students are unlikely to reach the reading competency benchmark by the end of the school year. With targeted reading interventions, the odds of these students reaching reading competency are more than five times greater than for students who don't receive an intervention. This claim was verified by a statistical analysis performed by the USOE. Exhibit 4 briefly displays the odds of meeting reading competency according to whether a student received an intervention.

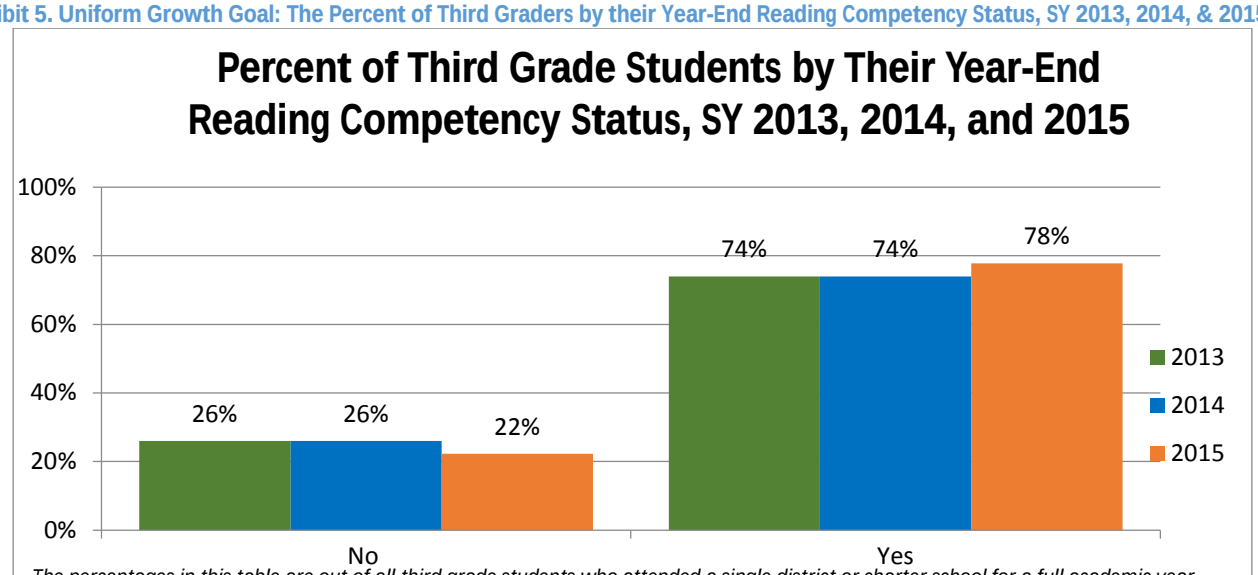
Exhibit 4. Logistic Regression Results: Statistically Significant Factors for Predicting the Odds that a Student Will Meet Reading Standards.

Factor	Likelihood	Predicted Outcome
A student who: Did not meet reading competency standards at the time of his/her first test taken	**Is:** About one-tenth(1/10) as likely	**To be reading competent at year-end as a student who:** met reading competency standards at the time of his/her first test taken
A student who: did not meet reading competency standards at the time of his/her first test, and received a reading intervention	**Is:** About five and a half (5.5) times as likely	**To be reading competent at year-end as a student who:** did not meet reading competency standards at the time of his/her first test, and did not receive a reading intervention

Third Grade Reading Competency Results

As part of the K-3 Reading Improvement Program LEAs receiving funds set a uniform growth goal (UGG). These uniform growth goals are targeted, incremental increases that must be met each year in order to attain 90% reading competency among third graders by the year 2020. The UGG calculation includes only students who are enrolled for the full academic year (160-day equivalent or greater) in the LEA.

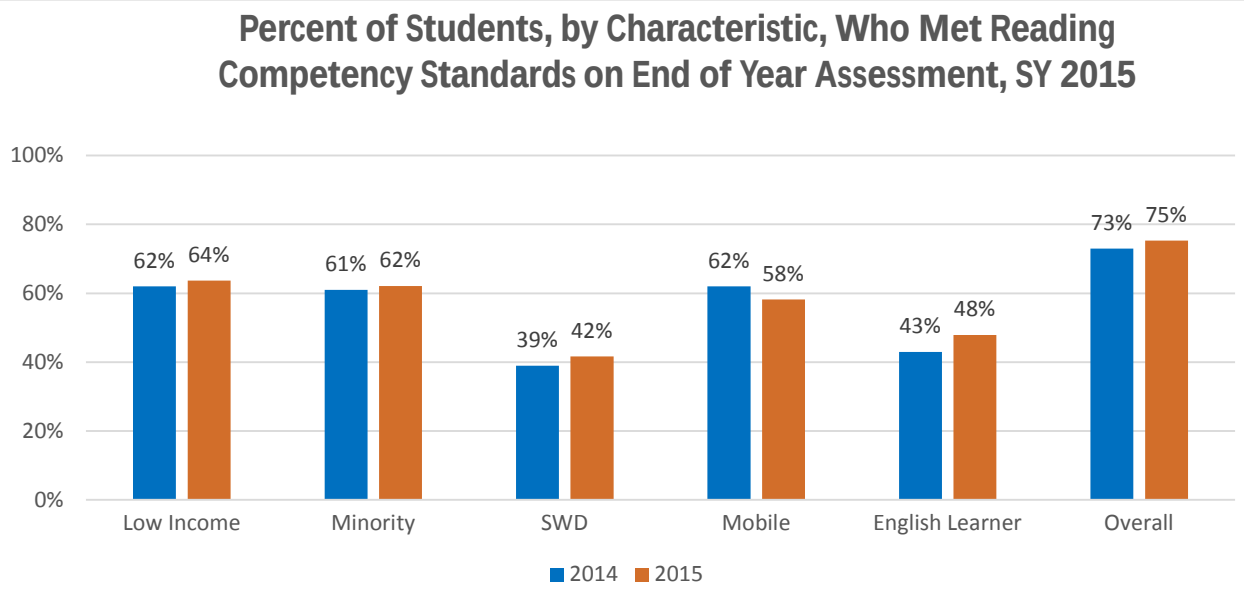
Exhibit 5. Uniform Growth Goal: The Percent of Third Graders by their Year-End Reading Competency Status, SY 2013, 2014, & 2015.



The percentages in this table are out of all third grade students who attended a single district or charter school for a full academic year (160 days or more) and had a reading test result from mid-year or year-end (45,353 students in SY 2013, 46,224 students in SY 2014, and 47,270 students in SY 2015).

During the 2014-15 school year, the percentage of third grade students achieving reading competency was 78%. This is a 4 percentage point increase from the 2013-14 school year. Additionally, similar increases were seen in nearly all characteristic groups (the mobile students decreased by 4 percentage points).

Exhibit 6. Reading Competency Rates by Student Characteristic, SY 2014 & 2015.



The percentages in this table are out of all grade 1-3 students who attended a school for a full academic year (FAY; a 160-day equivalency or more), were tested in reading in 2015, and who fall into the characteristic group in question. Some students may be in multiple groups (Low Income = 55,536; Minority = 33,245; Special Ed = 18,156; Mobile = 426; English Learner = 14,672; Overall = 141,576 students).

2014-2015 LEAs Progress towards Meeting Their Uniform Growth Goal

Using the 2013 spring third grade DIBELS benchmark as a baseline, LEAs set their 2014-2015 Uniform Growth Goal. Even further, all LEAs created data-driven student reading improvement plans (utilizing K-3 Reading Improvement funds) under the direction of local community councils. About 95% of the LEAs, or 106 of the 112 LEAs, who received K-3 Reading Improvement funds in FY15 achieved their uniform growth goal. Below is a table presenting each LEAs 2013 Baseline, their 2015 goal, their actual achievement in 2015, and their 2014-15 Uniform Growth Goal achievement status.

Exhibit 7. 2014-15 UGG Outcomes

LEA Name	2013 Baseline	Goal 2015	2015 UGG	2015 UGG with Confidence Interval	2015 UGG Met?
Alianza Academy	52	58.9	69.2	83.7	Yes
Alpine	83	85.0	85.2	86.1	Yes
American International School of Utah**	**	**	54.5	69.2	NA
American Leadership Academy	79.2	82.2	76.1	84.1	Yes
American Preparatory Academy	68.4	72.9	77	81.7	Yes
American Preparatory Academy - Salem	54.1	60.7	85.1	95.3	Yes
Aristotle Academy	67	71.7	75	105	Yes
Ascent Academies of Utah**	**	**	86.3	92.2	NA
Bear River Charter School	90	90.0	100	100	Yes
Beaver	91.2	90.0	93.1	98	Yes
Box Elder	77	80.3	78.8	81.5	Yes
Cache	84	85.7	87.4	89.2	Yes
Canyon Grove Academy	73.7	77.5	69.8	83.5	Yes
Canyon Rim Academy	80	82.8	94.7	99.8	Yes
Canyons	68	72.6	70.9	72.7	Yes
Carbon	66	70.8	78.7	83.9	Yes

LEA Name	2013 Baseline	Goal 2015	2015 UGG	2015 UGG with Confidence Interval	2015 UGG Met?
Channing Hall	83	85.0	93.5	99	Yes
CS Lewis Academy	60	65.7	68.2	82	Yes
Daggett	64.3	69.4	92.3	100	Yes
Davinci Academy	68	72.6	64.1	74.7	Yes
Davis	63.1	68.4	78.1	79.2	Yes
Dixie Montessori Academy**	**	**	47.8	62.2	NA
Dual Immersion Academy	60.8	66.4	55.4	68.4	Yes
Duchesne	75	78.6	80.1	84.1	Yes
Early Light Academy at Daybreak	84	85.7	89.3	96.3	Yes
Edith Bowen Laboratory School	88	88.6	80.4	91.3	Yes
Emery	67	71.8	66.9	73.8	Yes
Endeavor Hall	63.4	68.6	68.2	79.4	Yes
Entheos Academy	53.9	60.5	57	66.7	Yes
Esperanza School**	**	**	48.8	64.1	NA
Excelsior Academy	77.8	81.0	52	63.3	**No**
Freedom Preparatory Academy	81	83.6	78.6	86.7	Yes
Garfield	85.5	86.8	90.9	97.8	Yes
Gateway Preparatory Academy	44	52.0	65.2	76.4	Yes
George Washington Academy	89.6	89.7	93.3	97.8	Yes
Good Foundations Academy	79	82.0	89	96.2	Yes
Grand	60.6	66.2	84.5	92.2	Yes
Granite	62	67.4	69.5	70.8	Yes
Guadalupe School	76	79.4	37.9	55.6	**No**
Hawthorn Academy	76	79.4	82.7	91.3	Yes
Highmark Charter School	74.6	78.2	87.9	95.8	Yes
Iron	75.4	78.9	82.6	85.4	Yes
Jefferson Academy	82	84.3	98.4	100	Yes
John Hancock Charter School	91	90.0	100	100	Yes
Jordan	77.9	81.1	81.5	82.7	Yes
Juab	84	85.7	89.4	93.9	Yes
Kane	78	81.1	89.5	96	Yes
Lakeview Academy	82.4	84.6	84.3	91.4	Yes
Leadership Learning Academy	*	76.8	77	86.6	Yes
Legacy Preparatory Academy	85	86.4	90.7	96.2	Yes
Lincoln Academy	80	82.9	85.3	93.3	Yes
Logan City	72	76.0	77.2	81	Yes
Mana Academy Charter School	*	43.1	70.8	89	Yes
Maria Montessori Academy	64.7	69.7	61.5	73.3	Yes
Millard	75	78.6	83.4	88.4	Yes
Moab Charter School	75	78.6	75	96.2	Yes
Monticello Academy	81.7	84.1	93.3	99	Yes
Morgan	84.3	85.9	87.9	92.4	Yes
Mountain West Montessori Academy**	**	**	79.5	91.4	NA
Mountainville Academy	90	90.0	97.4	100	Yes
Murray	79	82.0	80.8	84.4	Yes

LEA Name	2013 Baseline	Goal 2015	2015 UGG	2015 UGG with Confidence Interval	2015 UGG Met?
Navigator Pointe Academy	90	90.0	91.2	98.6	Yes
Nebo	73.7	77.5	79.1	80.7	Yes
Noah Webster Academy	76.5	79.9	82.1	90.6	Yes
North Davis Preparatory Academy	75	78.6	76	84.2	Yes
North Sanpete	72.7	76.6	69.2	75.6	**No**
North Star Academy	79	82.0	93.9	100	Yes
North Summit	68	72.6	70.8	81.3	Yes
Odyssey Charter School	72	76.0	71.4	81.5	Yes
Ogden City	56	62.2	64.5	67.6	Yes
Ogden Preparatory Academy	73.7	77.5	78.6	86.5	Yes
Open Classroom	62	67.4	85	96.1	Yes
Pacific Heritage Academy	58.6	64.5	60	75.2	Yes
Park City	80	82.8	81.1	85.4	Yes
Pinnacle Canyon Academy	67.4	72.1	53.1	70.4	**No**
Piute	61.1	66.7	88.2	103.5	Yes
Promontory School of Expeditionary Learning	66.7	71.5	72.5	84.8	Yes
Providence Hall	68	72.6	68.5	76.7	Yes
Provo	69.1	73.5	75	77.4	Yes
Quest Academy	65	70.0	70.8	79.5	Yes
Ranches Academy	80	82.6	80.4	91.3	Yes
Reagan Academy	83.1	85.1	93.7	99.1	Yes
Renaissance Academy	*	81.7	80.9	89.1	Yes
Rich	78	81.1	83	93.7	Yes
Salt Lake	63	68.2	72.8	74.8	Yes
San Juan	55	61.4	52.4	58.9	**No**
Scholar Academy**	**	**	81.3	90.8	NA
Sevier	73.7	77.5	81.2	85.4	Yes
Soldier Hollow Charter School	80	82.8	80	94.3	Yes
South Sanpete	69.6	73.9	75.8	81.4	Yes
South Summit	85.1	86.5	88.5	94.2	Yes
Spectrum Academy	50.5	57.6	61.2	74.8	Yes
Summit Academy	84.5	86.1	87.7	92.4	Yes
Syracuse Arts Academy	78.3	81.4	85.7	92.4	Yes
Thomas Edison	82.7	84.8	82.4	88.7	Yes
Timpanogos Academy	89	89.2	83.1	92.2	Yes
Tintic	63	68.3	64.7	87.4	Yes
Tooele	75.7	79.2	73.9	76.6	**No**
Uintah	65.4	70.3	76.7	79.9	Yes
Utah Connections Academy	61	66.6	73.3	89.1	Yes
Utah Virtual Academy	58	64.0	72.6	82.8	Yes
Valley Academy	54.3	60.8	44.4	61	Yes
Venture Academy	51.2	58.2	64.6	78.1	Yes
Vista At Entrada School of Performing Arts And Technology	80.4	83.1	78.9	87.1	Yes
Voyage Academy	*	81.7	78.5	87.6	Yes

LEA Name	2013 Baseline	Goal 2015	2015 UGG	2015 UGG with Confidence Interval	2015 UGG Met?
Walden School of Liberal Arts	67.5	72.1	70.8	89	Yes
Wasatch	64	69.1	72.3	76.6	Yes
Wasatch Peak Academy	94	90.0	81.1	90	Yes
Washington	68.4	72.9	72.6	74.5	Yes
Wayne	76.3	79.7	71.8	85.9	Yes
Weber	81	82.5	84.6	86.1	Yes
Weilenmann School of Discovery	85	86.4	85.7	93.9	Yes

** New charter in 2014-15

Correlation: Third Grade Final Reading Competency Status and Results of SAGE

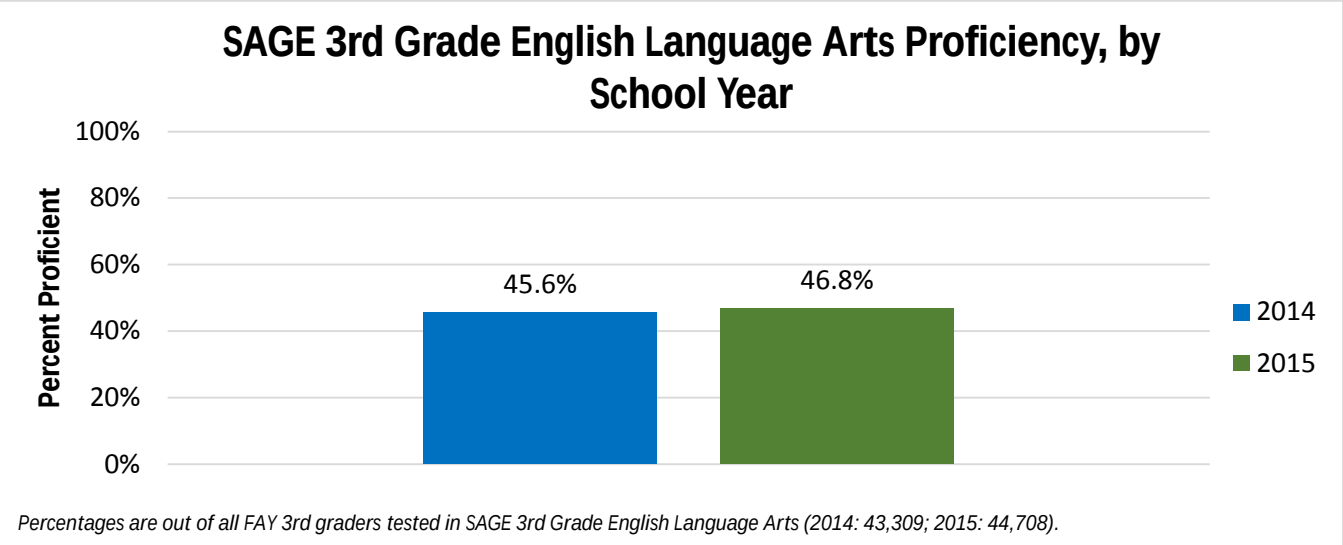
The 2013-14 school year marked the first year of Utah's SAGE summative assessment. The SAGE assessments begin in third grade. The 2014 3rd Grade Language Arts SAGE results had a strong correlation (.561) to DIBELS benchmark status. This suggests that overall DIBELS and SAGE data are similar in their ability to indicate a students' reading performance. The 2015 3rd Grade Language Arts SAGE correlation coefficient was a bit stronger at .570. This may be due to SAGE being fully adaptive in the 2015 administration in comparison to the 2014 administration.

Exhibit 8 Reading on Grade Level Correlations with 3rd Grade SAGE ELA Scale Scores

School Year	Enrollment	Correlation Coefficient
2014	43,309	.561
2015	44,708	.570

Between the 2014 to 2015 school year, there was 1.2 percentage point gain in ELA proficiency in 3rd grade as measured by SAGE. Overall, the 2015 English Language Arts SAGE results increased by an average of 1.9 percentage points.

Exhibit 9. 3rd Grade SAGE Outcomes



Financial Expenditure Summary for K-3 Reading Improvement Program

Expenditure Reporting

Each school district and charter school submits an annual report to USOE accounting for the expenditure of the K-3 Improvement Program funds in accordance with their Reading Achievement Plan. 53A-17a-150 states that legislative funds may be used to improve reading competency, including:

- Reading specialists/coaches
- Focused interventions/tutoring
- Before/after school programs
- Intervention software
- Professional Development for K-3 teachers

Funding

Districts are required to match K-3 Reading Improvement funds with locally raised dollars from levies or other sources. In 2014-15, 92% of K-3 legislated funds were spent on salaries of licensed teachers, reading specialists, coaches, and paraprofessionals who work daily to improve core instruction and provide evidence-based interventions for K-3 students. Exhibit 10 shows, by object code, the expenditures of K-3 Reading Improvement funds for FY2015.

Exhibit 10. FY2015 K-3 Reading Improvement Program Funds: Distribution by Object Code, Amount, and Percent

100 Salaries: Licensed & Non-Licensed Personnel	200 Employee Benefits: Licensed & Non-Licensed Personnel	300 Professional and Technical Services	500 Other Purchased Services	580 Professional Development Travel	600 Supplies and Materials	730 Equipment	860/870 Indirect Cost	800 Other	Total
$10,468,489	**$3,248,366**	**$131,093**	**$18,113**	**$44,246**	**$769,971**	**$151,550**	**$127,492**	**$490**	**$14,977,810**
70%	**22%**	**<1%**	**<1%**	**<1%**	**6%**	**1%**	**<1%**	**<1%**	**99.9%**
92%		**8%**							

UTAH STATE BOARD OF EDUCATION MEETING
Friday, September 18, 2015

8:00 a.m. to 8:15 a.m.
5. **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.
6. **Public Participation/Comment**

8:25 a.m. to 8:35 a.m.
7. **ACTION:** General Consent Calendar (backup furnished electronically at http://www.schools.utah.gov/board/Meetings/Agenda.aspx. — Tab 7

8:35 a.m. to 8:55 a.m.
8. **ACTION:** American Institutes for Research (AIR) Contract Novation — Tab 8

8:55 a.m. to 9:10 a.m.
9. **ACTION:** Monthly Budget Report — Tab 9

9:10 a.m. to 9:30 a.m.
10. **ACTION:** Legislative Audit of the Utah State Office of Rehabilitation and USOR Agency Plan Approval — Tab 10

9:30 a.m. to 9:55 a.m.
11. **DISCUSSION:** Risk Mitigation Progress Report — Tab 11

9:55 a.m. to 10:05 a.m.
12. **ACTION:** Visually Impaired Trust Fund Grants — Tab 12

10:05 a.m. to 10:20 a.m.
BREAK

10:20 a.m. to 12:20 p.m.
13. **ACTION:** SFY 17 Increased Funding Requests Prioritization — Tab 13

12:20 p.m. to 1:00 p.m.
LUNCH

Time Certain: *1:00 p.m. to 1:20 p.m.*
14. **DISCUSSION:** School Children's Trust — Tab 14
   - Constitutional Change Concerning Redistribution of the State School Fund - Senator Ann Millner

- School Children's Trust Director Annual Report

1:20 p.m. to 1:50 p.m.

15. **DISCUSSION/ACTION:** Strategic Plan Tab 15

1:50 p.m. to 2:15 p.m.

16. **Audit Committee Report**

    ACTION: Release of Completed Audit Reports Tab 16-A

    ACTION: Approval of the Internal Audit Charter Tab 16-B

    ACTION: Change to the Internal Audit Budget Tab 16-C

2:15 p.m. to 2:30 p.m.

BREAK

2:30 p.m. to 3:45 p.m.

17. **ACTION:** Standing Committee Reports
    - Standards and Assessment Committee
    - Law and Licensing Committee
    - Finance Committee

3:45 a.m. to 4:00 p.m.

18. **ACTION:** Superintendent's Report
    - Items from the Superintendent
    - Report from the Utah State Office of Rehabilitation

4:00 p.m. to 4:10 p.m.

19. **Board Chair's Report**

4:10 p.m. to 4:20 p.m.

20. **Board Member Comments**

4:20 p.m. to 5:15 p.m.

21. **EXECUTIVE SESSION**

5:15 p.m. to 5:25 p.m.

22. **ACTION:** Executive Session Items
    - Roads to Independence (RTI) Contract
    - Appointments
    - Licensing Actions and UPPAC Recommendations Tab 22

5:25 p.m.

23. **ADJOURNMENT**

General Consent Calendar
September 18, 2015

Backup furnished electronically at http://www.schools.utah.gov/board/Meetings.aspx.

A. Minutes of Previous Meeting Tab A

Minutes of the Utah State Board of Education meeting held August 6-7, 2015 are presented for approval.

B. Contract Reports Tab B

It is proposed that the Board receive the report: *Contracts approved by State Superintendent or USOR Director (less than $100,000)*.

C. R277-207 *Utah Professional Practices Advisory Commission (UPPAC) Disciplinary Presumptions* Tab C

In its August 7, 2015 meeting, the Board approved new rule R277-207 on second reading. The new rule provides disciplinary presumptions for UPPAC and the Board when considering whether to issue disciplinary letters or take actions following a UPPAC investigation. No substantive changes have been made to the rule since that time.

It is proposed that the Board approve R277-207 *Utah Professional Practices Advisory Commission (UPPAC) Disciplinary Presumptions* on third and final reading.

D. R277-417 *Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation* Tab D

In its August 7, 2015 meeting, the Board approved amendments to R277-417 on second reading. The amendments clarify for what LEAs may use public funds. No substantive changes to the rule have been made since that time.

It is proposed that the Board approve R277-417 *Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation*, as amended, on third and final reading.

E. R277-616 *Education for Homeless and Emancipated Students* Tab E

In its August 7, 2015 meeting, the Board approved on second reading amendments to R277-616, and continuation of the rule consistent with the Utah Administrative Rulemaking Act five-year review requirement. The rule was

amended to provide technical and conforming changes. No substantive changes to the rule have been made since that time.

It is proposed that the Board approve continuation of R277-616 *Education for Homeless and Emancipated Students*, and amendments to the rule, on third and final reading.

F. R277-920 *Implementation of the School Turnaround and Leadership Development Act* Tab F

In its August 7, 2015 meeting, the Board approved new rule R277-920 on second reading. The rule was written to provide guidelines for implementing and administering the School Turnaround and Leadership Development Act. No substantive changes to the rule have been made since that time.

It is proposed that the Board approve R277-920 *Implementation of the School Turnaround and Leadership Development Act* on third and final reading.

G. List of Educator Licenses Processed Tab G

A summary of the total number of educator licenses and license areas processed in August 2015 is provided for Board information. It is proposed that the Board receive the report.

H. NASBE Bylaws and Positions Tab H

Each year at its annual conference the National Association of State Boards of Education, of which the USBE is a member, provides the opportunity for member states to vote on changes to the NASBE Bylaws and policy positions of NASBE on various education issues. One member of the Board will be designated to cast USBE's vote at the meeting.

It is proposed that the Board approve the amendments to NASBE Bylaws and NASBE's proposed position statements on school funding and teacher equity.

I. Ratification of Hiring

It is proposed that the Board ratify the appointment of Stacey Cummings as the USOR Deputy Director.

UTAH STATE BOARD OF EDUCATION
MEETING MINUTES

DRAFT

August 6-7, 2015

WORK/STUDY SESSION - August 6, 2015

A study session of the Utah State Board of Education was held August 6, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Prior to the study session, Board members met with the STEM Action Center Board.

Board members present included Chair David Crandall, 2nd Vice Chair Jennifer Johnson, Dixie Allen, Laura Belnap, Leslie Castle, Barbara Corry, Brittany Cummins, Linda Hansen, Mark Huntsman, Jefferson Moss, Spencer Stokes, Terryl Warner and Joel Wright.

Others present included Emilie Wheeler, Debbie Davis, and Lorraine Austin–Board staff; Brad Smith, Sydnee Dickson, Scott Jones, Rich Nye–Utah State Office of Education; Darin Brush, Utah State Office of Rehabilitation; Nicole Call, Assistant Attorney General; Jean Tokuda Irwin, CMAC; Patti Harrington, USSA/USBA/UASBO; Debi Tabor and Cheryl Phipps–Utah PTA; Cynthia K. Phillips, Weilenmann School of Discovery; Royce Van Tassell, Utah Association of Public Charter Schools; Jay Blain, Utah Education Association.

Chair David Crandall called the meeting to order at 4:22 p.m.

Strategic Plan

Superintendent Brad Smith led a discussion regarding the Utah State Board of Education (USBE) strategic plan for public education.

Executive Session

MOTION was made by Member Moss and seconded by Member Johnson that the Board move into executive session for the purpose of discussing pending or reasonably imminent litigation.

Upon voice vote of the members present, the Board moved into executive session. Those present included all Board members listed above and Brad Smith, Sydnee Dickson, Emilie

Wheeler, Nicole Call and Lorraine Austin.

MOTION was made by Member Huntsman and seconded by Member Johnson that the Board come out of executive session.

Motion carried. The Board reconvened in open session at 5:52 p.m.

DRAFT

Utah State Office of Rehabilitation Agency Plan

Darin Brush, USOR Executive Director, shared the Utah State Office of Rehabilitation Agency Plan. He expressed thanks to Stacey Cummins, Aaron Thompson, Jennifer Roth and other USOR staff for their assistance his first thirty days on the job.

The study session adjourned at 6:00 p.m.

Following the study session the Finance, Law and Licensing, and Standards and Assessment Committees met.

UTAH STATE BOARD OF EDUCATION MEETING - Friday, August 7, 2015

DRAFT

A regular meeting of the Utah State Board of Education was held August 7, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah.

Chair David Crandall conducted. The meeting commenced at 8:05 a.m.

Board Members Present:

Chair David L. Crandall
2nd Vice Chair Jennifer A. Johnson
Member Dixie L. Allen
Member Laura Belnap
Member Leslie B. Castle
Member Barbara W. Corry
Member Brittney Cummins
Member Linda B. Hansen
Member Mark Huntsman
Member Stan Lockhart
Member Jefferson Moss
Member Spencer F. Stokes
Member Terryl Warner
Member Joel Wright

Board Members Excused:

1st Vice Chair David L. Thomas

Executive and Board Staff Present:

Brad Smith, State Superintendent
Sydnee Dickson, Deputy Supt.
Scott Jones, Associate Supt.
Angela Stallings, Associate Supt.
Rich Nye, Associate Supt.
Joel Coleman, USDB Superintendent
Darin Brush, USOR Executive Director
Lorraine Austin, Board Secretary
Emilie Wheeler, Board Communications Specialist
Debbie Davis, Board Internal Auditor
Chris Lacombe, Assistant Attorney General
Nicole Call, Assistant Attorney General

Others Present:

Lauri Nelson, Patty Bartholomew, Laurie Bartholomew, Alison Devey, Jeremy Devey, Makenzie Devey, Tamara McIntyre, Benjamin McIntyre, Alison McIntyre, Christopher McIntyre, Shanda Baldwin, Jessica Hoffmann, Lucinda Fellenz, Jadie Hoisington, Travis Fellenz, Sara Doutre—USU Sound Beginnings; Debi Tabor, Utah PTA; Darcy Hardman; Michael Page; Joylin Lincoln; Lydia Nuttall; Barbara Lefler, RRCI; Michelle Tanner, USDB; Jackie Hendrickson, Detrick Hendrickson, Kris Fawson, Utah Statewide Independent Living Council; Craig Frank, UCN/ECA; Cheryl Atwood, Options for Independence; Chase Clyde, Jay Blain—Utah Education Association

Opening Business

Chair David Crandall called the meeting to order at 8:05 a.m. Member Linda Hansen led those present in the Pledge of Allegiance.

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Swearing in of New Board Member

Chair Crandall administered the Oath of Office to Stan Lockhart. Mr. Lockhart was appointed by Governor Herbert to fill the vacancy left by Mark Openshaw.

Board Member Message

Member Laura Belnap welcomed the Board with a presentation, The Second Look. She encouraged the Board to be less like a spyglass and more like a telescope, to take a second look at options and opportunities, and take a second look and second listen as they hear from people. Member Belnap ended her remarks with an invocation.

Recognition of Freddie Cooper

Former Board member Freddie Cooper was recognized for her service on the Board as the representative for the Coalition of Minorities Advisory Committee from 2014 to 2015. She was presented with original children's art work.

Introduction of New Employees

H.R. Director David Rodemack introduced new employees Jessica Trappman, Jeff Greene, Mark Knowlden, Whitney Phillips, Tiffany Anderson, Brett Baltazar, Stephanie Patton, Margaret Lautaini, Eliza Stocks, and Sara Wiebke.

Public Comment

Shanda Baldwin - informed that her son is recent graduate of the Sound Beginnings program at Utah State University. Five years ago her family moved to Cache Valley and decided the program was the most appropriate learning setting for him. This past year he was mainstreamed and has excelled. She felt his success is because of the foundation he received in the Sound Beginnings program and the tools provided specific to his impairment. She asked the Board to consider intervening in the decision that was made recently to no longer fund the program.

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Jessica Hoffman - introduced her son, Liam, that hears with cochlear implants. Sound Beginnings has been there for them and she hopes to have the same success story as the one just shared. She asked the Board to consider the future generation.

Darcy Hardman - expressed how valuable it has been to have audiologist services at the Sound Beginning location. With the change to the program students will have to rely on a traveling audiologist in Logan. Having an audiologist onsite ensures that her child doesn't have to go one day without a hearing device, and she worries that she won't be able to receive the same level of services outside Sound Beginnings. She also expressed concern with the disruption the change in programs would cause her child. She requested that the Board leave the Sound Beginnings funding in place one more year while an independent source study of the issues is done.

Alexandra Eframo - stated that many people from Utah go to other states to buy lottery tickets. If Utah had a lottery the money received would help education and the money would be kept in the state. She expressed concerns about bullying and the amount of time children spend on computers. She also advocated for a moment of silence in the classroom.

Sara Jones, Utah Education Association - shared comments on Board rule R277-533. For the past three years UEA has been focusing on the initiative, Educators Taking the Lead, to provide professional learning for educators on the new evaluation system. She referred to lines 233-235 in the rule and asked for a revision before the rule is approved. Those lines require that individual evaluations be collected by the USOE. This is a significant change to policy and UEA believes it clearly violated the statute that ensures the privacy and protection of individual evaluation data. Also, there is no clear and consistent policy among local education agencies about who has access to the Utah State Office of Education's Computer Aided Credentials of Teachers for Utah Schools (CACTUS) program.

Jackie Hendrickson - talked about her son who lost his hearing. When they discovered Sound Beginnings and realized how happy her son was with the team there, they moved to Logan and her husband now commutes three hours a day to work. They were only notified four weeks ago that the Utah Schools for the Deaf and the Blind is cutting funding to Sound

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Beginnings. They have requested that a hearing on this be held before the start of the school year, and as of yesterday, have over 2000 signatures on their petition to let their voices to be heard. The children deserve a transition time before services are stopped.

Lydia Nuttall - referenced the idea regarding science standards to teach both evolution science and information that opposes that science. If we want children to be free thinkers they need to be taught something more than just one ideology for the origins of mankind. She gave percentages on belief in God and the origin of humans. She believes in choice and that children need choice.

Sara Doutre - introduced her daughter, Daisy, who uses cochlear implants. After observing USDB classrooms her family chose to move to Logan for her daughter to attend the Sound Beginnings program. They believed, based on talking to other parents, that it was her daughter's best chance of becoming mainstreamed. She feels those chances have been disrupted when one month before school she was informed that the program would be moved to a program for which she can find no information. She believes the procedures to stop Sound Beginnings are illegal. It is impacting a lot of families regardless of the political or fiscal reasons and those families have not been given appropriate notice. Programs should not be restricted to a sole source of services, with the Utah Schools for the Deaf and Blind (USDB) as the only provider. She distributed written comment.

Lauri Nelson - associate professor at Utah State University and member of the management team of Sound Beginnings - expressed her concern regarding the termination of the partnership between Sound Beginnings and USDB. Sound Beginnings provides an exceptional program that prepares children to successfully enter mainstream kindergarten programs. Children in Sound Beginnings make more than a month of educational gain for every month in the program. She distributed a cost analysis for Sound Beginnings and USDB and stated that the cost for Sound Beginnings is less that the cost for USDB to provide the services.

She noted that there has not been time for appropriate discussion or public input and expressed concerns about procedural safeguards for the families in Sound Beginnings. She also

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explained that Sound Beginnings is central to the USU graduate training program. Because cost appears to be the main concern, program staff are requesting that the Board appoint an independent and unbiased panel to investigate and make a decision in early January.

Chair Crandall invited Joel Coleman, Superintendent for the Utah Schools for the Deaf and the Blind, to respond to the comments. Superintendent Coleman acknowledged that he is very sensitive to the concerns of the parents, and he shared that he has a niece that is deaf and has cochlear implants. He stated that the decision to stop funding for the Sound Beginnings program was not something that happened lightly. He also gave assurance that students previously served at Sound Beginnings will continue to receive every single service they have had access to there.

The School for the Deaf currently serves hundreds of students and they are the authoritative experts on what is best for those students. There is no disagreement that parents and students have been treated well at Sound Beginnings, but there are other parents that could speak to the quality and access to services USDB provides. He reported that a Utah Schools for the Deaf program has been set up in a classroom in Logan City School District. The USDB just received the contact information and permanent files of those in Sound Beginnings and are now contacting parents about the program. He also clarified that USDB is not the only provider in the state, but it is the only public school for deaf children in the state. Sound Beginnings is still a provider.

Superintendent Coleman informed the Board that changes in funding were needed as there was a fundamentally inequitable situation in the funding of Sound Beginnings and programs for deaf children statewide. The money spent for the same quality services throughout the state was not even close to what has been spent at Sound Beginnings. USDB staff approached Sound Beginnings with several options for restructuring the funding for the program. After several meetings and three sessions of mediation, the result was that Sound Beginnings would not consent to any change in funding. Superintendent Coleman stated that he stands firm on his fiduciary duty for all deaf children in the state.

He expressed that the Board is also the Board for USDB and the decision on whether to

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hold a hearing is the Board's, but did express concern that any type of delay could be detrimental to the students.

Member Stokes asked whether the relationship with Sound Beginnings is the only relationship of this type outside of USDB. Superintendent Coleman responded that it is the only relationship where USDB outsources the education that the school should be doing. The school is in other partnerships to train graduate students.

Member Stokes questioned what the options are for those student in Cache Valley. Superintendent Coleman responded that any parent can choose any program, but now USDB will not be paying for parents to go somewhere outside of the USDB program. USDB will still pick up and drive students to the USDB program and the students will interact with peers that are not deaf. The only difference a parent will see is a different classroom and location. A student will have same program as prescribed by the student's IEP team.

Member Stokes asked if there was an attempt to ask Sound Beginnings to provide their services at the same reimbursement rate given for USDB programs. Superintendent Coleman responded that it was an option presented. The funding for USDB programs is significantly less because USDB has capacity that is not redundant. Another option was that USDB hire some of Sound Beginnings providers and dedicate them to Sound Beginnings. USDB was willing to continue the relationship. He also informed that Sound Beginnings and USDB did not calculate the numbers in the same way.

Member Hansen asked why parents weren't notified earlier that USDB was pulling out of Sound Beginnings. Superintendent Coleman responded that USDB anticipated they would still be able to work with Sound Beginnings, and an impasse was not reached until recently. When the impasse was reached, USDB immediately went to work to try and get the student files from Sound Beginnings. They did attempt to contact the families knew about.

Member Wright asked why families couldn't be given the money similar to the Carson Smith Scholarship. Superintendent Coleman responded that USDB receives a direct appropriation to provide services, and this type of program isn't in place.

Member Lockhart asked if all options have been presented to Sound Beginnings.

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Superintendent Coleman reiterated that options were presented in three different three-hour sessions with Sound Beginnings. Member Lockhart suggested meeting again including a member of the State Board of Education to come up with a workable solution. Superintendent Coleman reported that though money was the main conflict, there were other fundamental conflicts, including early intervention. Early intervention programs ages 0-3 are where parents get the education and knowledge necessary to make the most informed choices for their children. Currently in the Cache valley area all early intervention is funneled through Sound Beginnings, which includes a listening and spoken language program, but doesn't offer an ASL option. If USDB provides early intervention parents have a choice of options.

Member Allen attested that students in the rest of the state are not receiving the same services that students receive at Sound Beginnings. She asked if more time could be given to these parents as they have invested time and money to participate in Sound Beginnings. Superintendent Coleman expressed his belief that these parents who are so committed will not lose anything by having USDB provide the services.

Member Stokes expressed his support for appointing a small group of Board members to talk with Superintendent Coleman and parents from Sound Beginnings.

General Consent Calendar

MOTION was made by Member Huntsman and seconded by Member Allen that the Board approve the Consent Calendar.

MOTION TO AMEND was made by Member Stokes and seconded by Member Johnson that contract B2 for multiple vendors be removed for further discussion. Without objection, the motion was amended.

MOTION TO AMEND was made by Member Belnap and seconded by Member Hansen that contract B1 with Evaluation and Training Institute, contract B5 with Snapp Studios, and items E–NASBE Dues, and H–R277-444 be removed from the Consent Calendar to receive further clarification.

Motion to amend carried.

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Motion as amended carried, with Vice Chair Johnson opposed.

Contract B1 - Susan McRea, Financial Analyst, explained that Evaluation and Training Institute is the company used for an outside evaluation of the UPSTART program to evaluate the performance of the children in the pilot. It is required in statute and was awarded through an RFP process.

Contract B2 - Associate Superintendent Rich Nye and Assessment Director JoEllen Shaeffer explained that $8 million is to be awarded to multiple vendors to provide the data collection system for the DIBELS assessment. Multiple vendors have been identified through an RFP process in order for districts to have a choice. The contract is for the platform, not the assessment. The vendors receiving the award are Amplify and VPORT. Information is still being collected on which vendors the districts have chosen. Member Stokes that a dollar amount for each vendor be provided before a vote is taken.

Contract B5 - Susan McRea explained that Snapp Studios was awarded the contract as a sole source. The USOE has been working with them to create an iPad system that would be used in the drivers education vehicles. The program is specific to drivers education and is for the behind-the-wheel portion of the program. It allows teachers to track student performance, and can also track payroll.

Item E, NASBE Dues - Member Hansen questioned whether the Board is taking advantage of all the things the NASBE organization can do for the Board. Chair Crandall indicated the Board is benefitting from its membership in NASBE.

Item H, R277-444 - Member Belnap reported that as a result of discussions in the Standards and Assessment Committee, rule R277-444 needs to come back for further changes. It was clarified that the rule is on the Consent Calendar for continuation only so it doesn't lapse. It will come back to the Board for amendments in a future meeting.

MOTION was made by Member Belnap and seconded by Member Corry that the Board approve returning all items removed from the Consent Calendar with the exception of item B2.

Member Cummins asked what the consequences will be if the Board doesn't approve contract B2. Associate Superintendent Nye responded that it will delay local education

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agencies (LEAs) from administering the test. He indicated he will work to get amounts for each vendor by the end of the day.

Motion carried.

Motion to approve the Consent Calendar minus B2 carried unanimously.

Consent Calendar

A. Minutes of Previous Meeting

Minutes of the Utah State Board of Education meeting held June 18-19, 2015 were approved.

B. Contracts

The Board approved the following contracts:

1. Evaluation and Training Institute, $947,760, 08/15/2015 to 12/31/2019

   To provide independent external evaluation of the UPSTART program.

2. Multiple vendors to be determined based on RFP solicitation BC16001 process that closed July 16, 2015, $8,000,000, 08/15/2015 to 08/14/2020

   This item was removed from the Consent Calendar.

3. ESP Solutions Group, Inc., $441,150, 09/01/2015 to 08/31/2020

   To license the Vertical Reporting Framework (VRF) software for the Utah Transcript and Record Exchange (UTREx).

4. Kimono, LLC, $850,000, 09/01/2015 to 09/01/2020

   To provide Student Locator Framework (SIFWorks SLF) and Zone Integration Server (SIFWorks ZIS) software for the Utah Transcript and Record Exchange (UTREx).

5. Snapp Studios, LLC, $1,237,518, 09/01/2015 to 08/31/2020

   To provide Drivers Education training software.

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6. Utah Statewide Independent Living Council, $175,567, 10/01/2015 to 09/30/2016, Amendment

To provide resources to the Independent Living Program in accordance with federal Title VII Part B and the State Plan for Independent Living.

C. Contract Reports

The Board received the following reports: *Contracts approved by State Superintendent or USOR Director (less than $100,000)* and *USOE/USOR Expiring Contracts with Renewals*.

D. Qualified Zone Academy Bond (QZAB)

The State Board of Education was awarded $2,849,000 of QZAB authorization for calendar year 2014 under 54E(c)(2) of the Internal Revenue Code. Qualified Zone Academy Bonds provide a financial tool that can be used by state education agencies to encourage formation of partnerships between public schools and local businesses to enhance academic curriculum, increase graduation rates, and to better prepare students for the rigors of college and the workforce. Applications were requested from qualifying LEAs in April 2015. One LEA submitted a complete application and demonstrated compliance with all eligibility criteria.

The Board awarded the entire $2,849,000 QZAB funds to Ogden City School District.

E. National Association of State Boards of Education (NASBE) Dues

The Board approved payment of NASBE 2016 dues in the amount of $23,556 broken out as follows: $23,406 - NASBE; $130 - National Council of State Education Attorneys (NCOSEA); $20 - standard subscription.

F. R277-116 *Utah State Board of Education Internal Audit Procedure*

In its June 19, 2015 meeting, the Board approved amendments to R277-116 on second reading. Amendments were made to ensure consistency with the Utah Internal Audit Act, Board intent, and internal auditing standards.

The Board approved R277-116 *Utah State Board of Education Internal Audit*

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Procedure, as amended, on third and final reading.

G. R277-406 *K-3 Reading Improvement Program and the State Reading Goal*

In its June 19, 2015 meeting, the Board approved R277-406 on second reading. The rule was amended to take into account the proposed approach to calculating the uniform growth goals for LEAs based on DIBELS data and student growth.

The Board approved R277-406 *K-3 Reading Improvement and the State Reading Goal*, as amended, on third and final reading.

H. R277-444 *Distribution of Funds to Arts and Science Organizations*

In its June 19, 2015 meeting, the Board approved continuation of R277-444 on second reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-444 *Distribution of Funds to Arts and Science Organizations* on third and final reading.

I. R277-497 *School Grading System*

In its June 19, 2015 meeting, the Board approved amendments to R277-497 on second reading. The rule was amended to make it consistent with S.B. 245 *School Grading Amendments* (2015 Legislative Session).

The Board approved R277-497 *School Grading System*, as amended, on third and final reading.

J. R277-498 *Grant for Math Teaching Training*

In its June 19, 2015 meeting, the Board approved continuation of R277-498 consistent with its rulemaking process.

The Board approved continuation of R277-498 *Grant for Math Teaching Training* on third and final reading.

K. R277-602 *Special Needs Scholarship - Funding and Procedures*

In its June 19, 2015 meeting, the Board approved amendments to R277-602 on

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second reading. The rule was amended in response to 2015 legislation, S.B. 270 *Carson Smith Scholarship Amendments*.

The Board approved R277-602 *Special Needs Scholarship - Funding and Procedures*, as amended, on third and final reading.

L. List of Educator Licenses Processed

The Board received summaries of the total number of educator licenses and license areas processed in June and July 2015.

M. Adoption of Per Diem Rates

The Board adopted, in accordance with its Bylaws, the per diem rates for boards established by the director of the State Division of Finance [63A-3-106 and 107].

Monthly Budget Report - Year End Close

Associate Superintendent Scott Jones and Brian Ipson, Internal Accounting, made a presentation on State Fiscal Year 2015 year end close. Information was distributed and reviewed on unearned revenue and the closing package. Mr. Ipson reported that the closing package will be submitted to State Finance by next Wednesday. Mr. Jones noted that reports from the local education agencies must be received before the package can be finalized. His staff has been working with districts to ensure their reports are submitted.

Mr. Ipson referenced an audit done last year that recognized problems with the unearned revenues and accounts receivables book at year end close for SFY 14. He reported that corrective action has been taken to ensure the audit findings are being addressed. He indicated that staff is confident in the closing numbers.

Accounting and other division staff were acknowledged for the work they have done to accomplish the year end close.

SAGE Licensing by Other Vendors

Associate Superintendent Rich Nye and Assessment Director JoEllen Shaeffer reviewed

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three options for leasing the SAGE online adaptive test question bank as outlined in a handout distributed to the Board. Dr. Shaeffer noted that there are not only states, but also companies, that are interested in leasing Utah test questions.

MOTION was made by Member Allen and seconded by Vice Chair Johnson that the Board direct staff to move forward with Option 3:

Utah State Office of Education will only take secure possession of the item bank in an agreed upon format and facilitate opportunities for interested vendors to view a sample of items representative of the Utah item bank with a summary of items available per grade, subject, type, depth of knowledge, and copyright situation. Upon secure transfer of Utah item bank to vendors, license agreements will ensue that will specify:

- *Covering Utah from and against any and all losses, damages, injuries, liabilities, suits and proceedings arising out of the licensing.*
- *Ensuring security of the SAGE assessment items.*
- *Guaranteeing Utah payment for any released item "regardless of whether the release is accidental, intentional or required by law."*
- *Providing all information about the SAGE assessment to the licensing state.*
- *Annual reports on item usage, released item tracking, etc.*
- *Collecting and paying for all classical and IRT statistics for the administration of SAGE items for use of cross-state linkages by states under any said agreements with Utah's current testing contractor.*
- *Tracking item exposure and usage across states, collecting item release requests, and preparing analyses for Utah to support item release and item development decisions.*

MOTION TO AMEND was made by Vice Chair Johnson to add that staff will move forward with the expectation that any agreement will come back to the Board for approval.

Motion was amended without objection.

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Motion carried, with Member Belnap opposed.

Public Educator Evaluation Committee Report

Linda Alder, USOE Educator Effectiveness Coordinator, distributed updated information and gave an annual report of the Utah Educator Effectiveness Project. She reported on district readiness to implement the public educator evaluation system.

Superintendent's Report

Superintendent Smith reported on the following.

- The Teacher of the Year banquet will be held September 18, 6:30 p.m. at the Doubletree Hotel. All Board members are invited.
- The USOE superintendency, USOR Executive Director and USDB Superintendent met in a retreat on Tuesday of this week as part of the strategic planning process. Superintendent Smith expressed what a blessing it is to have this team in place.
- The Beverley Taylor Sorenson Arts Learning Program is now in its 8th year. During the 2014-15 school year the program has grown to include 218 schools in 28 school districts and 16 charter schools. The program is evaluated by the Utah Education Policy Center, and it has been shown that student achievement in schools with the program is higher than in schools that are similarly situated without the program. There appears to be evidence of correlation of participation in the program with student achievement and parent involvement. Applications greatly exceed the ability to provide.
- The Board was reminded of the joint education meetings with the legislature, public education and higher education in Cedar City on September 2-3.

Audit Committee Report

Vice Chair Jennifer Johnson reported on the following items from the Committee. A summary of the July 16 Audit Committee meeting was distributed.

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2016 Prioritized Audit Plan

Internal audit staff performed a risk assessment and have developed a risk plan. Internal Audit Director Debbie Davis, along with Auditors Kevin John and Nate Johansen reviewed the top three risks and a proposed audit plan.

MOTION from Committee that the Board adopt the Prioritized Audit Plan for SFY 2016.

It was noted that the plan is flexible and the Audit Committee will review additional items as they come up and determine where to fit them into the plan.

Member Wright expressed in regards to the proposed charter school signatory power audit, the hope that the State Charter School Board will be liberal in letting charter schools amend their charters.

Motion carried unanimously.

Internal Audit Request for SFY17 Funding Priorities

MOTION from Committee that the Board include requests for an additional financial/compliance auditor and an administrative assistant to the SFY 17 budget priorities list under consideration.

Motion carried unanimously.

Change to Utah Code 63I-5 *Internal Audit Act*

There is language in the Utah Internal Audit Act (UCA 63I-5-201(4)) which indicates that USOE establishes, under the direction of the Board, the internal audit function. The Audit Committee has discussed that because the internal audit function should be independent of daily operations and reports to the Board, the Board should be designated to establish the internal audit function.

MOTION from Committee that Board leadership work with the legislature to revise the statutory language in the Utah Internal Audit Act to indicate that the Board establishes the internal audit function.

Motion carried unanimously.

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Standing Committee Reports

FINANCE COMMITTEE

Committee Chair Jennifer Johnson reported on the following items from the Finance Committee meetings on July 9 and August 6.

AIR Funds and SFY 16 Budget Amendments

The Committee reviewed information and recommendations on how to fund the Associate Superintendent for Assessment and Accountability position, three managerial accounting positions, one federal grant compliance officer position, and hiring an external accounting, law, or auditing firm to ensure indirect cost pool reliability. The Committee was also given an update on the status of the AIR contract funds and the potential issues with using AIR contract funds to pay for the above.

MOTION from Committee that the Board move funding from the Associate Superintendent for Policy and Communications position to the Associate Superintendent for Data, Assessment and Accountability position, and fund the Associate Superintendent for Policy and Communications position with ongoing risk mitigation funds; in addition, to request funding for an ongoing FTE during the next legislative session so as not to rely on contract or federal funds to pay for positions.

Motion carried unanimously.

Special Session Request

The Committee reviewed options for potentially seeking supplemental funding if a special legislative session is called.

MOTION from Committee that the Board utilize resources available with Risk Mitigation funds initially, then direct Superintendent Smith and Associate Superintendent Jones to work together to identify mission critical positions within the agency and come up with the funds internally, if possible, to fund six FTEs (three managerial accountants, one federal compliance

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officer, and two support staff for Internal Audit and School Finance.)

Motion carried unanimously.

State Fiscal Year Budget Formulation Timeline

The Committee reviewed the budget formulation timeline.

State Fiscal Year 2017 Funding Priorities

MOTION from Committee that the Board prioritize Enrollment Growth and WPU inflationary adjustment as SFY 17 budget requests.

Motion carried unanimously.

Budget Tools Standardization

The Committee received information on standardized budget tools that could be part of a template for the financial dashboard.

Budgetary Authority

The Committee reviewed a draft budget authority document. The Committee did not recommend increasing the Superintendent's budgetary authority for approvals over $100,000. The Committee also recommended that cumulative movement between object codes of $25,000 or more require superintendency approval, and that the superintendency develop a policy on how to handle transfers for amounts less than $25,000 internally.

SAGE Formative System

The Committee received information regarding continuation of the SAGE formative system.

Superintendent Smith reported that he is gathering information on options and will provide that information to the Board.

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Taxing Entity Committee to the Community Development and Renewal Agency of the City of Washington Terrace for the Southeast Urban Renewal Project Area - Plan Extension

This item was postponed at the request of the taxing entity.

SFY 17 Funding Requests

The Committee reviewed new funding requests for SFY 17 and information was distributed to the Board on funding requests submitted as of August 6, 2015. The majority of the requests were from USOE section directors and from recommendations by the Finance Committee. It is anticipated the Board will prioritize funding requests in its September meeting.

Associate Superintendent Jones reported there will be additions from Special Education and School Finance. There may also be items added after the Board strategic plan is finalized.

Representatives from the Division of Child and Family Services presented information to the Committee on a database that the USOE has access to, by law, to search potential serious or chronic child abuse claims.

Superintendent Jones indicated that information on the budget requests will be posted to the Board's website. He also reported that next year the process of identifying budget requests will begin just following the legislative session.

Budget Reporting Schedule

MOTION from Committee that the Board approve the budget reporting schedule for SFY 16 while allowing staff to make adjustments to the schedule as necessary.

Motion carried unanimously.

Child Nutrition Programs (CNP) Section SFY 16 Budget Update

CNP staff gave an overview to the Committee of the programs administered by the section.

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Funding Critical Positions

During the July Finance Committee meeting the Committee recommended that the superintendency look at how to fund three managerial accountants, one federal grants compliance officer, two administrative assistants, one director for student services, and the hiring of an outside accounting/law firm. It was suggested that funding from agency vacancies be considered. The superintendency has determined that the vacancy savings are in federal funds, not in state money, therefore cannot be used to fund state positions. SAGE licensing revenue has also been considered to help fund some of the positions.

It was reported that information has just been received that an ongoing $4.7 million appropriation for CRTs was anticipated; however, a line item for this appropriation cannot be identified. That money, plus an additional $6.7 million appropriated for the computer-adapted assessment system, would pay for the State of Utah contract with AIR. There is a concern that the $4.7 million, though it appears to have been appropriated, has not been identified in the system. Associate Superintendent Jones noted that the $4.7 million and $6.7 million has already been encumbered so could not be used to fund positions.

MOTION from Committee that the Board direct Superintendent Smith and Board leadership to consider options, including cutting positions internally and requesting the additional positions in a special session, to fund the three managerial accounting positions.

Motion carried unanimously.

Charter School Enrollment Variances

The Committee received an explanation of the charter school student enrollment variances and how the funding was distributed based on those variances.

Charter School Revolving Account Loans

MOTION from Committee that the Board approve awarding loans as recommended by the Charter School Revolving Account Committee for the following: American Academy of Innovation - $217,300; Franklin Discovery Academy - $300,000; St. George Academy -

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$300,000; Wallace Stegner Academy - $300,000; Wasatch Waldorf Charter School - $300,000; Freedom Preparatory Academy - $142,300, GreenWood Charter School - $130,000; The Early Light Academy - $75,000; and Vanguard Academy - $164,000.

Motion carried; Member Wright abstained.

R277-119 *Budgetary Authority*

The Committee reviewed amendments to R277-119 to change the rule number, change the title of the rule, and provide technical and conforming changes. The Committee approved amendments to the rule on first reading.

MOTION from Committee that the Board approve R277-119 *Budgetary Authority*, as amended, on second reading.

Motion carried unanimously.

Budgetary Authority

The Committee reviewed recommendations for budgetary authority made by the Finance Committee in July and gave direction for staff to draft the recommendations into language to add to R277-119.

Correction of Prior Fiscal Year Minimum School Program Payments

USOE Finance Director Natalie Grange reviewed calculation issues reported to the USOE School Finance Section from Ogden and Grand School Districts and the steps taken to resolve the calculation issues. As a result of recalculations, Ogden and Grand Districts were paid additional monies from carryover funds, with the approval of the Finance Committee.

Converting Information Technology and Finance Positions from Merit to Career Exempt

MOTION from Committee that the Board add the conversion of Information Technology and Finance positions to the Board budget priority list for consideration, assuming a seven percent salary increase for all affected positions.

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Motion carried.

SFY 16 USOE/USOR Indirect Cost Pool Updates

The Committee received an update on the status of the Indirect Cost Pool.

Bylaws Additions for Board Budgeting Procedures

This item was not discussed.

Contracting Procedure Review

The Committee received information on current processes and procedures for contract approval. Vice Chair Johnson invited Board members to submit suggestions or questions on the contract process. This item will be revisited in a future meeting.

Requests for Data/Information

The following requests for information were made:

- Determine the percentage of households that are eligible for free or reduced lunches that don't participate in the program.
- Identify what areas/positions the USOE could cut if the agency had to identify funds internally to fund the managerial accounting positions.
- Provide a list of IT and Finance positions vacated, and whether the positions were vacated to seek private employment.
- Provide a flow diagram of how a contract moves through the process and who is accountable for monitoring.

LAW AND LICENSING COMMITTEE

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

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Paraeducator to Teacher Scholarships (PETTS) Program

The Committee received a report regarding the Paraeducator to Teacher Scholarship program.

Weilenmann School of Discovery Charter Amendment

The Committee reviewed a request to approve a change to Weilenmann School of Discovery's charter forwarded from the State Charter School Board.

MOTION from Committee that the Board approve the proposed change to Weilenmann School of Discovery's charter to increase its student enrollment by 21 students, and waive the timeline requirement in Board rule R277-482.

Motion carried; Member Lockhart absent.

Utah Statute, Board Rules and Policies in regard to the Statewide Online Education Program

The committee discussed issues related to the Statewide Online Education program and provided direction to staff for revisions to Board rules.

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

The Committee considered R277-477 in its June meeting, and the rule was brought back for additional changes. The Committee reviewed proposed changes to R277-477 to amend the distribution formula for School LAND Trust Program money for charter schools and to add to the approved expenditures list.

The Committee approved a repeal/reenact of R277-477 on second reading. An updated rule with Committee changes was distributed to the Board.

MOTION from Committee that the Board repeal/reenact R277-477 *Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program* on third and final reading.

Motion carried; Member Lockhart absent.

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R277-491 *School Community Councils*

The Committee considered R277-491 in its June meeting, and the rule was brought back for additional changes. The Committee reviewed proposed changes to amend what it included in the principal's required report. An updated rule was distributed to the Board.

The Committee approved a repeal/reenact of R277-491 on second reading.

MOTION from Committee that the Board repeal/reenact R277-491 *School Community Councils* on third and final reading.

Motion carried; Members Lockhart and Stokes absent.

R277-533 *Educator Effectiveness Component Requirements*

School districts are required to begin full implementation of the Educator Effectiveness Program in the 2015-16 school year. New rule R277-533 was written to give districts the information needed to achieve full implementation as scheduled.

The Committee requested full Board discussion of the rule. An updated rule with Committee changes was distributed.

Deputy Superintendent Sydnee Dickson explained that there is a concern in the field regarding the privacy of individual educator evaluation data. In conversing with various stakeholder groups there seems to be wide-based support to alleviate that concern through amending lines 233-235 to read: "A school district shall report to the Board annually on or before June 30 the information necessary for the Board to make the report required by UCA 53A-8a-410."

MOTION was made by Member Belnap and seconded by Member Hansen that the Board approve R277-533 *Educator Effectiveness Component Requirements* (Version 2), with the additional amendment read above, on second reading.

Motion carried; Member Stokes absent.

R277-100 *Rulemaking Policy*

The Committee reviewed R277-100 in accordance with the Utah Administrative

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Rulemaking Act five-year review requirement. The Committee directed staff to make further amendments and bring the rule back to the September meeting.

R277-207 *Utah Professional Practices Advisory Commission (UPPAC) Disciplinary Presumptions*

The Committee reviewed new rule R277-207 and made additional amendments. An updated rule with the Committee amendments was distributed to the Board. The Committee approved R277-207, as amended, on first reading.

MOTION from Committee that the Board approve R277-207 *Utah Professional Practices Advisory Commission (UPPAC) Disciplinary Presumptions*, as amended, on second reading.

Motion carried.

R277-514 *Board Procedures: Sanctions for Educator Misconduct* and R277-517 *Board and UPPAC Disciplinary Definitions and Actions*

Rules R277-514 and R277-517 were recommended for repeal because the bulk of R277-517 was eliminated in HB 345 (2015 Legislative Session) and specifics of hearing procedures and Board review contained in R277-514 have been moved to R277-201 through R277-203. The Committee approved repeal of R277-514 and R277-517 on first reading.

MOTION from Committee that the Board approve the repeal of R277-514 *Board Procedures: Sanctions for Educator Misconduct* and R277-517 *Board and UPPAC Disciplinary Definitions and Actions* on second and third reading.

Motion carried.

R277-200 through R277-206, R277-515 and R277-516

The Committee reviewed proposed amendments to R277-200 through R277-206, R277-515 and R277-516 to incorporate hearing procedures, Board review of UPPAC recommendations, appeal procedures, and reporting requirements. Updated rules R277-201 and R277-203 with Committee amendments were distributed.

The Committee approved R277-200, R277-201, R277-202, R277-203, R277-204,

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R277-205, R277-206, R277-515 and R277-516, as amended, on first reading.

MOTION from Committee that the Board approve as amended, on second and third reading, R277-200 *Utah Professional Practices Advisory Commission (UPPAC) Definitions*, R277-201 *Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions*, R277-202 *UPPAC Hearing Procedures and Reports*, R277-203 *Request for Licensure Reinstatement and Reinstatement Procedures*, R277-204 *Utah Professional Practices Advisory Commission Criminal Background Review*, R277-205 *Alcohol Related Offenses*, R277-206 *Drug Related Offenses*, R277-515 *Utah Educator Standards*, and R277-516 *Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members*.

Motion carried unanimously.

R277-417 *Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation*

R277-417 was approved by the Board effective July 8, 2015. Since that time staff received additional public comment and identified additional recommended changes. The amendments clarify that LEAs may use public funds for costs related to curriculum, instruction, private lessons, technology and other educational services as long as the LEA selects and has oversight of the above. The Committee approved R277-417, as amended, on first reading.

MOTION from Committee that the Board approve R277-417 *Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation*, as amended, on second reading.

Motion carried unanimously.

R277-438 *Dual Enrollment*

The Committee directed that R277-438 be brought back to the September meeting.

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R277-494 *Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities*

The Committee directed that R277-494 be brought back to the September meeting.

Standards and Assessment Committee

Committee Chair Laura Belnap reported on the following items from the Committee.

Standardized Template for Standards, and Standards Review Process

The Committee considered new formatting for content standards and additional changes needed to the Standards Review Process.

MOTION from Committee that the Board direct staff to incorporate the Standards Review Process into a rule and bring to the Board.

Motion carried unanimously.

MOTION from Committee that the Board approve the new formatting for content standards as presented.

Motion carried unanimously.

Utah Science and Engineering Education (SEEd) Standards for Grades 6-8 Public Feedback

The Committee reviewed suggestions made by the Utah Science and Engineering Education Standards writing team for revisions to the proposed standards in response to public feedback.

USOE Science Specialist Rickie Scott explained why the science standards are being revised. There are three weaknesses with the current standards: 1) there is no connection between the standards for different areas of science; 2) the content of the standards and the science practices or skills are two separate pieces; and 3) the standards are based on 20-year old research. To correct these flaws the standards would have to be reordered based on content, the content and skills would have to be integrated, and additions due to current research would have to be added. It was determined that because the changes would be

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overwhelming it was best to start over with the standards. He also noted that the standards revision was driven by the field.

Member Stokes reported that the Standards and Assessment Committee determined that once changes are made to the standards as recommended by the Committee it would be appropriate for the standards to go out for an additional thirty day comment period. Superintendent Smith concurred with the thirty day comment period as the product will be substantially different than the product that went out for the 90-day review.

MOTION from Committee that the Board direct staff to prepare a final draft of the Utah Science and Engineering Education Standards for Grades 6-8, incorporating the suggestions made by the writing team, and direct that the standards be sent out for an additional 30-day public review.

Member Wright asked how these standards are different than the version based on the Next Generation Science Standards (NGSS) that was presented originally.

Member Belnap responded that the Board has received the standards several times in different versions and the standards will all be rewritten, although there may be some things that are similar to NGSS. Member Wright asked for an assurance that it will not be the NGSS standards verbatim. He stated his preference for LEAs to adopt their own standards, and indicated there is no research supporting that the new standards will be better than what is currently in place.

Member Belnap clarified that the Board will see the revised standards prior to the release for the comment period.

Member Moss asked for a side-by-side comparison with the current standards and asked how an independent evaluation could be done to determine whether the revised standards will be better than the current standards. Superintendent Smith indicated he will direct staff to do the comparison. Member Moss also expressed discomfort with only a 30-day comment period and indicated his preference for a longer time.

Member Warner reported that as she has talked with the science teachers in her area they have indicated there is a lack of resources. She expressed concern over making massive

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changes with not enough resources.

MOTION TO AMEND was made by Member Belnap and seconded by Member Corry that the 30-day comment period be changed to be optional at the Board's discretion.

Member Castle expressed concern that this is a diversion and stated that she cares about standards that are not politically or religiously biased.

Member Moss clarified that his concern is not necessarily the 30-day time limit, but that science teachers are involved and that it is not a rushed process.

Motion to amend failed, with Member Belnap in favor and all others opposed.

Motion carried, with Members Allen, Belnap, Castle, Corry, Cummins, Hansen, Huntsman, and Stokes in favor, and Members Crandall, Johnson, Lockhart, Moss, Warner, and Wright opposed.

Statewide Kindergarten Readiness Indicators

There is currently no statewide measurement for kindergarten readiness. The Committee considered a request for a statewide kindergarten readiness assessment.

MOTION from Committee that the Board direct staff to move forward with finding a statewide kindergarten readiness assessment.

Motion carried unanimously.

Seal of Biliterate Proficiency

The Committee reviewed the proposed creation of a seal of biliterate proficiency to go on a student's high school diploma.

MOTION from Committee that the Board approve the creation of a seal of biliterate proficiency.

Deputy Superintendent Dickson informed that the issue stemmed from legislation carried by Senator Howard Stephenson in the last legislative session. Staff have been engaged with Senator Stephenson since then to bring the idea before the Board.

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Vice Chair Johnson questioned the cost. Dr. Dickson responded that the fiscal note on the legislation was $14,000, which is not in the current budget. Vice Chair Johnson asked if there is data showing that adding a seal on the diploma will make a difference. She noted that local education agencies already have the authority to add a seal, and reported that she has heard a concern from a rural district superintendent that rural districts don't have the ability to hire the teachers to give students the necessary language availability.

Member Warner expressed her complete support of bilingualism, but was concerned that the requirements to obtain the seal are not rigorous enough.

Member Stokes suggested that stating it is a seal is a misnomer—the designation will be printed on the transcript. He indicated there would be three levels of proficiency, and suggested that other areas, such as STEM, could be added. He felt the Board should give every advantage it can to students going into the job market.

Member Huntsman reported that the superintendents and principals he discussed the seal with were not in favor. He advocated for leaving it to the local boards to determine.

Member Castle suggested that by approving this seal, it could be perceived that the Board values this one piece of education over all others. She felt the conversation should be postponed until after the Board identifies just what a high school diploma means.

Member Allen reported that in her rural area there are many bilingual individuals and this would validate that skill.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Stokes that the addition of the seal be contingent on finding available funds.

Motion to amend failed, with Members Cummins, Lockhart, Johnson, Moss, and Stokes in favor and Members Allen, Belnap, Castle, Corry, Crandall, Hansen, Huntsman, Warner and Wright opposed. Vice Chair Johnson noted that her concern is for the funding, not the concept.

Vice Chair Johnson called the question. Motion carried unanimously.

Motion to approve the creation of a seal of biliteracy failed, with Members Allen, Lockhart, Moss, and Stokes in favor and members Belnap, Castle, Corry, Cummins, Crandall,

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Hansen, Huntsman, Johnson, Warner and Wright opposed.

R277-444 *Distribution of Funds to Arts and Science Organizations*

The Committee reviewed changes to R277-444 to provide new language for clarification of the RFP process for new organizations and the reapplication for existing organizations. An updated rule with Committee amendments was distributed to the Board.

The Committee approved repeal/reenactment of R277-444 on first reading.

MOTION from Committee that the Board repeal/reenact R277-444 *Distribution of Funds to Arts and Science Organizations*, as amended, on second reading.

Motion carried unanimously.

R277-920 *Implementation of the School Turnaround and Leadership Development Act*

New rule R277-920 was created in response to S.B. 235 *Education Modifications* (2015 Legislative Session). The rule provides procedures to implement and administer the School Turnaround and Leadership Development Act.

The Committee approved R277-920, with amendments, on first reading. An updated rule with Committee changes was distributed to the Board. Member Belnap informed that a robust discussion was held in the Committee, particularly on measuring low performing schools. She explained that statute allows for using the grading system and other outcome-based measures determined by the Board. The rule identifies the school grading system as the measure. She clarified that there is a difference between the school grade and the school grading system. The school grading system includes several elements.

MOTION from Committee that the Board approve R277-920 *Implementation of the School Turnaround and Leadership Development Act*, as amended, on second reading.

Member Cummins indicated the Committee asked for more information about other measures that could be used. Superintendent Smith responded that there could be a number of data points the Board could direct staff to utilize, but given the requirement to start naming schools by August 15, the school grading system is currently in place. He felt the risk of

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delaying is greater than the risk of marginally having a school included needlessly when it can be corrected later.

Member Cummins suggested that an amendment be made to include language in the rule indicating that the Board has the option to include other measures in addition to the school grading system to identify a low performing school. She explained that the amendment would provide communication to stakeholders that the Board will use the school grading system data this year, but may look at other options in the future.

Superintendent Smith expressed concern that adding another provision to the definition of a low performing school may inject ambiguity into something that is time sensitive. He suggested adding a provision that would direct him to provided a report once the 2014-15 data is gathered that makes a comparison between school grading and other data points as part of the obligation to evaluate the entirety of the school grading system.

Member Lockhart cautioned the Board from moving in a direction counter to legislative intent, and suggested the Board work collaboratively with Senate President Niederhauser to make any changes to the statute in the future. Member Stokes noted that the statute does give the Board authority to add measures to define low performing schools, but given the time constraints the Committee recommended using the school grading system this year.

MOTION TO AMEND was made by Member Cummins and seconded by Member Stokes to include language in the rule that the Board may include other factors to define a low performing school.

The following was suggested by staff for the amendment:

- Line 27(a) - add (I);
- Line 29 - change (b) to (ii);
- Line 30 - delete the period and insert "; and";
- Add (b) - "another measure identified by the Board."

Motion to amend carried, with Members Lockhart and Wright opposed.

Member Stokes noted that he shares the desire to work collaboratively with the legislature. He asked for an update of the school leadership development program which is

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part of S.B. 235. Superintendent Smith reported that the program is being developed now with the intent to contract with third parties to provide various aspects. Member Stokes questioned whether that was contrary to the legislation. Superintendent Smith responded that he didn't feel contracting with various entities would be contrary, and explained that to use just one third party provider may not allow the flexibility to provide what each school needs. Member Stokes noted that this is one of the concerns with not having everything outlined in the rule.

Member Lockhart suggested that since the turnaround program is beginning in the current school year, it would make sense to outsource it immediately and go to the staff model over time. Superintendent Smith agreed that it could be done, but indicated that as he has looked at what vendors are prepared to provide, he feels a more piecemeal approach with multiple providers is preferable.

Motion as amended carried; Member Castle absent.

R277-616 *Education for Homeless and Emancipated Students*

The Committee reviewed R277-616 in accordance with the Administrative Rulemaking Act five-year review requirement. The rule was amended to provide technical and conforming changes. The Committee approved continuation of and amendment to R277-616 on first reading.

MOTION from Committee that the Board approve continuation of and amendment to R277-616 *Education for Homeless and Emancipated Students*, as amended, on second reading.

Motion carried; Member Castle absent.

Board Chair's Report

Board Chair David Crandall reported the following.

- The September Board meeting has been moved to September 17-18. On September 17 prior to committee meetings, the Board will meet as the governing board of the Utah Schools for the Deaf and the Blind. Member Hansen asked that as much as

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possible Board meetings not be changed once scheduled.

- A master agreement for release of data to the State Auditor was signed today.

Board Member Comments

Member Hansen expressed appreciation to Vice Chair Johnson for setting up a meeting with principals in Alpine School District. Vice Chair Johnson reported that a great discussion was held with the principals regarding the strategic plan. One of the principals offered to pull together forty principals for a round table with the full Board. Many Board members expressed interest in such a roundtable.

Member Corry announced that the NASBE Annual Conference will be held in Baltimore October 22-24. Members will notify the Board secretary if they wish to attend.

Member Huntsman expressed appreciation to the USOE superintendency, USDB Superintendent, USOR Executive Director and staff for their frankness and professionalism when responding and adapting to various situations.

Member Corry offered to facilitate visits to schools when the Board is in Cedar City for the joint education meetings.

Contract for Multiple Vendors (Consent Calendar item B2)

Associate Superintendent Rich Nye distributed and reviewed clarifying information regarding the contract.

MOTION was made by Member Stokes and seconded by Member Huntsman that the Board approved contract B2 for multiple vendors.

Motion carried, with Vice Chair Johnson opposed.

Executive Session

Motion was made by Vice Chair Johnson and seconded by Member Wright 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 or reasonably imminent

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litigation.

Upon voice vote of the Board members present, the Board moved into Executive Session at 2:35 p.m. Those present included Chair Crandall, Vice Chair Johnson, Members Allen, Belnap, Castle, Corry, Cummins, Hansen, Huntsman, Lockhart, Moss, Stokes, Warner and Wright; and Brad Smith, Joel Coleman, Michelle Tanner, Sydnee Dickson, Emilie Wheeler, Lorraine Austin, Ben Rasmussen, Chris Lacombe, Nicole Call, and Scott Jones.

MOTION was made by Member Stokes and seconded by Member Warner that the Board come out of Executive Session.

Motion carried. The Board reconvened in open session at 5:00 p.m.

Executive Session Items

USDB Advisory Council Appointments

Motion was made by Member Stokes and seconded by Member Huntsman that the Board appoint the following to the Utah Schools for the Deaf and the Blind Advisory Council for two year terms: Jared Allebast representing individuals who are deaf or hard of hearing; Vickie Hathaway representing individuals who are blind or visually impaired; Richard Gurgel representing individuals with an interest in or knowledge of deaf, blind or deafblind; Melanie Hooten representing individuals who are deaflind or a parent of a deafblind child; and Suzy Black and Stephanie Morgan representing USDB teachers.

Motion carried; Member Lockhart absent.

Licensing Actions and Utah Professional Practices Advisory Commission (UPPAC) Cases

MOTION was made by Member Stokes and seconded by Member Corry that the Board accept the UPPAC recommendations and take the following actions:

- Case No. 7-816 - deny reinstatement. The petitioner is allowed to seek a new reinstatement hearing no sooner than six months from Board action, and upon completion of specified conditions.

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- Case No. 14-1234 - suspend the educator's Level 2 Secondary Education License for not less than three years from the date of Board action with certain conditions pursuant to a stipulated agreement. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.
- Case No. 12-1092 - suspend the educator's Level 2 Elementary Education, Early Childhood and Special Education License for not less than two 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. 14-1244 - suspend the educator's Level 2 Education License for not less than two years 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. 14-1224 - suspend the educator's Level 1 Secondary Education License for not less than one year with certain 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. 13-1178 - suspend the educator's Utah Level 2 School Career and Technical Education License for a period of 18 months retroactive to November 2014, with conditions to be met before seeking a reinstatement hearing. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.
- Case No. 13-1175 - revoke the educator's Level 2 Secondary Education License per the terms of the educator's Default Order.

Motion carried, with Vice Chair Johnson opposed; Member Lockhart absent.

MOTION was made by Member Stokes and seconded by Member Moss that the Board approve the UPPAC Consent Calendar.

Motion carried; Member Lockhart absent.

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Adjournment

MOTION was made by Member Hansen and seconded by Vice Chair Johnson that the meeting adjourn.

Motion carried. The meeting adjourned at 5:03 p.m.

Lorraine Austin, Board Secretary
Minutes pending approval

Contracts approved by State Superintendent or USOR Director (less than $100,000)							
Agency Contract #	**Section**	**Vendor**	**Current Amendment Amount**	**Original plus amendments to date**	**Total Contract Amount**	**Expiration Date**	**Contract Purpose**
136379	IL	Roads to Independence	$0.00	$1,143,274.00	$1,143,274.00	07/01/15	90 day no cost amendment to discuss and resolve issues
MOA	Title I	Utah Dept of Human Services	$75,000.00	$70,000.00	$145,000.00	09/30/16	Contract Receivable for PFS SPF Regional Administrator
146057	T & L	Curriculum Associates LLC	$0.00	$4,500,000.00	$4,500,000.00	06/30/18	Early Literacy/amendment to clarify professional development

R277. Education, Administration.
R277-207. Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Guidelines.
R277-207-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53A-6-306, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is to establish presumptions for UPPAC and Board review of UPPAC cases.

R277-207-2. Guidelines.

(1) UPPAC and the Board shall consider the guidelines in this section when evaluating a case of educator misconduct.

(2)(a) Revocation is presumed appropriate if an educator:

(i) is subject to mandatory revocation under Subsection 53A-6-501(5)(b);

(ii) is convicted of, admits to, or is found pursuant to an evidentiary hearing to have engaged in viewing child pornography, whether real or simulated, on or off school property;

(iii) subject to Subsection (2)(b), is convicted of a violation of Title 76, Chapter 5, Offenses Against the Person, that results in a sentence of jail time of six months or more, unsuspended;

(iv) is convicted three or more times, each involving a minor, of any combination of drug, alcohol, violence, or sexual offenses in the three years previous to the most recent conviction; or

(v) is convicted of an offense that requires the educator to register as a sex offender under Subsection 77-41-105(3).

(b) Early release or work release permitted by the jail may not be considered by UPPAC or the Board for purposes of calculating the jail time in Subsection (2)(a)(iii).

(3) Suspension of three years or more is presumed appropriate if an educator:

(a) engages in a serious boundary violation of a physical or sexually suggestive nature that is not sexually explicit conduct;

(b) is convicted of child abuse if the conduct results in a conviction of a class A misdemeanor or higher;

(c) is convicted of a first degree felony, a second degree felony, or a felony involving a minor, unless revocation is presumed by statute or Subsection (2);

(d) is convicted of an offense that results in the educator being placed on court supervision for three or more years;

(e) is convicted of intentional theft or misappropriation of public funds; or

(f) intentionally provides alcohol or illegal drugs to a minor.

(4) Suspension of one to three years is presumed appropriate, if an educator:

(a) willfully or knowingly creates, views, or gains access to sexually inappropriate material on school property or using school equipment;

(b) is convicted of one or more misdemeanor violence offenses in the last 3 years;

(c) is convicted of using physical force with a minor if the conviction is a class B

misdemeanor or lower;

(d) engages in repeated incidents of or a single egregious incident of excessive physical force or discipline to a child or student that:

(i) does not result in a criminal conviction; and

(ii) does not meet the circumstances described in Subsection 53A-11-802(2);

(e) threatens a student physically, verbally, or electronically;

(f) engages in a pattern of inappropriately fraternizing with a student under a circumstance not described in Subsection (3)(a);

(g) engages in multiple incidents or a pattern of theft or misappropriation of public funds that does not result in a criminal conviction;

(h) attends a school or school-related activity in an assigned employment-related capacity while possessing, using, or under the influence of alcohol or illegal drugs;

(i) is convicted of two or three drug-related offenses or alcohol-related offenses in the three years previous to the most recent conviction;

(j) is convicted of a third degree felony not covered by any other presumption specified in this rule;

(k) engages in a pattern of or a single egregious incident of:

(i) harassing;

(ii) bullying; or

(iii) threatening a co-worker or community member;

(l) knowingly and deliberately falsifies or misrepresents information on an education-related document; or

(m) knowingly and deliberately teaches, counsels, or assists a student in a manner that undermines or disregards the lawful, express directives of a parent.

(5) A short-term suspension is presumed appropriate if an educator:

(a) has three or more incidents of inappropriate conduct that would otherwise warrant lesser discipline; or

(b) fails to report to appropriate authorities suspected child or sexual abuse.

(6) A letter of admonition, letter of warning, or letter of reprimand, with or without probation, is presumed appropriate if an educator:

(a) engages in a miscellaneous minimal boundary violation with a student or minor, whether physical, electronic, or verbal;

(b) engages in minimal inappropriate physical contact with a student;

(c) engages in unprofessional communications or conduct with a student, co-worker, community member, or parent;

(d) engages in an inappropriate discussion with a student that violates state or federal law;

(e) knowingly violates a requirement or procedure for special education needs;

(f) knowingly violates a standardized testing protocol;

(g) is convicted of one of the following with or without court probation:

(i) a single driving under the influence of alcohol or drugs offense under Section 41-6a-502;

(ii) impaired driving under Section 41-6a-502.5; or

(iii) a charge that contains identical or substantially similar elements to the state's driving under the influence of alcohol or drugs law or under the law of another state or territory;

(h) carelessly mismanages public funds or fails to accurately account for receipt and

expenditure of public funds entrusted to the educator's care;

(i) fails to make a report required by Rule R277-516;

(j) is convicted of one or two misdemeanor offenses not otherwise listed;

(k) engages in an activity that constitute or create the appearance of a conflict of interest with the educator's professional responsibility; or

(l) engages in other minor violations of the Utah Educator Standards in Rule R277-515.

(7) In considering a presumption described in this section, UPPAC or the Board may deviate from the presumptions if:

(a) the presumption does not involve a revocation mandated by statute; and

(b) aggravating or mitigating factors exist that warrant deviation from the presumption.

(8) An aggravating factor may include the following:

(a) the educator has engaged in prior misconduct;

(b) the educator presents a serious threat to a student;

(c) the educator's misconduct directly involved a student;

(d) the educator's misconduct involved a particularly vulnerable student;

(e) the educator's misconduct resulted in physical or psychological harm to a student;

(f) the educator violated multiple standards of professional conduct;

(g) the educator's attitude does not reflect responsibility for the misconduct or the consequences of the misconduct;

(h) the educator's misconduct continued after investigation by the LEA or UPPAC;

(i) the educator holds a position of heightened authority as an administrator;

(j) the educator's misconduct had a significant impact on the LEA or the community;

(k) the educator's misconduct was witnessed by a student;

(l) the educator was not honest or cooperative in the course of UPPAC's investigation;

(m) the educator was convicted of crime as a result of the misconduct; and

(n) any other factor that, in the view of UPPAC or the Board, warrants a more serious consequence for the educator's misconduct.

(9) A mitigating factor may include the following:

(a) the educator's misconduct was the result of strong provocation;

(b) the educator was young and new to the profession;

(c) the educator's attitude reflects recognition of the nature and consequences of the misconduct;

(d) the educator's attitude suggests amenability to supervision and training;

(e) the educator has little or no prior disciplinary history;

(f) since the misconduct, the educator has an extended period of misconduct-free classroom time;

(g) the educator was a less active participant in a larger offense;

(h) the educator's misconduct was directed or approved, whether implicitly or explicitly, by a supervisor or person in authority over the educator;

(i) the educator has voluntarily sought treatment or made restitution for the misconduct;

(j) there was insufficient training or other policies that might have prevented the misconduct;

(k) any other factor that, in the view of UPPAC or the Board, warrants a less serious consequence for the educator's misconduct.

(10)(a) UPPAC and the Board have sole discretion to determine the weight it gives to an aggravating or mitigating factor.

(b) The weight UPPAC or the Board gives an aggravating or mitigating factor may vary in each case and any one aggravating or mitigating factor may outweigh some or all other aggravating or mitigating factors.

KEY: educator, disciplinary presumptions
Date of Enactment of Last Substantive Amendment: 2015
Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-6-306; 53A-1-401(3)

R277. Education, Administration.
R277-417. Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation.
R277-417-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is to provide standards and procedures for prohibiting LEAs and third party providers from offering incentives for student enrollment.

R277-417-2. Definitions.

(1) "Incentive" means one of the following given to a student or to the student's parent or guardian by an LEA or by a third party provider as a condition of the student's enrollment in an LEA or specific program for any length of time, during any school year:

(a) money greater than $10; or

(b) an item of value greater than $10.

(2) "Program" means a program within a school that is designed to accomplish a predetermined curricular objective or set of objectives.

(3)(a) "Reimbursement" means the payment of money or provision of other item of value greater than $10 offered as payment or compensation to a student or to a parent or guardian for:

(i) a student's enrollment in an LEA; or

(ii) a student's participation in an LEA's program.

(b) "Reimbursement" does not include a reimbursement paid by an LEA to a student, parent or guardian, for an expenditure incurred by the student, parent or guardian on behalf of the LEA if:

(i) the expenditure is for an item that will be the property of the LEA; and

(ii) the expenditure was authorized by the LEA.

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

(5) "Third party provider" means a third party who provides educational services on behalf of an LEA.

R277-417-3. LEA and Third Party Provider Use of Public Funds for Incentives and Reimbursements.

(1) Except as provided in Subsection (3), an LEA or a third party provider may not use public funds, as defined under Subsection 51-7-3(26), to provide the following to a student, parent or guardian, individual, or group of individuals:

(a) an incentive for a student's:

(i) enrollment in an LEA; or

(ii) participation in an LEA's program; or

(b) a referral bonus for a student's:

(i) enrollment in an LEA; or

(ii) participation in an LEA's program.

(2) Except as provided in Subsection (3), an LEA or third party provider may not use public funds to provide a reimbursement to a student or the student's parent or guardian for:

(a) curriculum selected by a parent;

(b) instruction not provided by the LEA;

(c) private lessons or classes not managed or facilitated by the LEA;

(d) technology devices selected by a parent; or

(e) other educational expense selected by a parent.

(3) An LEA may use public funds to provide:

(a) uniforms, technology devices, curriculum, materials and supplies, or instructional services to a student if the uniforms, technology devices, curriculum, materials and supplies, or instructional services are:

(i) available to all students enrolled in the LEA or program within the LEA; or

(ii) authorized by the student's college and career readiness plan, IEP, or 504 accommodation plan; or

(b) internet access for instructional purposes to a student:

(i) in kindergarten through grade 6; or

(ii) in grade 7 through grade 12 if:

(A) the internet access is provided in accordance with the fee waiver policy requirements of Section R277-407-6; or

(B) failure to provide the internet access will cause economic hardship on the student or parent.

(4) An LEA or third party provider shall ensure that equipment purchased or leased by the LEA or third party provider remains the property of the LEA and is subject to the LEA's asset policies if:

(a) the LEA or third party provider purchases equipment; and

(b) provides the equipment to a student or to the student's parent or guardian.

(5) An LEA shall establish monitoring procedures to ensure that a third party provider who provides educational services to a student on behalf of the LEA complies with the provisions of this rule.

(6) The Board or the Superintendent may require an LEA to repay public funds to the Superintendent if:

(a) an LEA or an LEA's third party provider fails to comply with the provisions of this rule; and

(b) the repayment is made in accordance with the procedures established in Rule R277-114.

KEY: student, enrollment, incentives
Date of Enactment or Last Substantive Amendment: July 8, 2015
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)

R277. Education, Administration.
R277-616. Education for Homeless and Emancipated Students.
R277-616-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of the public school system under the Board;

(b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities;

(c) Section 53A-11-101.5, which requires that minors between the ages of 6 and 18 attend school during the school year;

(d) Subsection 53A-2-201(5), which makes each school district or charter school responsible for providing educational services for all children of school age who reside in the school district or attend the school; and

(e) the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431 through 11435.

(2) The purpose of this rule is to ensure that homeless children/youth have the opportunity to attend school with as little disruption as reasonably possible.

R277-616-2. Definitions.

(1) "Domicile" means the place which a person considers to be the permanent home, even though temporarily residing elsewhere.

(2) "Emancipated minor" means:

(a) a child under the age of 18 who has become emancipated through marriage or by order of a court consistent with Section 78A-6-801 et seq.; or

(b) a child recommended for school enrollment as an emancipated or independent or homeless child/youth by an authorized representative of the Utah State Department of Social Services.

(3) "Enrolled" for purposes of this rule means a student has the opportunity to attend classes and participate fully in school and extracurricular activities based on academic and citizenship requirements of all students.

(4) "Homeless child" or "homeless youth" means a child who:

(a) lacks a fixed, regular, and adequate nighttime residence;

(b) has primary nighttime residence in a homeless shelter, welfare hotel, motel, congregate shelter, domestic violence shelter, car, abandoned building, bus or train station, trailer park, or camping ground;

(c) sleeps in a public or private place not ordinarily used as a regular sleeping accommodation for human beings;

(d) is, due to loss of housing or economic hardship, or a similar reason, living with relatives or friends usually on a temporary or emergency basis due to lack of housing; or

(e) is a runaway, a child or youth denied housing by his family, or school-age unwed mother living in a home for unwed mothers, who has no other housing available.

(5) "School district of residence for a homeless child/youth" means the school district in which the student or the student's legal guardian or both currently resides or the charter school that the student is attending for the period that the student or student's family satisfies the homeless criteria.

R277-616-3. Criteria for Determining Where a Homeless or Emancipated Student

Shall Attend School.

(1) Under the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431 through 11435, homeless children are entitled to immediate enrollment and full participation even if they are unable to produce records which may include medical records, birth certificates, school records, or proof or residency normally required for enrollment.

(2) A homeless child or homeless youth shall:

(a) be immediately enrolled even if the homeless youth does not have documentation required under Sections 53A-11-201, 301, 302, 302.5 and Section 53A-2-201 through 213;

(b) be allowed to continue to attend his school of origin, to the extent feasible, unless it is against the parent's wishes;

(c) be permitted to remain in the student's school of origin for the duration of the homelessness and until the end of any academic year in which the student moves into permanent housing; or

(d) transfer to the school district of residence or charter school if space is available as defined under Subsection R277-616-1I.

(2) A determination of a residence or domicile for a homeless youth or emancipated minor may include consideration of the following criteria:

(a) the place, however temporary, where the child actually sleeps;

(b) the place where an emancipated minor or an unaccompanied youth or accompanied youth's family keeps the family's belongings;

(c) the place which an emancipated minor or an unaccompanied youth or accompanied youth's parent considers to be home; or

(d) such recommendations concerning a child's domicile as made by the State Department of Human Services.

(3) Determination of a residence or domicile for a homeless youth or emancipated minor may not be based upon:

(a) rent or lease receipts for an apartment or home;

(b) the existence or absence of a permanent address; or

(c) a required length of residence in a given location.

(4) If there is a dispute as to the residence or the status of an emancipated minor or an unaccompanied youth, the issue may be referred to the Superintendent for resolution.

(5) The purpose of federal homeless education legislation is to ensure that a child's education is not needlessly disrupted because of homelessness.

(6) If a child's residence or eligibility is in question, the child shall be admitted to school until the issue is resolved.

R277-616-4. Transfer of Guardianship.

(1) If guardianship of a minor child is awarded to a resident of a school district by action of a court or through appointment by a school district under Section 53A-2-202, the child becomes a resident of the school district in which the guardian resides.

(2) If a child's residence has been established by transfer of legal guardianship, no tuition may be charged by the new school district of residence.

KEY: compulsory education, students' rights

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-2-201(5); 53A-2-202

R277. Education, Administration.
R277-920. Implementation of the School Turnaround and Leadership Development Act.
R277-920-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Title 53A, Chapter 1, Part 12, School Turnaround and Leadership Development Act, which requires the Board to make rules to establish:

(i) outcome-based measures to designate a low performing school;

(ii) an appeal process for the denial of a school turnaround plan;

(iii) consequences for a low performing school; and

(iv) eligibility criteria, application procedures, selection criteria, and procedures for awarding incentive pay for the School Leadership Development Program.

(2) The purpose of this rule is to implement and administer the School Turnaround and Leadership Development Act.

R277-920-2. Definitions.

(1) “Appeal committee” means the committee established by Section R277-920-5.

(2) “Committee” means a school turnaround committee established in accordance with Subsection 53A-1-1204(1) or 53A-1-1205(4).

(3) “Eligible school” means the same as that term is defined in Section 53A-1-1208.

(4) "Low performing school" means a school:

(a) in the lowest performing:

(i) 3% of the high schools statewide according to the percentage of possible points earned under the school grading system; and

(ii) 3% of the elementary, middle, and junior high schools statewide according to the percentage of possible points earned under the school grading system; and

(b) identified by another measure identified by the Board.

(5) “Plan” means a school turnaround plan described in Subsection 53A-1-1204(3).

(6) “School improvement grant” means a Title I grant under the Elementary and Secondary Education Act, 20 U.S.C. Sec. 6303(g).

(7) “School leader” means the same as that term is defined in Section 53A-1-1209.

(8) “School turnaround program” means the school turnaround program described in:

(a) Sections 53A-1-1203 through 53A-1-1207; and

(b) Sections R277-920-3 through R277-920-7.

R277-920-3. Superintendent’s Designation of Low Performing Schools and Waiver Authority.

(1) The Superintendent may issue a waiver and exclude a low performing school from participating in the school turnaround program if the low performing school:

(a) has been designated a priority school by the Superintendent;

(b) received school improvement grant money for the school year immediately following the school year for which the school is being graded; and

(c) is already working with a turnaround expert through the school improvement grant.

(2) If the Superintendent excludes a low performing school from the school turnaround program as described in Subsection (1), the Superintendent shall designate additional schools, outside of the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system, until the school turnaround program includes at least 3% of the total public schools statewide.

(3) When selecting an additional school described in Subsection (2), the Superintendent shall include the next lowest performing schools according to the percentage of possible points earned under the school grading system.

R277-920-4. School turnaround plan submission and approval process.

(1) In addition to the requirements described in Subsection 53A-1-1204(3), a plan shall include at least the following:

(a) a requirement that the school leaders of the low performing school participate in the School Leadership Development Program described in Section 53A-1-1209 and Section R277-920-8;

(b) a through analysis of the root cause of the low performing school's low performance;

(c) a specific and detailed plan to address the root cause of the low performing school's low performance;

(d) if the low performing school is a district school, a request from the local school board or district superintendent for:

(i) additional resources;

(ii) personnel; or

(iii) exemptions from district policy that may be contributing to the low performance of the district school; and

(e) a plan for management of school personnel, including:

(i) recruitment of an educator or school leader; and

(ii) professional development for an educator or school leader.

(2) (a) A local school board or charter school governing board may approve or deny a plan in whole or in part, if the part of the plan the board denies is severable from the part of the plan the board approves.

(b) A local school board or charter school governing board shall give a reason for a denial of each part of a plan.

(3) A local school board or charter school governing board shall submit a plan in accordance with Subsection 53A-1-1204(5)(b) or 53A-1-1205(7)(b) to the Superintendent.

(4)(a) In accordance with Subsection 53A-1-1206(4), the Superintendent shall review and approve or deny a plan in whole or in part, if the part of the plan the Superintendent denies is severable from the part of the plan the Superintendent approves.

(b)The Superintendent shall give a reason for a denial of each part of a plan.

R277-920-5. Appeal process for denial of a school turnaround plan.

(1) A committee, local school board, or charter school governing board may appeal the denial of a plan, in whole or in part, by following the procedures and requirements of this section.

(2) An appeal authorized by this rule:

(a) is an informal adjudicative proceeding under Section 63G-4-203; and

(b) shall be resolved by the date specified in Subsection 53A-1-1206(5)(b).

(3) (a) A principal, on behalf of a committee, may request that the local school board or the charter school governing board reconsider the denial of a plan:

(i) by electronically filing the request:

(A) with the chair of the local school board or the charter school governing board; and

(B) on a form provided on the USOE website; and

(ii) within 5 calendar days of the denial.

(b) The reconsideration request may include a modification to the plan if the committee approves the modification.

(c) The local school board or the charter school governing board shall respond to the request within 10 calendar days by:

(i) refusing to reconsider its action;

(ii) approving a plan, in whole or in part; or

(iii) denying a plan modification.

(d) The principal may appeal the denial of a plan under this Subsection (3):

(i) by electronically filing an appeal with the Superintendent on a form provided on the USOE website; and

(ii) within 5 calendar days of the denial.

(e) An appeal filed under this subsection shall be resolved in accordance with Subsections (5) and (6).

(4) A district superintendent, on behalf of a local school board, or a charter school governing board chair, on behalf of a charter school governing board, may appeal the Superintendent's denial of a plan:

(a) by electronically filing an appeal with the Superintendent on a form provided on the USOE website; and

(b) within 5 calendar days of the denial.

(5)(a) At least three members of a Board committee, appointed by the Board as the appeal committee, shall review the written appeal.

(b) The appeal committee may ask the principal, district superintendent, local school board chair, or charter school governing board chair to:

(i) provide additional written information; or

(ii) appear personally and provide information.

(c) The appeal committee shall make a written recommendation within 5 business days of receipt of the appeal request to the Board to accept, modify, or reject the plan and give a reason for the recommendation.

(6) The Board may accept or reject the appeal committee's recommendation and the Board's decision is the final administrative action.

R277-920-6. Consequences for a low performing school.

(1) The Board may impose a consequence described in this section if a low performing school does not improve the school's grade one letter grade or better within the time described in Subsection 53A-1-1207(3).

(2) The Board may restructure a low performing district school by taking over the low performing district school, or by other means as the Board deems appropriate.

(3) The Board may restructure a low performing charter school by taking over the

low performing charter school, or by:

(a) closing the low performing charter school; or

(b) other means as the Board deems appropriate.

R277-920-7. Hearing and procedure requirements related to the Board's imposition of a consequences for low performing schools.

On or before December 1, 2016, the Superintendent shall make recommendations to the Board for changes to this rule regarding hearing and procedure requirements related to the Board's imposition of a consequence as described in Section R277-920-6.

R277-920-8. School Leadership Development Program.

(1) A school leader other than a school leader from a low performing school may apply to participate in the School Leadership Development Program if the school leader:

(a) is assigned to a priority school as designated by the Superintendent; or

(b) is nominated by the school leader's district superintendent or charter school governing board to participate.

(2) A school leader who meets the requirements of Subsection (1) may apply to participate in the School Leadership Development Program by electronically submitting an application to the Superintendent on a form provided on the USOE website by the date specified on the USOE website.

(3)(a) The Superintendent shall select a school leader to participate in the School Leadership Development Program based on the following selection criteria:

(i) first priority is given to a school leader who is assigned to a low performing school;

(ii) second priority is given to a school leader who is assigned to a priority school as designated by Superintendent; and

(iii) third priority is given to a school leader who is nominated by the school leader's district superintendent or charter school governing board.

(b) Notwithstanding Subsection (3)(a), the Superintendent may give priority to a school leader who has not received prior leadership training before selecting a school leader who has received prior leadership training.

(4)(a) In consultation with the Superintendent and the local school board chair, the district superintendent of a low performing school shall select a district administrator to participate in the School Leadership Development Program to:

(i) support the school leader participating in the School Leadership Development Program; and

(ii) assist the school district's local school board to fulfill the requirements of Subsection 53A-1-1204(4).

(b) In consultation with the Superintendent and the governing board chair, the charter director of a low performing school shall select a charter administrator to participate in the School Leadership Development Program to support the school leader participating in the School Leadership Development Program.

(5)(a) In accordance with Subsection 53A-1-1209(4), the Superintendent shall award incentive pay to a school leader within 30 days after the school leader:

(i) completes the School Leadership Development Program; and

(ii) submits a written agreement to the Superintendent to work as described in Subsection 53A-1-1209(4).

(b) The Superintendent shall evenly divide the appropriation among the school leaders who meet the requirements of this Subsection (5).

(6) The Superintendent may award incentive pay to a school leader described in Subsection (5) for up to five years.

R277-920-9. School Recognition and Reward Program.

(1) The Superintendent shall distribute school recognition and reward program money to the principal of an eligible school:

(a) in accordance with Section 53A-1-1208; and

(b) within 30 days of the Board's official release of school grades for the year the eligible school is eligible for an award of money.

(2) The Superintendent shall notify the principal of an eligible school within 15 days of the Board's official release of school grades:

(a) that the eligible school is eligible for an award of money pursuant to Section 53A-1-1208; and

(b) of the amount of the award that the eligible school will receive.

(3) In accordance with Section 53A-1-1208, the principal shall distribute the money received under Subsection (1):

(a) to each educator assigned to the school for all of the years the school participated in the school turnaround program; and

(b) in a pro-rated manner to each educator assigned to the school for less time than the school participated in the school turnaround program.

KEY: school, improvement, leader
Date of Enactment of Last Substantive Amendment: 2015
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); Title 53A-1-12

09/03/2015

Utah State Office of Education
Monthly Board Report

TOTAL NUMBER OF EDUCATOR LICENSES AND LICENSE AREAS PROCESSED BETWEEN 8/1/2015 and 8/31/2015

Licenses Processed									
License Level	Expired	Incomplete Renewed	New	Pending Payment	Renewed	Revoked	Student	Suspended	Grand Total
1			311		56				**367**
2			45		61				**106**
3			3						**3**
Level 1 LEA-Specific			3		8				**11**
Alt. Route to Licensure			39						**39**
1 - Returning			35						**35**
Student							91		**91**
Temporary			1						**1**
University Recommend				38					**38**
Grand Total	**0**	**0**	**437**	**38**	**125**	**0**	**91**	**0**	**691**

09/03/2015

Utah State Office of Education
Monthly Board Report

TOTAL NUMBER OF EDUCATOR LICENSES AND LICENSE AREAS PROCESSED BETWEEN 8/1/2015 and 8/31/2015

License Areas Processed																							
USOE Qualified by Code	*?*	*A*	*B*	*C*	*D*	*E*	*F*	*G*	*I*	*K*	*L*	*M*	*N*	*P*	*Q*	*R*	*S*	*T*	*U*	*V*	*X*	*Y*	
License Area																							**Total**
Career and Technical Education											1										2		**3**
Career and Technical Education (APP only)											1												**1**
Early Childhood Education (K-3)				2								12							2				**16**
Elementary Education (K-6)							1				7	34	1						18				**61**
Elementary Education (1-8)											19	35							5				**59**
Secondary Education (6-12)											36	4	1			3		1	69				**114**
School Counselor (K-12)												12							14				**26**
School Psychologist (K-12)												2							3				**5**
School Social Worker (K-12)																			4				**4**
Administrative/Supervisory (K-12)																			28				**28**
Special Education (K-12+)											3	14							18				**35**
Preschool Special Education (Birth - age 5)																			7				**7**
Speech - Language Pathologist												1							18				**19**
Grand Total	**0**	**0**	**0**	**2**	**0**	**0**	**1**	**0**	**0**	**0**	**67**	**114**	**2**	**0**	**0**	**3**	**0**	**1**	**186**	**0**	**2**	**0**	**378**

Qualified By Codes:

? Not Known
A Authorization
B Portfolio
C Demonstrated Competency
D Major Equivalent
E Exam
F Foreign Credentials
G Local Acad Assessment

I Troops to Teachers
K Alt Route University
L Alt Route to Licensure
M Major
N Minor
P Special Program
Q Certificate Program
R Restricted

S Associate Degree
T Alt Preparation
U University Program
V Transition to Teaching
W SUSPENDED
X Experience
Y Two Years College
Z Exemption

Bylaws
of the
National Association of State Boards of Education

Article I.
Name

The name of the Association shall be the National Association of State Boards of Education, Inc. (hereinafter, ñNASBEò or ñthe Association.ò)

Article II.
Purposes

The National Association of State Boards of Education will:
A. Be a forum for education policy-makers and for those who influence education policy.
B. Through its adopted processes, synthesize the themes and ideas which describe effective, student-focused education policy into positions of advocacy or into additional organizational beliefs.
C. Attract and retain staff members who are highly-qualified to support inquiry and analysis in the areas of concern to education policy-makers. NASBE will further provide forums for staff experts to work with members and other invited participants on important education issues.
D. Examine the issues and themes of education policy and provide information, comment, or advice to members and to states which desire to examine such issues for their states' policy creation. NASBE will provide expertise in how such policy issues will be affected by states' diverse statutory and governance requirements.
E. Provide a variety of programs and member services that can be used by state boards and state board members to improve their knowledge of education issues or their skills in being an effective board member and education policy-maker.

Article III.
Membership

Section 1. Voting Members. Any state, the District of Columbia, or any territorial board (hereinafter, "state") having jurisdiction over elementary and secondary education may become an equal voting member of the Association upon payment of required dues. In states not having boards of education, the chief state school officer may become a voting member of the Association upon payment by the state or territory of the required dues.

Section 2. Non-Voting Members. Non-voting members of the Association shall receive all information services of the Association as defined by the Board of Directors; may attend and participate in all meetings and conferences of the Association; and shall be eligible, if appointed, to serve as voting members of committees and study groups of the Association, with the exception of the Governmental Affairs Committee and the Public Education Positions Committee, and shall not be voting members of the Association as described in Section 1.

A. Associate Members. Associate members are those individuals who are not state board of education members or executive directors to state boards of education and who pay the required dues. In addition, an association or institution interested in the purposes of this Association may, upon approval of the Board of Directors and payment of dues fixed by the Board, become an associate member.

B. Affiliate Members. The National Association of State Boards of Education recognizes two affiliate members: The National Council of State Board of Education Executives (NCSBEE) and The National Council of State Education Attorneys (NCOSEA.) A state board of education executive whose state board is a dues- paying member of the Association is thereby a member of NCSBEE and an affiliate member of NASBE. A state education attorney, who pays dues to NCOSEA, as fixed by the NASBE Board, is thereby a member of NCOSEA and an affiliate member of NASBE.

C. Former State Board Members. Any former member of a state board of education may, upon payment of dues fixed by the Board of Directors, become a member of the Association, and the Board of Directors may establish a Life Membership for former state board members, and fix the dues thereof.

D. Honorary Life Members. The Executive Committee of the Board of Directors may confer honorary life membership upon individuals who, by their actions, have demonstrated a high degree of devotion to the purposes of the Association. Association presidents will become honorary life members upon completion of their presidency.

Article IV.
Organization

Section 1. Areas. he Association is divided into the following areas:

Central - Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin.

Northeastern - Connecticut, Delaware, District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands.

Southern - Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, West Virginia.

Western - Alaska, American Samoa, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Northern Marianas Islands, Oregon, Utah, Washington, Wyoming.

Article V.
Executive Officers

Section 1. Executive Officers and duties. The Executive Officers of the Association shall be a President, President-elect, Secretary-Treasurer, and Immediate Past President**.** The Executive Officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Association, and as directed by the Board and/or the Delegate Assembly. The President shall preside at the Annual Meeting and at other meetings, shall be chairman of the Board of Directors, shall appoint committees, and may serve as a non-voting member ex-officio of each committee except the Nominations Committee. The President-elect shall assist the

President, preside in the President's absence, and succeed to the office of President if that office becomes vacant. The Immediate Past President shall chair the Nominations Committee and assist the President when requested. The Secretary-Treasurer shall chair the Finance and Audit Committee, and be responsible for the custody and accounting of all assets of the Association.

Section 2. Qualifications. All candidates must submit a letter of support from their state board of education, and at the time of election to office may not be in the final year of a term of service on their state board of education. The Board of Directors may, by a two-thirds vote, set aside this limitation when unusual circumstances occur. An officer shall be a member of a dues-paying state board of education, except that any person actually assuming the office of President shall be eligible to complete the term as President and Immediate Past President even though his or her state board term has expired**,** or the state is no longer a member of the Association. The Secretary-Treasurer shall likewise be eligible to complete the term even if his or her state board term has expired, or the state is no longer a member of the Association. Any person holding office under the above exceptions must maintain individual membership in the Association as a Former State Board Member, but this shall not be construed as to deny such an officer the right to vote in board meetings or board committee meetings. Candidates for President-elect shall have current or prior service on the Board of Directors, ~~or have chaired a study group, the Governmental Affairs Committee, or the Public Education Positions Committee~~ *or have a demonstrated commitment to the Association by significant service to the Association.* . No member may hold more than one NASBE office at a time.

Section 3. Nomination. The Nominations Committee shall nominate at least one candidate each year for President-elect, at least one candidate each year for Area Director for each Area, and at least one candidate every second year for Secretary-Treasurer. The Nominations Committee shall solicit recommendations for candidates from the membership. Such recommendations must be received at NASBE headquarters at least 48 hours prior to the meeting of the Nominations Committee. *No current member of the Nominations Committee may be nominated as a candidate for an office under this Section.* Additional nominations for President-elect and Secretary-Treasurer may be made by written petition signed by voting delegates of at least five states from two or more regions. Additional nominations for Area Director may be made by written petition signed by the voting delegates of three or more states from the Area. Such petitions must be received 45 days prior to the Annual Meeting. If by the time of the Annual Meeting a candidate's withdrawal leaves just one candidate, or no candidate, for an office, then nominations may be made from the floor during the Annual Meeting, or during the Area Meeting in the case of electing Area Directors.

Section 4. Election Procedure. A state unable to send a delegate may send a written ballot, for any or all offices, by mail or electronic transmission to the Association headquarters at least 15 days before the start of the Annual Meeting. The election of Area Directors shall be at the Area Meeting during the Annual Meeting, by majority vote of the delegates from that Area and any written ballots submitted under the provisions of this Section, above, following the introduction of the nominated candidate(s) by an incumbent Area Director. If no candidate receives a majority vote, the election shall be decided by majority vote of the delegates present and voting by secret ballot. The election of President-elect and Secretary-Treasurer shall be following the report of

the Nominations Committee at the Annual Meeting, by majority vote of the delegates and any written ballots submitted under the provisions of this Section, above. If no candidate receives a majority vote, the delegates present and voting shall cast a second secret ballot to decide the election. In the event that this second ballot does not result in a majority for any candidate, the Board of Directors, excluding any candidates in the pending election who may also be members of the Board, shall decide the election by secret ballot. A New Member Representative shall be elected annually by majority vote of the members attending the New Member Institute.

Section 5. Term of Office. The President-elect shall take office January 1st following election, and serve one year, becoming President January 1st of the following year, and Immediate Past President on the following January 1st, for one year, or until a successor is elected. The Secretary-Treasurer shall take office January 1st following election, and serve two years, or until a successor is elected. Area Directors shall take office January 1st following election and serve two years (with staggered terms,) or until a successor is elected. No person may serve as Area Director more than two consecutive two-year terms. The New Member Representative shall take office January 1st following election, and serve two years (with staggered terms,) or until a successor is elected.

Section 6. Vacancies. When a vacancy occurs in an Executive Office, the Board of Directors shall vote to appoint a member who meets the eligibility requirements to complete the term for the vacant office. A president-elect who is so-appointed shall succeed to the offices of President, and Immediate Past President, in the same manner as if he or she had been elected President-elect.

Section 7. Indemnification. Any officer, employee, agent, or other person serving at the request of the Association shall be indemnified by the Association against civil or administrative litigation expenses, judgments, and amounts paid in settlement of civil or administrative actions against any such person, provided that such person acted in good faith and reasonably believed that such actions were in the best interest of the Association, and provided further that such indemnification and the amount of any settlement paid are approved
in advance by the majority the Board of Directors, or a court or agency having jurisdiction of the matter. This indemnification shall not include criminal litigation.

Section 8. Removal. *An Executive Officer may be removed from office by a two-thirds vote of a quorum of the Association's Board of Directors for good cause. For purposes of this Section, good cause shall be defined as (a) a conviction of a crime involving theft, dishonesty, misconduct by a public official, or moral turpitude; (b) a sanction by a professional licensing body for professional misconduct involving theft, dishonesty, misconduct by a professional, or moral turpitude; or (c) any conduct reflecting adversely on the Officer's fitness to serve the Association, regardless of whether the conduct resulted in a criminal conviction or professional sanction. A vacancy created by a removal under this Section shall be filled pursuant to Section 6 of this Article.*

Article VI.
Board of Directors

Section 1. Board Composition. The Executive Officers, two Area Directors elected by each Area, and two New Member Representatives, together with the presiding officers of the National Council of State Education Attorneys and the National Council of State Board of Education Executives, shall constitute the Board of Directors for the Association. The presiding officers of NCOSEA and NCSBEE shall be voting members ex-officio of the Board.

Section 2. Duties and Powers. The Board shall have general supervision of the business and welfare of the Association between Annual Meetings; shall appoint an executive director of the Association to serve at the Boardôs pleasure, and fix the compensation thereof; shall adopt an annual budget for the Association, and shall in all matters be subject to the directives of the Delegate Assembly at the Annual Meeting. The board shall establish the policies and goals of the Association, and may delegate to the Executive Committee, as appropriate.

Section 3. Board Meetings. Meetings of the Board of Directors may be called by the President as the business of the Association may require. The President shall convene the board at the written request of four members of the Board. Written notice of Board meetings and a copy of the agenda shall be given by the Executive Director to the members of the Board. A majority of the members of the Board, not counting vacant seats, shall constitute a quorum. A quorum may be achieved through the use of teleconference and/or other appropriate technology, and board members attending by electronic means shall be entitled to debate, vote, and otherwise participate as if they were present. Two absences by a member of the Board which are not excused by a majority vote of the Board will result in the position being declared vacant.

Section 4. Vacancies. When a vacancy occurs on the Board of Directors, the Board of Directors shall vote to appoint a member who meets the eligibility requirements to complete the term for the vacant office. If any member of the Board of Directors shall resign from, or be removed for a reason other than expiration of his or her term from membership on the state board of education, the position on the Board of Directors shall be considered vacated, and the vacancy shall be filled as herein provided.

Section 5. Removal. *A member of the Board of Directors may be removed from office by a two-thirds vote of a quorum of the Association's Board of Directors for good cause. For purposes of this Section, "good cause" shall be defined as (a) a conviction of a crime involving theft, dishonesty, misconduct by a public official, or moral turpitude; (b) a sanction by a professional licensing body for professional misconduct involving theft, dishonesty, misconduct by a professional, or moral turpitude; or (c) any conduct reflecting adversely on the Officer's fitness to serve the Association, regardless of whether the conduct resulted in a criminal conviction or professional sanction. A vacancy created by a removal under this Section shall be filled pursuant to Section 4 of this Article.*

Article VII.
Annual Meeting

Section 1. Time, Place, and Notice. The Annual Meeting of the Association shall be held at a time and place determined by the Board of Directors, with at least 60 days written notice to all members by the President.

Section 2. Delegate Assembly. The Delegate Assembly shall exercise ultimate authority over the Association, and may delegate powers and duties to the Board of Directors, committees, or particular officers of the Association. Each dues-paying state shall have one vote, which shall be cast by the voting delegate or alternate who has been certified by the presiding officer of the state board or the board executive, and each delegate or alternate shall be registered with the Credentials Committee. States unable to send a voting delegate may submit a written ballot to vote on agenda items by mail or electronic transmission to the Association headquarters at least 15 days before the start of the Annual Meeting. Fifteen delegates present shall constitute a quorum.

Section 3. Duties of the Delegate Assembly. The Delegate Assembly shall convene at the Annual Meeting and shall elect officers of the Association; receive and act on reports and recommendations from the Board of Directors, officers, committees, the executive director and others; confer honors and recognition to deserving individuals and organizations; and otherwise act to advance the cause of the Association.

Article VIII.
Dues

Annual membership dues and method of payment, or any changes thereto, shall be approved by the Board of Directors.

Article IX.
Fiscal Year

The fiscal year for the Association shall be January 1 through December 31.

Article X.
Committees

Section 1. General Provisions for Committees. A majority of the members of any committee shall constitute a quorum for that committee. A quorum may be achieved through the use of teleconference and/or other appropriate technology, and members attending by electronic means shall be entitled to debate, vote, and otherwise participate as if they were present. Except as otherwise noted herein, the terms of members appointed to a committee expire at the end of the fiscal year. When the President determines that a vacancy exists on a committee, the President may appoint an eligible member to fill such vacancy for the remainder of the term.

Section 2. Executive Committee. The Executive Committee shall have four members, namely the President who shall be chairman, the President-elect, the Secretary-Treasurer, and the

Immediate Past President. The Executive Committee shall evaluate the Executive Director, perform the routine business of the association and other affairs as delegated by the Board of Directors, and shall report fully to the Board of Directors.

Section 3. Nominations Committee. The Nominations Committee shall have seven members: the Immediate Past President, who shall be chairman and vote only in case of a tie; one representative from each Area, and two members elected at-large by the Delegate Assembly during the Annual Meeting. Each Area representative to the Nominations Committee shall be elected at the Area Meeting during the Annual Meeting, and all members must be current members of a state board of education. Priority for appointment to this committee shall be a past Area Director from each Area. Each area will also have an alternate, who shall be recommended by the current Area Directors and appointed by the President. The terms of the members are one year, and all members other than the Immediate Past President are eligible to serve a maximum of three consecutive years.

Section 4. Public Education Positions Committee. The Public Education Positions Committee shall have nine members, appointed to one year terms, consisting of the four junior Area Directors, the senior New Member Representative, and four additional members appointed by the President, preferably from each Area. The Chair of the committee shall be appointed by the President from the members of the Committee. No member may serve more than two consecutive terms. The Committee shall recommend Public Education Positions to the Delegate Assembly for adoption as Positions of the Association. When a member state's proposed Position or amendment to a Position is adopted by the Committee for recommendation to the Delegate Assembly, the state will be notified within five days. New proposed Positions, and amendments to Positions, which are not adopted by the Committee may be re-submitted by the state for consideration by the Delegate Assembly at the Annual Meeting if presented to Association headquarters not less than 45 days before the Annual Meeting, for distribution to the membership not less than 40 days before the Annual Meeting. The printed Public Education Positions as adopted by the Committee for recommendation to the Delegate Assembly may record the dissenting votes by state designation and shall provide a section for written minority statements.

Section 5. Finance and Audit Committee. The Finance and Audit Committee shall have at least four and not more than seven members: the Secretary-Treasurer, who shall be chairman, and additional members appointed to three year terms by the President with Board approval. Members may serve no more than two consecutive terms. The Committee shall review the financial condition of the Association, its dues structures, budget, investments, and the manner in which staff have managed the finances of the Association. The Committee shall oversee the Associationôs annual independent audit, and shall recommend to the Board a proposed budget of the Association for the next fiscal year, and may make other recommendations to the Delegate Assembly at the Annual Business Meeting. The Committee shall recommend to the Board of Directors any changes or improvements in the financial management of the Association.

Section 6. Governmental Affairs Committee. The Governmental Affairs Committee shall be open to any member who wishes to serve on the Committee and has their board approval; however membership will be limited to one person per state. The chair of the Committee will be appointed by the President with Board approval, and must have served previously on the

Committee. The committee shall recommend to the Board of Directors, by at least a two-thirds majority, positions on Federal legislation, agency regulations, or other policy issues of national scope.

Section 7. Awards Committee. The Awards Committee shall consist of five NASBE members including the President-elect. The President-elect of NASBE shall serve on the committee as chairman, but shall not vote except in a tie. Awards recommended by the Committee shall be approved by the Board of Directors.

Section 8. **Credentials Committee.** The Credentials Committee shall have at least three but no more than five members, appointed by the President. The Committee shall register a voting delegate and alternate from each state to vote at the Annual Business Meeting; shall prepare for the Secretary-Treasurer a final roster of delegates and alternates, by state, prior to the call to order of the Delegate Assembly at the Annual Meeting; and shall resolve, by majority vote, any questions, challenges, or disputes concerning the validity of any delegate or alternate.

Section 9. **Ad Hoc Committees.** Ad Hoc Committees may be established by the Board of Directors as needed to further the purposes of the Association. The Board shall determine the function, term, number of members, and budget of each committee and the President shall appoint the members and the chair. The Board may reserve, at the time the committee is established, the right to ratify the Presidentôs appointments.

Section 10. Removal. *A member of a committee who is not a member of the Board of Directors may be removed from office by a two-thirds vote of a quorum of the Association's Board of Directors for good cause. For purposes of this Section, "good cause" shall be defined as (a) a conviction of a crime involving theft, dishonesty, misconduct by a public official, or moral turpitude; (b) a sanction by a professional licensing body for professional misconduct involving theft, dishonesty, misconduct by a professional, or moral turpitude; or (c) any conduct reflecting adversely on the Officer's fitness to serve the Association, regardless of whether the conduct resulted in a criminal conviction or professional sanction. A vacancy created by a removal under this Section shall be filled pursuant to Section 1 of this Article. Removal and replacement of a member of a committee who is also a member of the Board of Directors shall be pursuant to the terms of Article V.*

Article XI.
Amendment of Bylaws

Section 1. Proposed Amendments from the Board. The Board of Directors will review the bylaws of the Association on an ñas-neededò basis. In the event the Board should recommend a bylaws amendment to the membership, the proposed amendment(s) shall be distributed to the Association membership at least 60 days prior to the start of the Annual Meeting.

Section 2. Proposed Amendments from the Membership. In addition to amendments submitted by the Board of Directors, proposed amendments may be submitted by any member

state board to the Secretary-Treasurer at least 65 days prior to the Annual Meeting, for distribution to the membership at least 60 days prior to the Annual Meeting.

Section 3. Adoption Requirement. Amendments shall be adopted by at least a two-thirds vote of the Delegate Assembly and any ballots received under the provisions of Section 2 of Article VII, unless the proposed amendments have been further amended during consideration by the Delegate Assembly, in which case the written ballots submitted in advance shall not be counted, and adoption of the amended amendments shall be by a two-thirds vote only of the delegates present.

Article XII.
~~Parliamentary Authority~~ Conduct of Association Business

Section 1. Parliamentary Authority. The procedures at all meetings shall be governed by the current edition of *Robert's Rules of Order, Newly Revised,* except as modified by these bylaws and any standing rules of the Board of Directors, and/or the Delegate Assembly at the Annual Meeting.

Section 2. Conflict of Interest. *No Board or Committee member may participate in a matter in which the member has a conflict of interest. At a minimum, a conflict of interest arises when a member has a personal or financial interest in the matter. The Board of Directors may adopt additional conflict of interest policies and procedures.*

NASBE

National Association of
State Boards of Education

Proposed Position on School Funding

State boards should lead efforts to ensure sufficient educational funding aimed at guaranteeing quality education for all public school students. This leadership should include the following:

- informing state legislators and citizens of the financial needs of public schools and accounting to them for the use made of state funds and the accomplishments of the state's education system;
- advocating, in coalition with state policymakers, local districts, and other stakeholders, for consistent funding mechanisms that equitably allocate resources and help reduce funding disparities between rich and poor districts in order to ensure all students attend schools with adequate facilities and equipment.

Each state education agency should receive, administer, and account for all federal education funds. Local school districts should follow federal and state guidelines as they spend these funds.

- Whenever state or federal mandates result in added costs to state agencies or local districts, the mandating authority should defray such costs.
- In difficult economic times, budget priorities should prioritize areas directly affecting student achievement.
- Since adequate nourishment for children is critical to their health and ability to learn, state and federal funding to ensure adequate maternal and child nutrition should be a high priority.

(Passed by Committee June 18, 2015)

NASBE

National Association of
State Boards of Education

Proposed Position on Teacher Equity

NASBE believes that every student, regardless of race or family income, deserves to be taught by qualified and experienced teachers. To this end, NASBE encourages every state to provide strong oversight toward the effective implementation of statewide teacher equity plans. This leadership should include:

- periodic scheduled review of state policies for promoting the equitable distribution of teachers and principals
- collection and review of local district policies and procedures on teacher equity
- periodic scheduled review of SEA data to identify districts that are effectively addressing the teacher equity problem as well as those that are having difficulty employing and retaining experienced and licensed teachers in high-need schools and communities
- periodic scheduled review of Title II expenditures and other funds allocated for the professional development of school personnel, paying careful attention to local jurisdictions with the greatest disparities
- setting goals and realistic benchmarks for local jurisdictions and annually assessing their progress

(Passed by Committee June 18, 2015)

UTAH STATE BOARD OF EDUCATION

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 17-18, 2015

ACTION: American Institutes for Research (AIR) Contract Novation

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Background:

1. In the May 2015 Board meeting, it was requested that the AIR contract be submitted for review by the Board at a future meeting for consideration.
2. Upon realization that the original AIR RFP also served as the contract, USOE staff was tasked to complete a contract novation.

Key Points:

1. The Contract novation was completed and provides a single source document that serves as a replacement to the original RFP which has previously served as the contract.
2. The USOE Contract Specialist and the Attorney General's office have created a contract novation for the remaining 16 months of the AIR contract.

Anticipated Action:

It is proposed that the Board consider approving the AIR novation for the remainder of the current contract which expires December 2016.

Contact: Jo Ellen Shaeffer, 801-538-7811
Rich Nye, 801-538-7514

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

Utah STATE OFFICE of Education

Leadership...Service...Accountability

TO: Utah State Board of Education

FROM: Jo Ellen Shaeffer, Director
Assessment and Accountability

DATE: July 2, 2015

INFORMATION: Information regarding SAGE Formative System

Background: As USOE continues to move forward with strengthening testing systems please be aware SAGE Interim and SAGE summative assessments are stable and robust with continuing development of innovative items and the ability to assess core standards for all students.

The SAGE Formative System, which is separate from the Interim/Summative assessment, allows teachers to create their own formative and classroom assessments aligned with the scope and sequence that they use in their classrooms, holds AIR's instructional resource and formative libraries, and UTIPS-imported content libraries. UTIPS Core (Utah Test Item Pool System) is a formative assessment system created and owned by the Utah State Office of Education. The UTIPS system has been designed for Utah classrooms for use across grades K-12 and all content areas. All items have been written by Utah teachers based on Utah Core Standards.

The SAGE Formative System has proven a useful and supportive tool for formative information about students and classrooms. Large districts (Granite) and small districts (Garfield) as well as individual teachers throughout Utah have utilized SAGE formative system for several years and appreciate its value. While at the same time, it is acknowledged that the system can be cumbersome for some classroom teachers as they use it to create their own assessments, the reporting does not allow for ease of teacher sharing and collaboration for instructional purposes; in addition, the lesson plan connections can prove difficult to navigate. While USOE originally anticipated moving away from SAGE Formative in January of 2016, USOE will now continue to utilize and support the use of the SAGE Formative system through the 2015-16 year in order to support districts, schools, and teachers that desire continued use of the system. Further discussion and decisions about its use will be brought to the Utah State Board of Education throughout the next year to determine its continuation beyond 2015-16.

Key Points:

- USOE will survey all districts about their use of SAGE formative and its utility for their students in the fall of 2015.

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Phone: (801) 538-7500 Fax: (801) 538-7769
Brad C. Smith, State Superintendent of Public Instruction

- USOE will continue to work with AIR to extract all teacher created items moving forward to create/ maintain a Utah formative bank.
- USOE will continue to provide payment in the amount of $538,320 for the SAGE Formative System in the 2015-16 year (amount in original contract).
- Past billing and payments (AIR SAGE Formative Billing and Invoices 5-21-2015):
    - 2012-13- $923,340 (launching of SAGE Formative system)
    - 2013-14- $510,000
    - 2014-15- $523,864
    - 2015-16 $538,320
    - 2016-17- $553,501 (to be determined if USBE decides to keep SAGE Formative for the duration of the contract)

- In addition to the current SAGE Formative System, USOE is looking to provide additional formative tools for classroom teacher use. Formative assessment is a critical component in classroom instruction and new evidence-based strategies can support LEAs. A formative committee comprised of assessment directors, teachers, professional development specialists, and IT personnel was formed over the past six months, and four recommendations were presented as options. USOE would like to pursue a combination of these options based on available resources along with the SAGE Formative System. USOE will keep the field apprised on updates as plans get underway to support our LEAs. These formative tools may be used by teachers to develop their own specific formative assessments and do not consist of any state produced structured assessments, but would be teacher and classroom supports for innovative and improved instruction.

USOE additional formative opportunities include:

1. New development in UTIPS - additional technology and server support needed as this system is ten years old.
2. Formative Modules produced by Teachers (WestEd Formative Insight project Kim.rathke@schools.utah.org) - USOE support of shared modules for teacher instruction.
3. Creation of an open formative bank for statewide use - expertise now exists in Utah for creation of an "open source" bank of items that measure specific standards that teachers could use at will.
4. Online testing platforms - where teachers can create, share, and use common formative assessments whose results can be shared collaboratively and used to inform instruction.

UTAH STATE BOARD OF EDUCATION

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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: September 18, 2015

INFOMRATION/ ACTION: USOE Monthly Budget Report

Background:
The Board has requested a report at its regular meetings on the USOE budget.

Key Points:
USOE Finance staff will review the budget report from the previous month.

Anticipated Action:
Further clarification and guidance on the USBE expectations for the report, format, and items of specific interest may be given.

Contact: Scott Jones, Associate Superintendent, 801-538-7514

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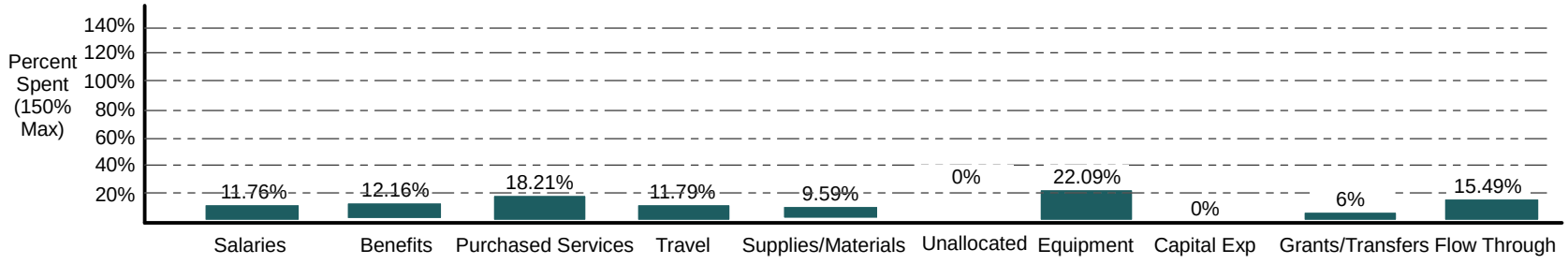
Utah State Board of Education Financial Report (Agency Total)
Fiscal Year 2016
Month Ending Aug 31, 2015

% of FY Complete - 17% **# of FTE Staff -1173.50**

Description	Budget	Current Month Expenditures	YTD Expenditures	Encumbrances	Budget Balance	Last Year Exp	% of Budget Spent
Expenditures							
Salaries	59,784,045	4,250,635	7,034,487	0	52,749,558	6,952,636	11.8%
Benefits	32,877,084	2,420,444	3,998,456	0	28,878,628	3,960,677	12.2%
Purchased Services	54,155,252	5,349,911	9,493,894	368,348	44,293,010	2,432,647	18.2%
Travel	1,430,577	118,683	156,530	12,150	1,261,897	118,763	11.8%
Supplies and Materials	19,466,726	1,294,717	1,590,890	277,540	17,598,297	1,514,066	9.6%
Unallocated Expenses	5,263,790	131	131	0	5,263,660	2,717	0.0%
Equipment	2,691,208	339,819	376,142	218,486	2,096,581	361,931	22.1%
Capital Expenditures	1,519,883	0	0	0	1,519,883	0	0.0%
Total Expenditures	177,188,567	13,774,339	22,650,529	876,524	153,661,514	15,343,437	13.3%
Unallocated Category	0	20	20	0	(20)	0	0.0%
Grants and Transfers to Other Agencies	109,101,334	6,104,610	6,553,220	0	102,548,114	11,957,434	6.0%
Flow Through Funds to LEAs	3,534,283,205	266,802,803	547,726,756	0	2,986,556,449	506,687,077	15.5%
Total Flow Through	3,643,384,538	272,907,433	554,279,996	0	3,089,104,542	518,644,511	15.2%
Total Exp. and Flow Through	3,820,573,105	286,681,772	576,930,525	876,524	3,242,766,056	533,987,948	15.1%

Revenues	Budget	Current Month	YTD Revenues	Encumbrances	Balance	Last Year Exp	% Received
State Sources	3,134,105,239	252,719,392	539,053,824	220,396	2,594,831,019	496,779,900	17.2%
Federal Sources	588,581,660	29,974,569	32,576,499	279,131	555,726,029	33,248,777	5.6%
Other Sources	97,886,206	3,987,810	5,300,202	376,996	92,209,008	3,959,271	5.8%
Total Revenues and Sources	3,820,573,105	286,681,772	576,930,525	876,524	3,242,766,056	533,987,948	15.1%

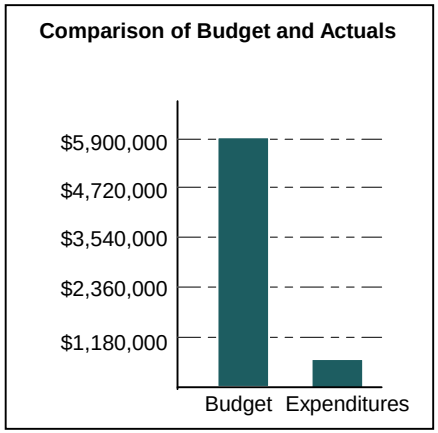
YTD Percentage of Budget Spent



Administration

# of FTE Staff - 37.67

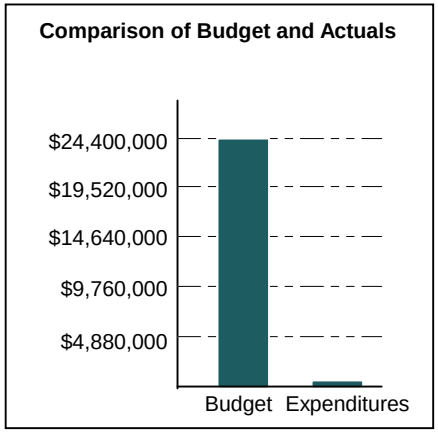
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	3,524,209	385,513	0	3,138,696	381,576	10.94%
Benefits	1,535,181	196,096	0	1,339,085	187,045	12.77%
Purchased Services	274,687	2,241	5,396	267,050	2,299	2.78%
Travel	15,850	1,631	0	14,219	1,562	10.29%
Supplies and Materials	430,582	129,719	35,873	264,990	141,474	38.46%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	144,900	28,574	1,817	114,509	3,216	20.97%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	5,925,409	743,774	43,087	5,138,549	717,171	13.28%
Flow Through	0	(20,204)	0	20,204	0	0.00%
Total Exp & Flow Through	5,925,409	723,570	43,087	5,158,753	717,171	12.94%



Assessment and Accountability

# of FTE Staff - 16.00

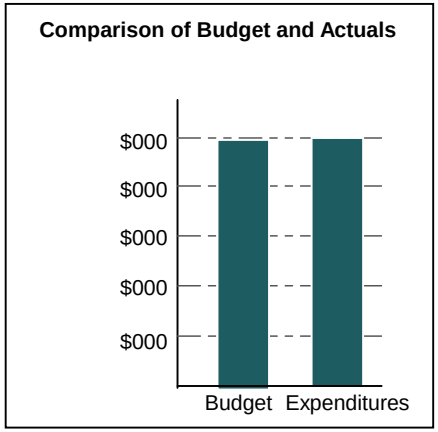
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	2,098,208	258,517	0	1,839,691	227,667	12.32%
Benefits	1,197,968	143,627	0	1,054,341	118,375	11.99%
Purchased Services	15,912,857	38,025	0	15,874,831	37,711	0.24%
Travel	97,271	1,972	0	95,299	1,115	2.03%
Supplies and Materials	641,985	2,460	580	638,944	4,072	0.47%
Unallocated Expenses	1,839,017	0	0	1,839,017	0	0.00%
Equipment	76,438	7,683	4,270	64,485	348	15.64%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	21,863,744	452,284	4,850	21,406,610	389,288	2.09%
Flow Through	2,531,122	300,036	0	2,231,086	2,822	11.85%
Total Exp & Flow Through	24,394,866	752,320	4,850	23,637,696	392,110	3.10%



Board Aux Functions

# of FTE Staff -0

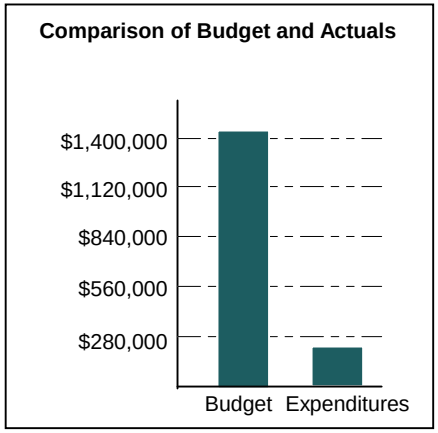
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	0	0	0	0	0	0.00%
Benefits	0	0	0	0	0	0.00%
Purchased Services	0	0	0	0	0	0.00%
Travel	0	0	0	0	0	0.00%
Supplies and Materials	0	0	0	0	0	0.00%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	0	0	0	0	0	0.00%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	0	0	0	0	0	0.00%
Flow Through	0	0	0	0	0	0.00%
Total Exp & Flow Through	0	0	0	0	0	0.00%



Board of Education

# of FTE Staff -2.00

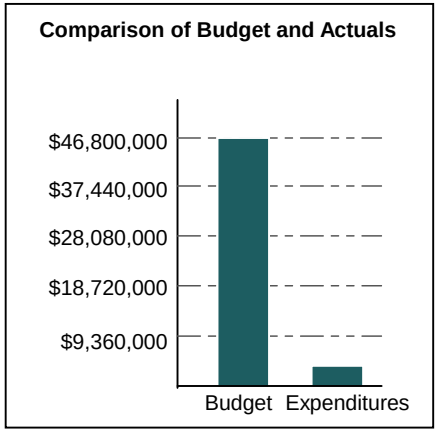
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	532,554	80,496	0	452,058	54,329	15.12%
Benefits	701,894	50,407	0	651,486	42,643	7.18%
Purchased Services	20,200	4,803	331	15,066	41,258	25.42%
Travel	6,938	53,432	0	(46,494)	25,684	770.14%
Supplies and Materials	26,921	44,540	0	(17,619)	3,647	165.45%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	3,836	824	0	3,012	126	21.48%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	1,292,342	234,503	331	1,057,508	167,687	18.17%
Flow Through	150,165	0	0	150,165	0	0.00%
Total Exp & Flow Through	1,442,507	234,503	331	1,207,673	167,687	16.28%



Career and Technology Education

# of FTE Staff -13.00

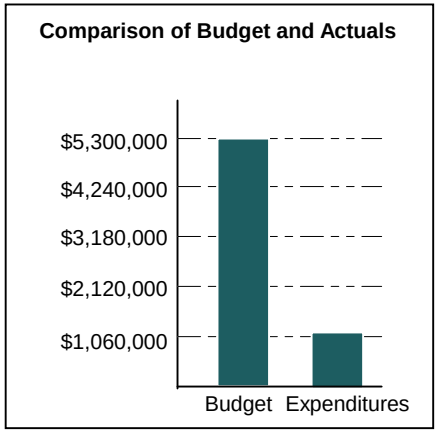
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	2,765,396	310,179	0	2,455,218	312,599	11.22%
Benefits	1,478,679	172,906	0	1,305,772	170,675	11.69%
Purchased Services	246,942	43,346	474	203,122	61,355	17.75%
Travel	101,370	1,442	0	99,928	5,842	1.42%
Supplies and Materials	2,227,177	24,579	13,693	2,188,906	26,785	1.72%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	42,300	904	122	41,274	80	2.43%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	6,861,865	553,356	14,289	6,294,220	577,335	8.27%
Flow Through	39,932,293	3,547,137	0	36,385,156	2,412,285	8.88%
Total Exp & Flow Through	46,794,157	4,100,493	14,289	42,679,376	2,989,620	8.79%



Charter School Board

# of FTE Staff -4.00

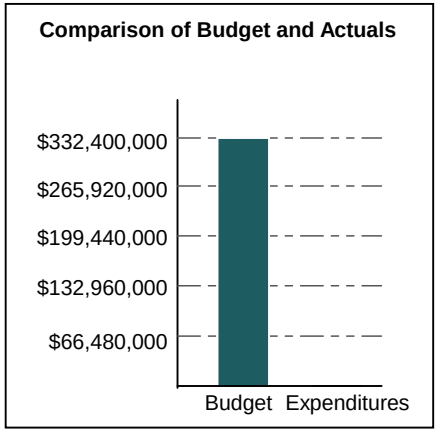
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	556,932	44,952	0	511,980	48,178	8.07%
Benefits	317,082	24,225	0	292,857	25,792	7.64%
Purchased Services	1,018,630	9,926	95	1,008,610	632	0.98%
Travel	23,725	2,716	0	21,009	746	11.45%
Supplies and Materials	502,683	7,488	523	494,672	3,939	1.59%
Unallocated Expenses	15,908	0	0	15,908	0	0.00%
Equipment	12,600	48	0	12,552	306	0.38%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	2,447,560	89,356	618	2,357,587	79,594	3.68%
Flow Through	2,835,300	1,082,976	0	1,752,324	1,291,950	38.20%
Total Exp & Flow Through	5,282,860	1,172,332	618	4,109,911	1,371,544	22.20%



Child Nutrition Programs

# of FTE Staff -1.00

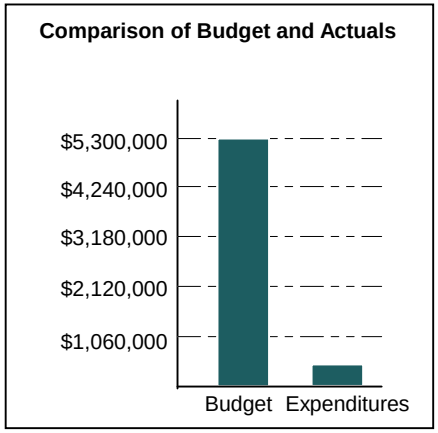
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	2,075,305	170,500	0	1,904,805	149,360	8.22%
Benefits	224,929	98,273	0	126,656	85,208	43.69%
Purchased Services	509,340	2,049	0	507,291	3,092	0.40%
Travel	96,309	587	0	95,722	6,465	0.61%
Supplies and Materials	431,044	4,989	713	425,342	71,181	1.32%
Unallocated Expenses	11,447	0	0	11,447	0	0.00%
Equipment	80,553	0	34,104	46,449	1,485	42.34%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	3,428,927	276,398	34,818	3,117,711	316,791	9.08%
Flow Through	328,961,595	4,218,029	0	324,743,566	3,980,164	1.28%
Total Exp & Flow Through	332,390,522	4,494,427	34,818	327,861,278	4,296,954	1.36%



District Computer Services

# of FTE Staff -30.33

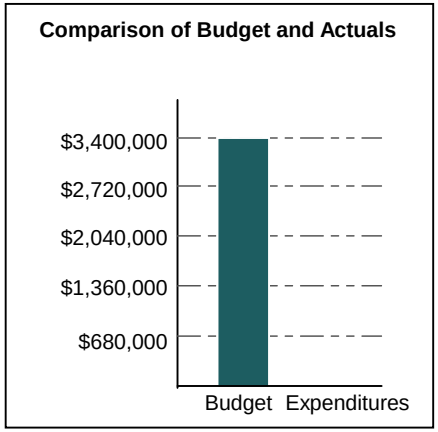
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	2,565,801	298,728	0	2,267,072	301,631	11.64%
Benefits	1,380,581	167,112	0	1,213,469	163,737	12.10%
Purchased Services	56,212	561	689	54,962	469	2.22%
Travel	3,950	757	0	3,193	0	19.17%
Supplies and Materials	539,527	15,136	5,006	519,384	14,218	3.73%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	75,350	2,955	0	72,395	0	3.92%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	4,621,421	485,250	5,695	4,130,476	480,056	10.62%
Flow Through	664,587	0	0	664,587	0	0.00%
Total Exp & Flow Through	5,286,008	485,250	5,695	4,795,063	480,056	9.29%



Educational Contracts

# of FTE Staff -0

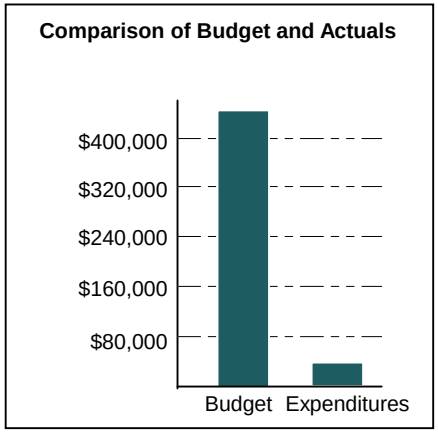
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	0	0	0	0	0	0.00%
Benefits	0	0	0	0	0	0.00%
Purchased Services	0	0	0	0	0	0.00%
Travel	0	0	0	0	0	0.00%
Supplies and Materials	0	0	0	0	0	0.00%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	0	0	0	0	0	0.00%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	0	0	0	0	0	0.00%
Flow Through	3,409,604	18,033	0	3,391,571	273,333	0.53%
Total Exp & Flow Through	3,409,604	18,033	0	3,391,571	273,333	0.53%



Educational Equity

# of FTE Staff -0

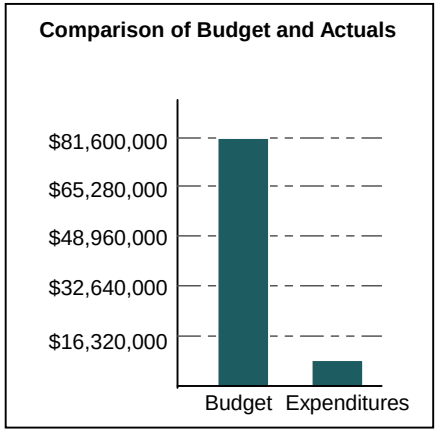
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	201,593	25,356	0	176,237	24,749	12.58%
Benefits	122,364	14,143	0	108,221	14,437	11.56%
Purchased Services	13,073	152	0	12,921	42	1.16%
Travel	4,400	0	0	4,400	0	0.00%
Supplies and Materials	42,897	4,861	0	38,037	2,414	11.33%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	2,200	0	0	2,200	0	0.00%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	386,528	44,512	0	342,015	41,643	11.52%
Flow Through	58,312	0	0	58,312	0	0.00%
Total Exp & Flow Through	444,840	44,512	0	400,328	41,643	10.01%



ESEA and Special Programs

# of FTE Staff -9.00

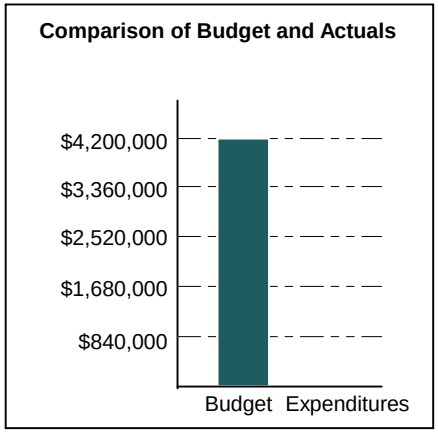
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	559,982	126,337	0	433,644	137,735	22.56%
Benefits	333,487	71,196	0	262,291	78,620	21.35%
Purchased Services	225,164	32,160	378	192,626	29,644	14.45%
Travel	36,265	3,475	0	32,790	2,087	9.58%
Supplies and Materials	784,343	9,355	0	774,988	6,561	1.19%
Unallocated Expenses	358,833	0	0	358,833	0	0.00%
Equipment	37,573	692	3,292	33,589	767	10.60%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	2,335,647	243,215	3,670	2,088,762	255,414	10.57%
Flow Through	79,226,278	8,592,236	0	70,634,042	17,025,250	10.85%
Total Exp & Flow Through	81,561,924	8,835,451	3,670	72,722,803	17,280,664	10.84%



Fine Arts (POPS)

# of FTE Staff -0

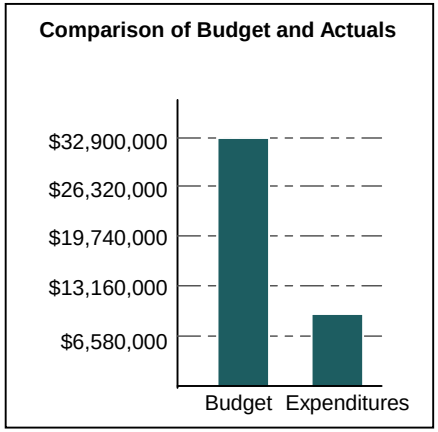
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	0	0	0	0	0	0.00%
Benefits	0	0	0	0	0	0.00%
Purchased Services	0	0	0	0	0	0.00%
Travel	0	0	0	0	0	0.00%
Supplies and Materials	0	0	0	0	0	0.00%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	0	0	0	0	0	0.00%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	0	0	0	0	0	0.00%
Flow Through	4,190,380	0	0	4,190,380	65,883	0.00%
Total Exp & Flow Through	4,190,380	0	0	4,190,380	65,883	0.00%



Grants and Contracts

# of FTE Staff -0.67

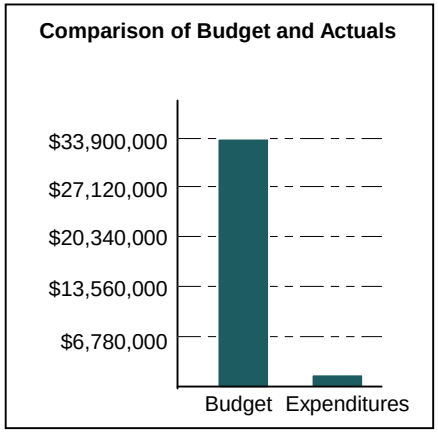
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	153,600	18,999	0	134,601	21,723	12.37%
Benefits	66,804	9,320	0	57,484	9,815	13.95%
Purchased Services	22,609,602	8,096,584	153,789	14,359,229	1,023,554	36.49%
Travel	0	1,622	0	(1,622)	0	0.00%
Supplies and Materials	6,129,338	992,579	0	5,136,760	738,906	16.19%
Unallocated Expenses	101,717	0	0	101,717	2,500	0.00%
Equipment	300,000	300,079	0	(79)	299,828	100.03%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	29,361,061	9,419,182	153,789	19,788,090	2,096,326	32.60%
Flow Through	3,567,381	227,993	0	3,339,388	346,000	6.39%
Total Exp & Flow Through	32,928,441	9,647,174	153,789	23,127,478	2,442,326	29.76%



Instructional Services-Teaching and Learning

# of FTE Staff -12.00

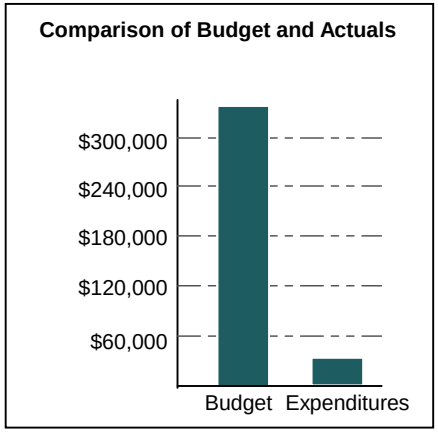
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	1,743,439	215,541	0	1,527,898	225,820	12.36%
Benefits	963,460	114,525	0	848,935	118,246	11.89%
Purchased Services	941,148	39,355	254	901,540	36,237	4.21%
Travel	107,142	9,455	0	97,687	(416)	8.83%
Supplies and Materials	1,888,737	8,375	550	1,879,812	38,723	0.47%
Unallocated Expenses	82,400	0	0	82,400	0	0.00%
Equipment	13,500	78	0	13,422	158	0.57%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	5,739,826	387,328	804	5,351,694	418,767	6.76%
Flow Through	28,157,886	1,563,837	0	26,594,050	433,172	5.55%
Total Exp & Flow Through	33,897,713	1,951,165	804	31,945,743	851,938	5.76%



Law and Legislation

# of FTE Staff -1.00

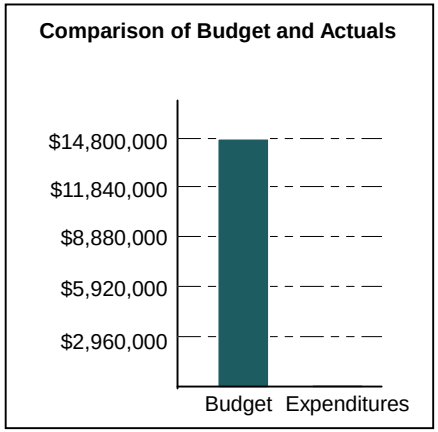
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	180,424	26,154	0	154,269	19,032	14.50%
Benefits	91,129	12,040	0	79,089	10,181	13.21%
Purchased Services	4,300	128	0	4,172	1	2.97%
Travel	6,223	0	0	6,223	0	0.00%
Supplies and Materials	8,146	463	290	7,393	718	9.24%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	0	421	0	(421)	0	0.00%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	290,221	39,206	290	250,724	29,932	13.61%
Flow Through	48,879	0	0	48,879	0	0.00%
Total Exp & Flow Through	339,100	39,206	290	299,604	29,932	11.65%



Licensing and UPPAC

# of FTE Staff -9.00

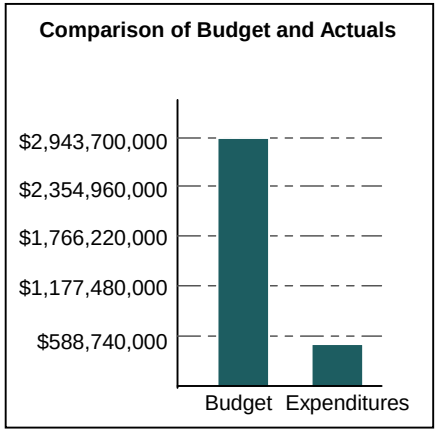
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	948,233	104,696	0	843,537	104,425	11.04%
Benefits	551,157	60,965	0	490,192	60,642	11.06%
Purchased Services	783,757	42,410	67,746	673,602	34,458	14.05%
Travel	12,950	1,789	0	11,161	0	13.81%
Supplies and Materials	267,892	26,245	356	241,291	21,856	9.93%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	3,000	201	0	2,799	0	6.70%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	2,566,989	236,305	68,101	2,262,582	221,381	11.86%
Flow Through	12,234,183	0	0	12,234,183	38,608	0.00%
Total Exp & Flow Through	14,801,172	236,305	68,101	14,496,765	259,989	2.06%



Minimum School Program

# of FTE Staff -0

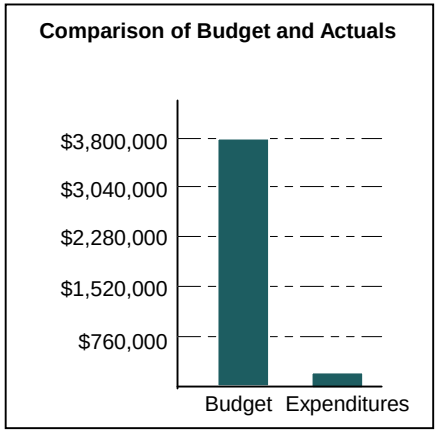
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	0	0	0	0	0	0.00%
Benefits	0	0	0	0	0	0.00%
Purchased Services	0	0	0	0	0	0.00%
Travel	0	0	0	0	0	0.00%
Supplies and Materials	0	0	0	0	0	0.00%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	0	0	0	0	0	0.00%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	0	0	0	0	0	0.00%
Flow Through	2,943,694,987	511,376,727	0	2,432,318,260	483,757,834	17.37%
Total Exp & Flow Through	2,943,694,987	511,376,727	0	2,432,318,260	483,757,834	17.37%



School Finance

# of FTE Staff -11.00

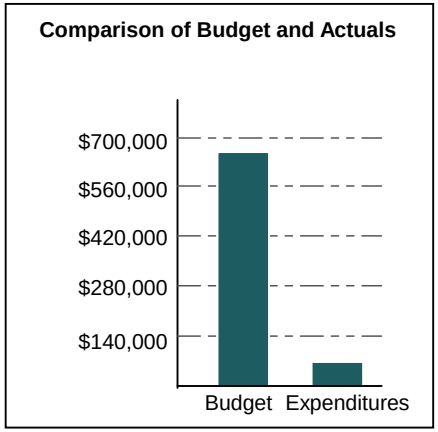
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	1,592,283	126,384	0	1,465,899	131,023	7.94%
Benefits	640,424	74,155	0	566,269	72,997	11.58%
Purchased Services	283,385	606	262	282,518	989	0.31%
Travel	37,669	9,937	0	27,732	7,728	26.38%
Supplies and Materials	50,320	2,275	0	48,045	2,425	4.52%
Unallocated Expenses	23,705	0	0	23,705	0	0.00%
Equipment	12,700	83	226	12,391	510	2.43%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	2,640,486	213,439	487	2,426,559	215,672	8.10%
Flow Through	1,151,887	17,594	0	1,134,293	85,589	1.53%
Total Exp & Flow Through	3,792,373	231,033	487	3,560,852	301,261	6.10%



School Trust Lands

# of FTE Staff -4.00

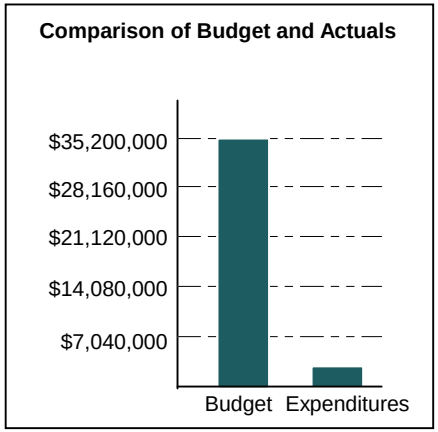
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	312,975	39,557	0	273,417	35,931	12.64%
Benefits	171,911	20,905	0	151,006	19,888	12.16%
Purchased Services	62,713	5,065	477	57,170	4,943	8.84%
Travel	10,000	1,984	0	8,016	6,639	19.84%
Supplies and Materials	13,605	2,240	0	11,365	2,823	16.46%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	1,000	0	0	1,000	74	0.00%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	572,203	69,750	477	501,976	70,299	12.27%
Flow Through	87,279	0	0	87,279	0	0.00%
Total Exp & Flow Through	659,483	69,750	477	589,255	70,299	10.65%



Schools for Deaf and Blind

# of FTE Staff -1086.

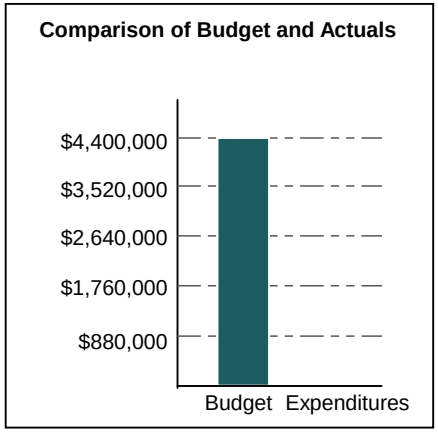
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	16,046,257	1,729,379	0	14,316,878	1,681,453	10.78%
Benefits	9,221,069	1,062,681	0	8,158,388	1,041,595	11.52%
Purchased Services	5,609,512	143,699	38,912	5,426,900	141,961	3.26%
Travel	428,530	47,249	0	381,281	40,790	11.03%
Supplies and Materials	2,305,755	151,955	33,694	2,120,106	144,408	8.05%
Unallocated Expenses	0	131	0	(131)	0	0.00%
Equipment	221,800	28,918	49,948	142,934	42,989	35.56%
Capital Expenditures	1,355,250	0	0	1,355,250	0	0.00%
Total Expenditures	35,188,173	3,164,012	122,553	31,901,608	3,093,197	9.34%
Flow Through	0	20	0	(20)	0	0.00%
Total Exp & Flow Through	35,188,173	3,164,032	122,553	31,901,588	3,093,197	9.34%



Science (Isee)

# of FTE Staff -0

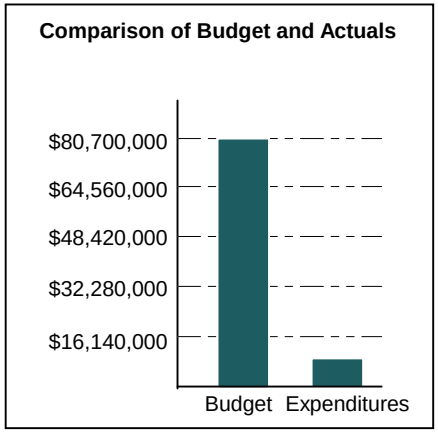
Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	0	0	0	0	0	0.00%
Benefits	0	0	0	0	0	0.00%
Purchased Services	0	0	0	0	0	0.00%
Travel	0	0	0	0	0	0.00%
Supplies and Materials	0	0	0	0	0	0.00%
Unallocated Expenses	0	0	0	0	0	0.00%
Equipment	0	0	0	0	0	0.00%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	0	0	0	0	0	0.00%
Flow Through	4,390,000	0	0	4,390,000	0	0.00%
Total Exp & Flow Through	4,390,000	0	0	4,390,000	0	0.00%



Special Education

# of FTE Staff -13.33

Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	298,282	183,146	0	115,137	172,939	61.40%
Benefits	572,800	100,392	0	472,408	93,364	17.53%
Purchased Services	2,206,967	51,173	8,955	2,146,839	13,513	2.72%
Travel	41,864	5,801	0	36,063	2,963	13.86%
Supplies and Materials	216,505	(20,499)	2,975	234,028	48,127	(8.09%)
Unallocated Expenses	2,336,274	0	0	2,336,274	0	0.00%
Equipment	61,858	2,355	519	58,984	490	4.65%
Capital Expenditures	0	0	0	0	0	0.00%
Total Expenditures	5,734,551	322,369	12,450	5,399,732	331,396	5.84%
Flow Through	75,007,560	9,098,967	0	65,908,593	5,844,703	12.13%
Total Exp & Flow Through	80,742,110	9,421,336	12,450	71,308,325	6,176,099	11.68%

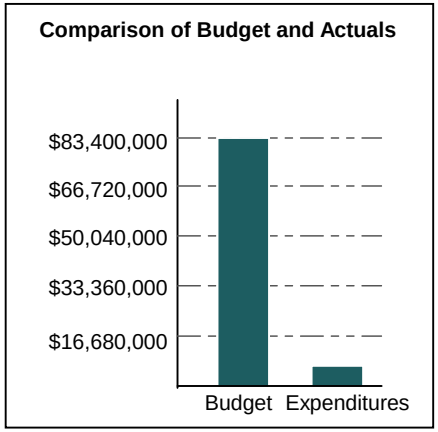


Department Budget & Expenditures Breakdown
Fiscal Year 2016
Month Ending Aug 31, 2015

State Office of Rehabilitation

# of FTE Staff -1185.

Description	Budget	Year-To-Date Expenditures	Encumbrances	Budget Balance	Last Year Expenditures	% Spent
Salaries	23,628,573	2,890,052	0	20,738,521	2,922,466	12.23%
Benefits	13,306,166	1,605,488	0	11,700,678	1,647,416	12.07%
Purchased Services	3,376,763	981,613	90,591	2,304,560	1,000,489	31.75%
Travel	400,121	12,680	12,150	375,292	17,559	6.21%
Supplies and Materials	2,959,269	184,130	183,286	2,591,853	241,789	12.42%
Unallocated Expenses	494,488	0	0	494,488	217	0.00%
Equipment	1,601,601	2,327	124,187	1,475,086	11,554	7.90%
Capital Expenditures	164,633	0	0	164,633	0	0.00%
Total Expenditures	45,931,615	5,676,290	410,214	39,845,112	5,841,490	13.25%
Flow Through	37,464,430	1,653,179	0	35,811,251	3,086,919	4.41%
Total Exp & Flow Through	83,396,045	7,329,468	410,214	75,656,363	8,928,409	9.28%



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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: September 18, 2015

ACTION: Legislative Audit of the Utah State Office of Rehabilitation's Budget and Governance, and USOR Plan

---

Background:
During the 2105 Legislative Session, and as a result of the budget issues at the Utah State Office of Rehabilitation (USOR), the Social Services Appropriations Committee of the Legislature (to which USOR reports) requested an audit of USOR. The scope of the audit includes: USOR's budget and financial management process, USOE and USOR oversight efforts/inadequacies, whether USOR belongs elsewhere in state government, and use of the money from the Visually Impaired Trust Fund. It is the first of two audits of USOR scheduled by the Office of the Legislative Auditor General. The second, yet to begin, will examine "the provision of vocational rehabilitation services and related cost controls."

Key Points:
This first audit was released September 8, and the presentation of the audit to the Social Services Appropriations Subcommittee took place on September 11. A combined response from the Board, USOR, and USOE was provided and published with the final audit.

Darin Brush, USOR Executive Director, will also present the Board with the USOR Plan.

Anticipated Action:
The USOR audit and response will be reviewed by the Board. The Board will consider approval of the USOR Plan.

Contact: Darin Brush, USOR Executive Director, 801-538-7540

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

USOR Agency Plan

Updated 28 July 2015

Goal: USOR manages its resources to effectively and efficiently serve the greatest number of eligible clients while remaining within its allocated budgets

Description: USOR will develop and utilize ***a comprehensive budget and accounting management system*** for informed and accurate budget projections, timely and thorough obligations and expenditures tracking, and long-term planning to help predict future funding needs

Activities:

- Build a financial management team with sufficient capacity to meet the needs
- Develop the FY2017 agency budget
- Create, test, and implement a payroll tool that accurately informs the budget and accounting system
- Develop a model to explain and track state maintenance of effort, federal funding, and reallocation funding for rehabilitation services
- Develop a model to accurately project client services in the short- and long-term (by estimating average costs to provide services to each category of clients), and continuously compare actual expenditures to projections
- Create a mechanism for regularly evaluating the ability to provide the full range of vocational rehabilitation services to all eligible individuals
- Implement an Order of Selection resource tracking mechanism
- Provide fiscal monitoring and technical assistance to divisions and contracted partners
- Review statewide building/space usage for maximum efficiency
- Manage restricted assets (trust funds) for appropriate uses
- Establish working agreement with the Utah State Office of Education for accounting services

Goal: USOR uses relevant and accurate performance management data to achieve and sustain operational excellence

Description: USOR will build ***an integrated management information system (MIS)*** that tracks performance across all activities that are relevant to agency goals and federal/state requirements, and which is accessible to USOR management, staff, and clients, as well as stakeholders, partners, and the public.

Activities:

- Build a management information and reporting team with sufficient capacity to meet the needs
- Survey and capture the required performance indicators across all USOR divisions and programs
- Identify additional performance indicators necessary for managing the agency
- Build an MIS reporting template that includes all relevant performance indicators
- Automate MIS reporting
- Publish performance results

Goal: USOR complies with applicable laws, regulations and rules, and follows essential plans, policies, and procedures in order to properly carry out its mission and mandates

Description: USOR will create ***a centralized compliance and quality assurance structure*** to ensure regulatory compliance, organizational consistency, and continuous improvement

Activities:

- Build a compliance team with sufficient capacity to meet the needs
- Create a robust set of necessary agency policies and procedures
- Comply with the guidance contained in the Omni Circular
- Implement the Workforce Innovation and Opportunities Act
- Provide monitoring and technical assistance to divisions and contracted partners

Goal: USOR has an organizational structure and the key operational activities that support it as a high performance agency

Description: USOR will ***configure the agency to consistently implement managerial direction, align service delivery systems, and enhance communication***, while allowing for adaptation to changing conditions and needs

Activities:

- Analyze organizational strengths, weaknesses, and risks
- Review current organizational structure for gaps and efficiencies
- Organize management and administrative positions to meet agency needs, adding new positions as necessary
- Create a centralized, long-term planning function
- Organize management teams (e.g. executive, senior, and/or expanded) to reflect the agency priorities
- Expand the leadership development strategy throughout the agency
- Look for efficiencies throughout the agency
- Focus on clear and consistent communication throughout the agency and with stakeholders
- Clarify expectations for communication with the State Board of Education

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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: September 18, 2015

DISCUSSION: Risk Mitigation Progress Report

Background:
In its October 2014 meeting, the Board received the USOE Risk Mitigation Plan prepared in response to a draft risk assessment by the Board internal auditors. In subsequent meetings, the Board reviewed the USOR Risk Mitigation Plan. Embedded in the plans are timelines for implementation and outlines of resources needed for full implementation.

Key Points:
Staff will provide a progress report on the implementation of the Risk Mitigation Plan.

Anticipated Action:
The Board will receive information regarding the Risk Mitigation Plan and discuss needed resources.

Contact: Brad Smith, State Superintendent, 801-538-7510

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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: September 18, 2015

ACTION: Approval of Grants from the Visually Impaired Trust fund (VITF)

Background: Each year the USOR's Division for the Blind and Visually Impaired (DSBVI) invites proposals from interested consumer organizations to provide specialized services, equipment and/or training to individuals who are blind or visually impaired. These proposals are funded from the Visually Impaired Trust Fund (VITF). Proposals must meet the current documented purpose of the fund which is "to supplement or implement the programs and services of the Division through financial grants." Funds "may be used totally or as a part of additional local, state, and Federal money to create new programs and services...to assist visually handicapped persons in Utah to live a richer, fuller, more constructive life." In order to be considered for a grant an organization must serve the blind, have I.R.S. 501(c)(3) status and be registered in the State of Utah as a non-profit organization and hold a current solicitations permit. In the past no single project has been granted more than 25 percent of the funds available for the year. It appears that in the past an effort was made to limit the total funds awarded through grants in a single year to the yearly interest earned by the Fund. Recent audits however have failed to find any formalized policy or legal restriction regarding the amount of the grants.

Once received, proposals have been reviewed by a committee appointed by the Executive Director of USOR which makes recommendations for approval to the Executive Director. Once approved at that level grants have been submitted as part of the consent calendar to be approved by the Board.

Key Points:

The grants submitted for approval per this memo were originally received in 2013 and approved by the traditional process up to the Executive Director of USOR. It is unclear why they were not submitted for Board approval. USOR is asking that these grants be approved by the Board under the old process as the proposals were submitted and approved up to a point under those guidelines. However, understanding that no grants have been approved for the last few years, USOR is bringing this request for approval to the full Board to update members about the process and solicit input regarding the process for making future awards. USOR is committed to having a more formal, structured, and inclusive strategy for the awarding of grants from the VITF moving forward as part of an overall effort to further define the purpose of the fund and develop more comprehensive guidance regarding appropriate use of the fund.

Anticipated Action: Review and approval of VITF expenditures to fund the listed grants in the amounts listed.

Contact: Stacey Cummings at scumming@utah.gov or 801-538-7781

2013 REQUESTED DSBVI VHTF GRANTS

Requestor		Requested Amount	Recommended Action
Braille Resource & Literacy Center			
Braille Service Project		$ 5,025	$ 744
NFB			
(BELL)			
Braille Enrichment Through			
Literacy & Training		$ 2,700	$ 744
Red Rock Center for Independence		$ 1,000	$ 744
OAD			
OAB Transportation Services		$ 3,000	$ 744
UCB		$26,000	$3,723
UCB Adaptive Technology	($5,000)		
UCB Braille Literacy Project	($6,000)		
UCB Ceramics Classes	($2,000)		
UCB Subsidized Cab Coupon Program	($8,000)		
UCB Teaching/Mentoring People who are Blind at Home	($5,000)		
Total Requested		**$37,725**	
Total Recommended Funds Paid FY 2013			**$6,699**

2013 Requested DSBVI VHTF Grants
Summary

Braille Resource & Literacy Center
Braille Service Project
The Braille Resource & Literacy Center produces Braille materials for use by the blind of Utah and teachers of the blind. The money will be used to produce a basic primer as well as simple Braille story books for those just learning Braille.

NFB
(BELL) Braille Enrichment through Literacy and Training
BELL is a two-week summer program designed for low vision and blind children. This grant is to provide 12-15 children ages 4-12 with two weeks of exposure to Braille and non-visual learning through concentrated Braille instruction.

Red Rock Center for Independence (RRCI)
RRCI provides services for the older blind in Southern Utah. All do not have easy access to the training provided at the St. George facility. Using the grant to assemble a Mobile Training Kit will make the process of taking training materials to consumers in rural locations manageable.

OAB
Transportation Services for 2013
OAB members and other participants depend on a reliable, safe, and affordable source of transportation. This grant is to provide transportation to any blind and/or severely visually impaired individuals so they may attend activities sponsored by the OAB.

UCB
Adaptive Technology for the Blind and Visually Impaired
People who are blind can greatly increase their independence if they have access to appropriate adaptive technology. This grant will be used to assist adults to acquire adaptive technology.

Braille Literacy
In spite of the service of the Utah State Library for the Blind and other agencies to produce Braille, there is a multitude of print items which are not available in Braille. This project provides transcription of print into Braille for personal use.

Ceramics Classes
This money makes the ceramics classes available to individuals who are blind, newly blind and visually impaired. Individuals learn to rely on their sense of touch to produce artistic objects and are also given the opportunity to socialize, thus reducing isolation.

Subsidized Cab Coupon Program
Transportation for the blind is difficult due to limitations created by funding and lack of public transportation. This money provides emergency travel as necessary.

Teaching/Training People Who Are Blind in Their Homes
The loss of sight restricts the ability of the blind or visually impaired to function independently and freely access their community. This teacher/mentor program teaches skills to help individuals remain in their homes.

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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: September 17-18, 2015

ACTION: State Fiscal Year (17) Increased Funding Request Prioritization

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Background:
Each State Fiscal Year Budget Preparation and Formulation allows for the opportunity to request increased funding for positions or programs above the prior State Fiscal Year Base Budget and increased funding to the prior year budget which, in essence, becomes the next State Fiscal Year base budget with the exception of one time appropriations.

Key Points:
The USOE, USDB, and USOR increased funding requests are attached for Board Review.

Anticipated Action:
The Board will examine the increased funding requests and determine funding priorities for consideration during the 2016 legislative session.

Contact: Scott Jones, Associate Superintendent, 801-538-7514

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

Utah State Board of Education State Fiscal Year (SFY) 17 Legislative Funding Requests as of 7 September 2015

USOE			USDB			USOR		
Ranking	Description	Cost Estimate	Ranking	Description	Cost Estimate	Ranking	Description	Cost Estimate
	Ongoing			Ongoing			Ongoing	
Expected	Full Funding of Growth	$ 54,600,000.00						
Expected	WPU Increase - CPI-U - 1.5%	$ 38,750,000.00	1	Teacher Steps/Lanes	$ 460,000.00		Compliance Officer (1 FTE)	$ 150,000.00
	Special Education Add on WPU Value	$ 5,328,871.00		Compensation Increase for ASL Interpreters and Teacher's Aides	$ 300,000.00		Older Blind Specialist and Care Travel Instructor (2 FTE)	$ 225,000.00
	Contract Attorney (1 FTE)	$ 35,000.00		USIMAC Sustainability	$ 600,000.00		Increased Facility Expenses (St. George and Sanderson Center)	$ 60,000.00
	Board Attorney (1 FTE)	$ 175,000.00						
	USBE LIS Specialist (1 FTE)	$ 120,000.00					Independent Living Assistive Technology Program	$ 200,000.00
	Data and Statistics Salary Increases	$ 65,000.00					Hard of Hearing Rural Outreach Program	$ 50,000.00
	Risk Mitigation FTE increases: (3) Managerial Accountant Positions and (1) Federal Grants Compliance Officer Positions (Associate Superintendent of Business and Operations)	$ 580,000.00					Independent Living Center Services	$ 300,000.00
	School Finance Salary Increases for Overtime Compensation during Legislative Sessions	$ 15,000.00					Client Service Policy Coordinator	$ 130,000.00
	Special Education Intensive Services Fund	$ 2,000,000.00					Direct Client Services	$ 1,500,000.00
	Student Services Section Establishment (1) FTE Student Services Director	$ 120,000.00						
	Increased Capacity of UCA and IDEA license (School Finance)	$ 50,000.00						
	School Finance and FTE Costs being paid from Discretionary	$ 155,000.00						
	Special Education Financial Manager Position	$ 130,000.00						
	Carson Smith Scholarship	$ 70,000.00						
	Administrative Funding Increase (Teaching and Learning)	$ 400,000.00						
	Professional Development (Teaching and Learning)	$ 500,000.00						
	Internal Audit Administrative Secretary	$ 85,000.00						
	Internal Audit Budget from One Time to On-Going	$ 450,000.00						
	Internal Audit Administrative Increase	$ 10,000.00						
	Internal Audit Additional FTE One Financial/Compliance InternalStaff Audit	$ 100,000.00						
	Program Manager (1 FTE) Assessment to Achievement	$ 80,000.00						
	Information Technology Salary Increases (0102)	$ 135,000.00						
	Information Technology Salary Increases (0443)	$ 120,000.00						
	Information Technology Software Renewals	$ 175,000.00						
	Information Technology Additional FTE Request (1)	$ 115,000.00						
	Information Technology Media Equipment	$ 6,000.00						
	Public Relations Mass and Social Media Monitoring	$ 13,000.00						
	Public Relations Short Meassage Services System	$ 1,200.00						
	School Children's Trust (web programming and administrative costs)	$ 60,000.00						
	Two additional Office Tenician/Specialis Positions	$ 120,000.00						
	Total	$ 104,564,071.00			$ 1,360,000			$ 2,615,000.00

USOE			USDB			USOR		
Ranking	Description	Cost Estimate	Ranking	Description	Cost Estimate	Ranking	Description	Cost Estimate
	One-time			One-time			One-time	
	Information Technology Server Equipment	$ 325,000.00		Upgrade USDB Cottages and STEP Building	$ 320,000.00		Interpreter Filming Certification Requests	$ 60,000.00
	SAGE Item Development	$ 6,545,000					Independent Living and Assistive Technology	$ 500,000.00
	Increased Capacity of UCA and IDEA license (School Finance)	$ 25,000.00					Blind Business Opportunity Funding	$ 240,000.00
	Total	$ 6,895,000			$ 320,000.00			$ 800,000.00

Non Funding Items

??	Freeze the Basic Rate							
??	UPPAC Statutory Language							
??	Recommendations from R277-419/LEA Funding Taskforce							
??	School Grading							
??	2% Cap on Trust Lands Fund							
??	Board Attorney							

Updated 9/7/2015

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

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Tim Donaldson
School Children's Trust Director

DATE: September 18, 2015

DISCUSSION: Distribution of Permanent State School Fund Legislation

---

Background:
Presently, the interest and dividends earned by the permanent State School Fund are distributed each year. Senator Ann Millner will be sponsoring legislation in the 2016 legislative session to propose an amendment to the Utah Constitution to change how funds are distributed from the Fund.

Key Points:
The purpose of the proposal is to limit distribution of the Fund to no more than a certain percent (e.g. four percent) of a rolling 3-5 year average of the Fund's total balance, with discretion to the Legislature or some other body to set the rate up to the constitutional maximum. The proposal is considered in line with best practices for the management of large endowment funds (greater than $1 billion), of which the permanent State School Fund is one.

The legislation will be introduced in the 2016 legislative session. A constitutional amendment will require a vote during the November 2016 election before the language could be formally amended into the state constitution.

Anticipated Action:
The Board will receive the information and engage in discussion about the proposed legislation.

Contact: Tim Donaldson, School Children's Trust Section Director, 801-538-7709
Angie Stallings, Associate Superintendent, 801-538-7550

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

Permanent State School Fund
Constitutional Amendment
Summary of Issues
Utah State Board of Education September 2015 Meeting

1) The Utah Enabling Act requires that all revenues earned off of the approximately 4 million acres of school trust lands be deposited into the permanent State School Fund.

2) The Utah Constitution states that the $2 billion permanent State School Fund shall distribute each year the interest and dividends earned off of investments for the support of the public education system. Art. X, § 5(2)(b).

3) An "interest and dividends" distribution policy represents an antiquated way to manage an endowment fund of this size. Modern theory requires that these types of funs be invested in a diversified portfolio of investments that produce many different types of returns.

4) Tying the distribution to a particular type of return creates a "tail wagging the dog" situation, where the endowment fund managers end up making decisions based not on what is the best possible investment for the School Children's Trust, but on the potential types of return they can earn from the investments.

5) The vast majority of endowment funds of a similar size and nature calculate their distributions based on a percentage of the fund's overall value, with minor adjustments to the formula to take into account the specific needs of the fund's beneficiaries.

6) It is proposed that the statutory and constitutional language concerning the permanent State School Fund's distribution policy should be changed as follows:

    a. The language in the Constitution should be amended to place a cap on the amount of money that can come out of the fund in any given year, equal to 4% of a rolling 12-quarter average of the fund's balance.

    b. The formula establishing exactly how the distribution will be calculated below that threshold would be put in statute.

7) Making these changes would simultaneously improve the fund's management, provide a more stable and predictable amount of money each year, and increase the amount of funds available to schools.

UTAH STATE BOARD OF EDUCATION
RESOLUTION NO. 2015-2

A RESOLUTION ESTABLISHING THE OFFICIAL POSITION OF THE UTAH STATE BOARD OF EDUCATION REGARDING AN AMENDMENT TO THE UTAH ENABLING ACT ALLOWING UTAH TO SET THE DISTRIBUTION POLICY FOR ITS PERMANENT STATE SCHOOL FUND

WHEREAS, the Utah State Board of Education (the "State Board") exercises "general control and supervision" of the public education system pursuant to Article X, Section 3 of the Utah Constitution; and

WHEREAS, the State Board is the primary beneficiary representative of the trust established for the common schools under Utah Code Ann. § 53C-1-103; and

WHEREAS, the Utah Enabling Act (the "Enabling Act") required Utah to establish a permanent fund into which revenues from school trust lands could be deposited and invested; and

WHEREAS, Utah created the permanent State School Fund pursuant to Article X, Section 5 of the Utah Constitution; and

WHEREAS, the Enabling Act states that only the interest may be distributed from the permanent State School Fund. This is a historical relic from the 19th century and no longer fits with the best practices for endowment fund management or the needs of Utah's schoolchildren, current and future; and

WHEREAS, the enabling legislation for other states, including New Mexico, North Dakota, and Arizona, has been amended to modernize how money is distributed from their permanent school funds and to give control to the individual state to determine the distribution policy that best fits its education system;

NOW, THEREFORE, BE IT RESOLVED, that the State Board supports legislation to amend the Enabling Act to modernize the distribution formula for the permanent State School Fund; and

BE IT FURTHER RESOLVED that the State Board supports legislation to amend the Enabling Act to devolve to the state the authority to make future distribution formula changes in the Utah Constitution without needing to seek federal approval.

PASSED AND APPROVED THIS 8TH DAY OF MAY, 2015.

David L. Crandall, Chair

ATTEST:

Lorraine Austin
Board Secretary

COPIES:

Governor Gary Herbert
Members, Utah State Senate
Members, Utah House of Representatives
Utah Congressional Delegation
Kevin Carter, Director, School and Institutional Trust Lands Administration
David Ure, Chair, School and Institutional Trust Lands Board of Trustees
Allen Rollo, Interim Director, School and Institutional Trust Funds Office
Richard Ellis, State Treasurer and Chair, School and Institutional Trust Funds Board of Trustees
Local School Board Members
School District Superintendents
Charter School Directors

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

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Tim Donaldson
School Children's Trust Director

DATE: September 18, 2015

INFORMATION: Annual Report of the School Children's Trust Section

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Background:
Utah law requires that the School Children's Trust Section report annually to the State Board regarding the permanent State School Fund (Utah Code Ann. § 53A-16-101.6(11)).

Key Points:
The written annual report is provided for informational purposes.

Anticipated Action:
The Board will receive the report.

Contact: Tim Donaldson, School Children's Trust Section Director, 801-538-7709
Angie Stallings, Associate Superintendent, 801-538-7550

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

Annual Report on Utah's School Trust

Tim Donaldson, School Children's Trust Director, Utah State Board of Education

September 18, 2015

Utah law requires that the School Children's Trust Director "provide independent oversight on the prudent and profitable management of the trust and report annually to the State Board of Education and the Legislature." Utah Code Ann. § 53A-16-101.6(9). This report is provided for the purposes of meeting the statutory requirement and to update the Utah State Board of Education and the Legislature on the major issues facing the School Children's Trust and School Community Councils.

The public school beneficiaries are grateful for the tens of millions of dollars generated each year by the careful management of trust resources. This report is intended to highlight the successes and challenges of trust land and fund managers over the past year.

School and Institutional Trust Fund Office and Board of Directors

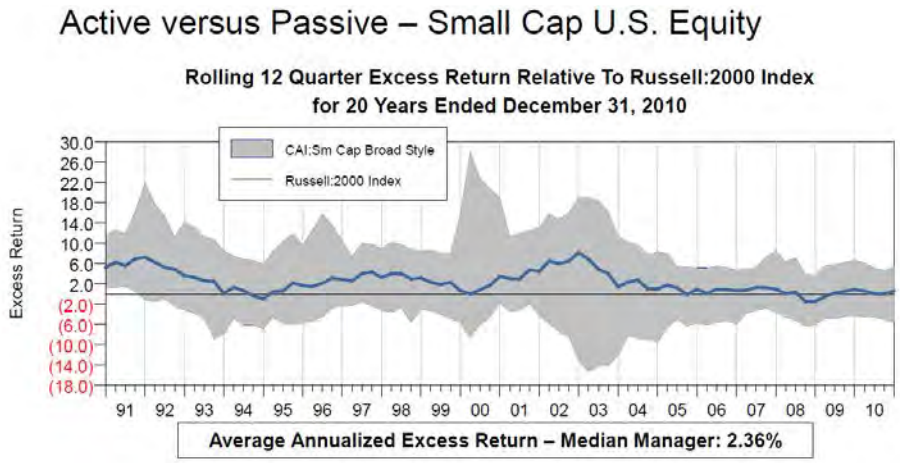
The School and Institutional Trust Fund Office ("SITFO") Board of Directors met for the first time in September 2014. Since then, almost all of the SITFO Board's time has been dedicated to hiring the first ever Director/Chief Investment Officer of the trust fund office. In July 2015, the SITFO Board hired Peter Madsen, formerly of Cube Capital in London, England, to serve as the CIO. Mr. Madsen's first day was September 1, 2015.

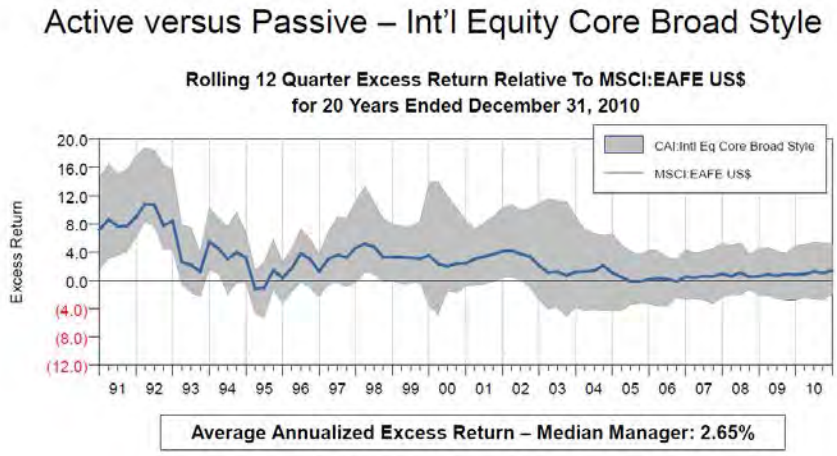
Now that the SITFO Board is freed to concentrate its time and energy on other subjects, there is a long and growing list of matters that need immediate or near-immediate attention. Many of these are required by statute and others are critical to the long-term management of the trust fund. These include: writing an investment management code of conduct and compliance policy, an asset allocation policy, a soft dollar policy, an investment philosophy/policy statement, and a custodian policy; completing an asset allocation study and associated policy to implement a new asset allocation; considering whether to continue with the fund's current outside advisor; reviewing benchmarks and comparisons used for the fund to ensure performance is being measured appropriately; engaging a custodian; and addressing a variety of legal/policy issues currently hanging over the fund.

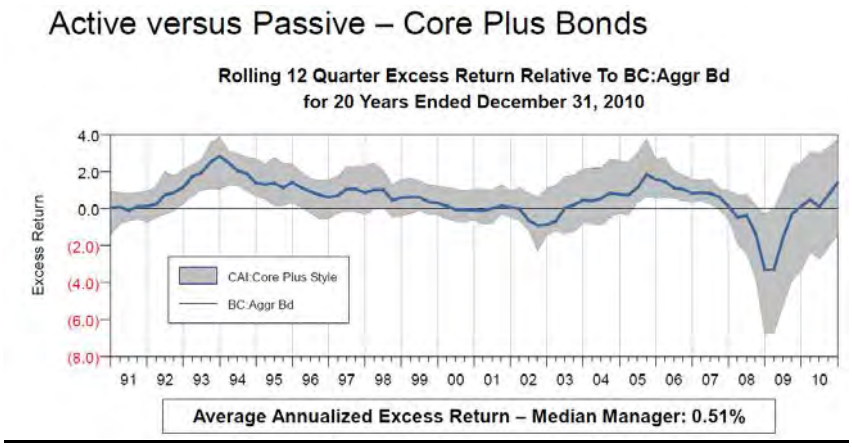
The Permanent State School Fund closed out FY 2015 with a market value of $2.057 billion and earned returns of 5.53% over the past fiscal year, which was 0.43% higher than the policy goal of 5% plus CPI (CPI for the twelve months ending June 2015 was .1%).

The asset allocation policy is probably the single most important piece of business the SITFO Board and office will undertake over the next year. For the past many years, the Fund's equity investments have primarily been placed in "passive" or perhaps "enhanced" index mutual funds. Compelling evidence exists to support the assertion that funds of this size and nature should consider further diversifying into additional asset classes, and perhaps adding some "active" management investments, particularly in the areas of small cap, international equities, and fixed income. Evidence presented by Callan Associates in

the Fund's last Asset Allocation Policy demonstrates that over the long term, active investing in these areas tends to pay significant dividends:







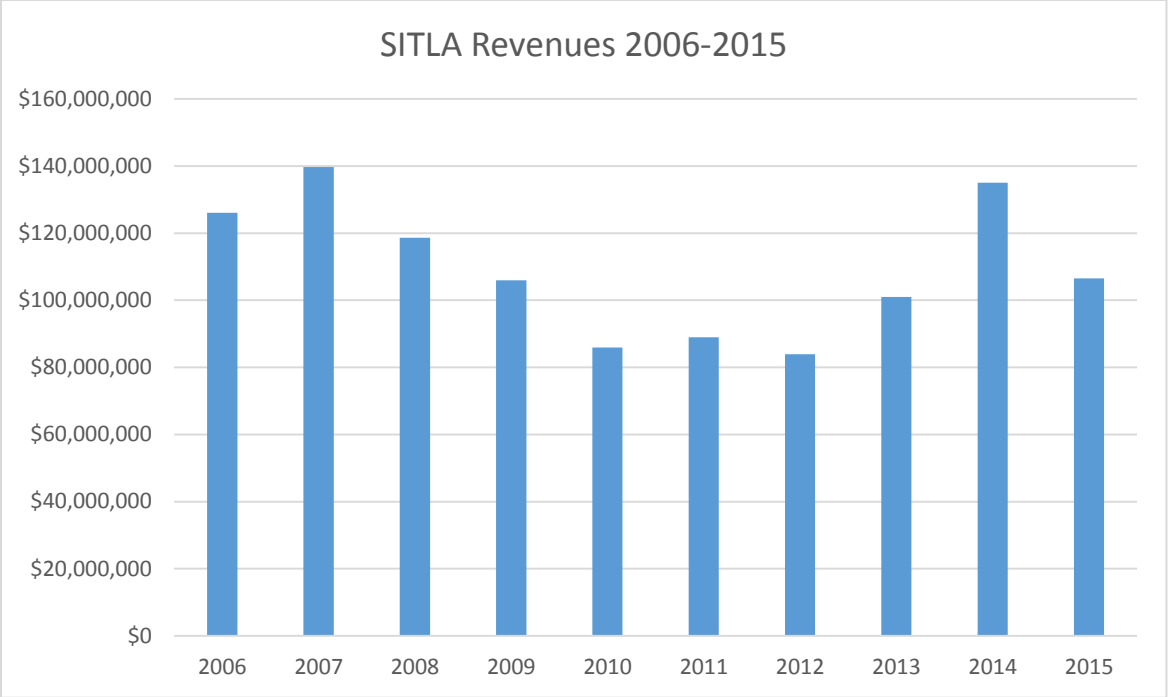
Generally speaking the reason for this result is because while indexed investments may outperform their active counterparts during the "good times," there is substantial benefit to professional management during the "bad times," enough to make up for any

underperformance in a bull market. *See, e.g.*, Richard Yasenchak, CFA & Valerie Azuelos, *Active vs. Passive: the Age-Old Debate*, InTech Reports, at 3 (March 2015) ("By not realizing all the downside, skilled active managers tend to outperform over the long term regardless of the cyclical headwinds in sharply downward markets. . . . Due to the effect of compounding, limiting losses during a market downturn has the potential to increase a portfolio's return over the long term."). Active management in these particular asset classes is also generally preferable because these markets are less efficient, creating an opportunity for high quality active managers to uncover value for their investors.

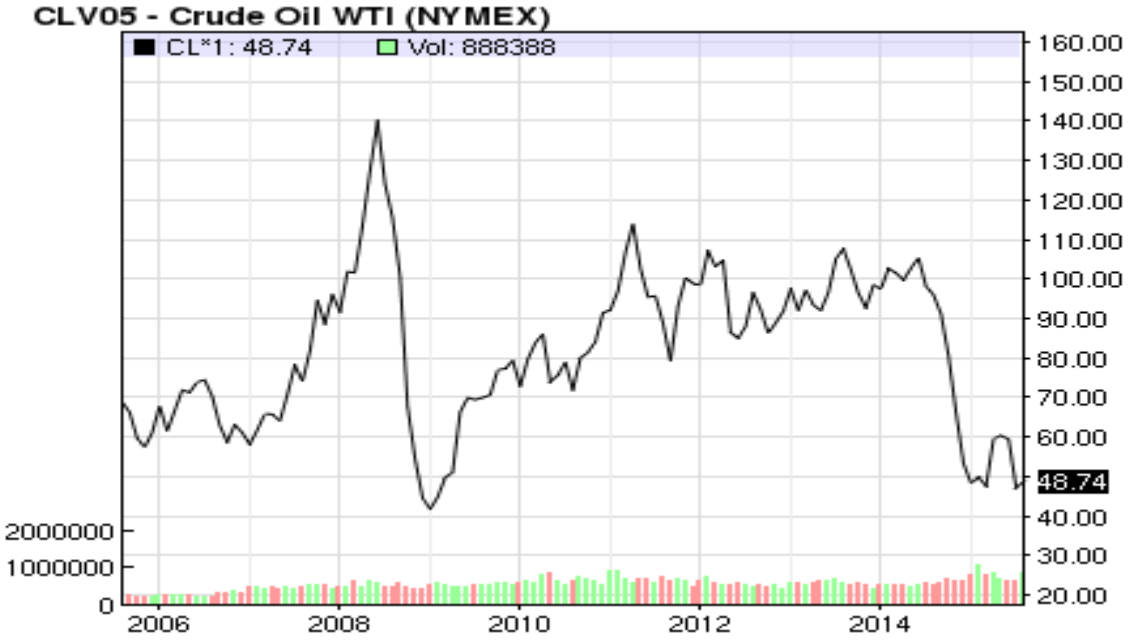
School and Institutional Trust Lands Administration and Board of Directors

The School and Institutional Trust Lands Administration ("SITLA") earned a total of $106.5 million in revenues during FY2015, approximately $10.7 million of which went to fund the agency's operation, and SITLA deposited approximately $95.8 million into the funds of the respective land beneficiaries. Approximately $90.8 million went to the permanent State School Fund. By comparison, in FY2014 SITLA earned revenues of $135 million, had expenses of $12.2 million, and deposited $121.8 million into the permanent State School Fund, a decrease of 25.5%. This drop can be explained nearly entirely by a $26 million (-29%) drop in oil and gas royalties and a $5.5 million (-65%) drop in surface land sales due to a one-time extraordinary transaction in the prior fiscal year, and was partly made up by an $8 million (+50%) jump in revenues from the Development group. SITLA's dependence on oil and gas royalties has been apparent for many years, and the ability of the Development group to make up in part for some of the reduced revenues suffered in oil and gas shows the importance of having diverse revenue streams.

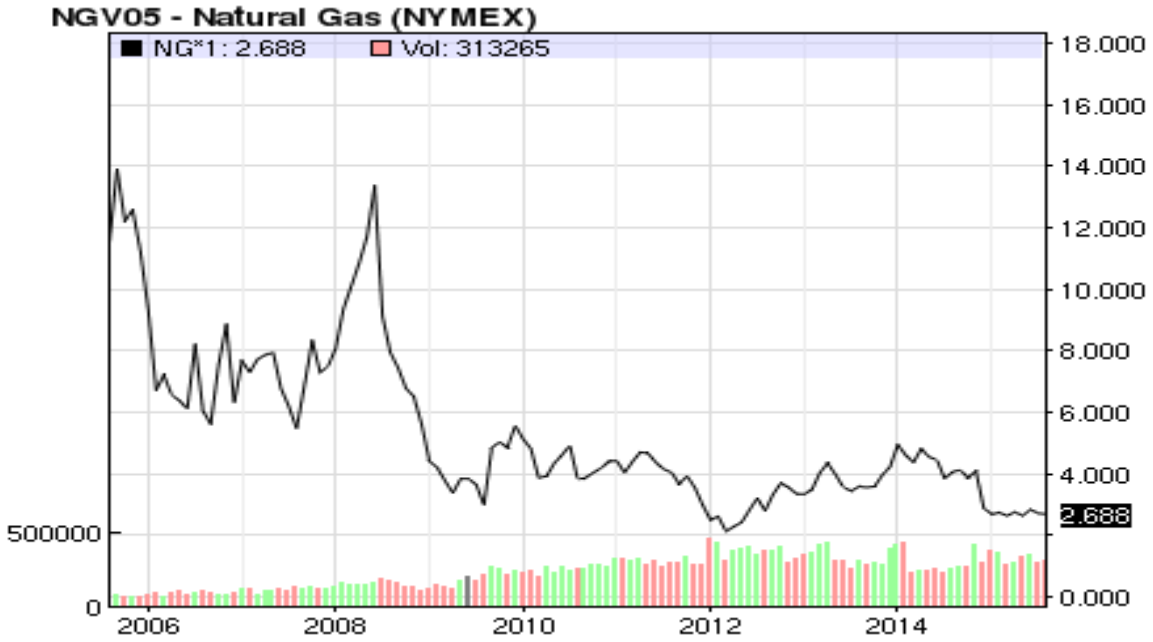
Over the past 10 years, SITLA's revenues have been fairly stagnant. The following chart illustrates SITLA revenues over that period:



Likewise, the price of oil over the past 10 years, has been extremely volatile but on a downward trend:



Even more dramatic has been the decline in the price of natural gas over that same period, as the "fracking boom" has put incredible pressure on SITLA's greatest resource:



With the SITLA Board currently in the process of selecting a new Director to replace Kevin Carter, who is retiring after 34 years of service growing the trust to where it is today, it is critical to find a leader with the vision to keep moving SITLA forward.

Major projects for FY2015 include:

- Oil & Gas exploration agreements on several blocks including the Potash Block, Big Water Block, Parker Mountain Block, and the Bluff Block.
- Significant Development group leases or sales in Eagle Mountain (Utah County), and Dammeron Valley, Sienna Hills, Sun River, and Meadow Valley (all Washington County), with accompanying significant capital investments on the South Block.
- Updating by the Surface group of the fees surrounding the assignment of grazing permits, which takes place on approximately 95% of all trust lands.
- Participation in numerous land exchange discussions, including the Eastern Utah Public Land Initiative (PLI) and the Utah Test and Training Range expansion proposal. The PLI, in particular, has been a very "stop-and-go" process which has required significant top-level involvement from SITLA, to great expense, and the potential for success dwindles with every passing day.

The overriding concern for the beneficiaries over the next fiscal year is the selection and training of a new SITLA Director. By market value, SITLA almost qualifies as an S&P 500 company, and by annual profits the organization is easily within the Fortune 1000. The agency warrants a leader of comparable heft. Inevitably even the most prepared candidate will require a period of time to get up to speed with everything happening within the organization. Beyond that, most of the Agency's top staff is at or close to retirement age. The organization should be preparing for the inevitable loss of these top people and the institutional knowledge that will go with them.

The beneficiaries are also hopeful that with the new SITLA director and the recent hiring of the SITFO director, opportunities will arise to integrate further the management of the trust as "one trust," and that each organization can lean on the other for the expertise they both need.

The board has six subcommittees, including an audit committee, but does not have a Finance Committee. It may be a good idea for the board, as new leadership is transitioned in, to create a finance committee and perhaps engage in a zero-based budgeting exercise to ensure the board has a full understanding of the budget. New leadership should also review the organizational chart with the board, and consider whether efficiencies can be found to improve operations and redundancies by "breaking down the silos" which have grown over time between different revenue groups.

Federal Land Policy

With the exception of the trust's large land blocks, school trust lands are largely caught within a "sea" of federal land. As such, federal land management and legal oversight has a significant impact on the trust's ability to generate revenue on trust lands, not to mention local school districts ability to raise tax revenues to support education. Aside from the general hesitancy to develop oil and gas resources on federal lands over the past several years, significant new threats to the trust have emerged over the past year. First, the Ute Indian Tribe won a significant lawsuit against the State of Utah over the legal status of the former Uncompahgre Indian reservation. The Uncompahgre Indian Reservation comprises most of Uintah County, i.e. the trust's oil and gas "breadbasket." Although the fallout from this decision is not clear, the Tribe is now at least asking for the Uncompahgre to be returned to its ownership. At the very least it could mean that the Tribe (and therefore the EPA) may end up with increased regulatory authority over oil and gas production on trust lands. The EPA has also recently proposed rules that would give Indian tribes increased regulatory authority over the Clean Water Act, meaning that developments on trust lands in particular portions of the state could need to get tribal permission to proceed. These are significant threats to the trust.

Monument designations are a perpetual threat to the trust, particularly at the end of a president's second term of office. The President has the authority under the Antiquities Act of 1906 to declare "national monuments" on any federally controlled (a.k.a. BLM or USFS) land which has the effect of creating massive blocks of wilderness out of what was previously mixed use land. Due to the land pattern of school trust lands, large monument designations also capture within them significant acreage of trust lands, typically about 10% of the footprint. There are no fewer than three different monument designations in Utah currently being proposed by various entities, potential monuments in the San Rafael Swell, Greater Canyonlands, and Bears Ears areas of the state. Each of these would capture tens if not hundreds of thousands of acres of productive trust lands.

Presently, the Department of the Interior has stated that it is waiting to see the results of the PLI process before making any recommendations to the President. In the event the PLI

process stalls or fails, Utahns should expect President Obama to designate one or more national monuments in Utah. The School Children's Trust Section, along with SITLA and other interested members of the trust lands community, will work as hard as possible to prevent the permanent capture of trust lands within any monument designation. One potential resolution is the passage of the federal Advancing Conservation and Education ("ACE") Act, which would grant states the right to select other federal lands in lieu of those captured within monument or other wilderness designations. The Western States Land Commissioners Association (WSLCA) - an association of school trust land managers in the states that still retain school trust lands- is the lead organization advocating for the passage of the ACE Act.

School LAND Trust Program—School Community Councils

In FY2015, the School LAND Trust Program distributed approximately $39.2 million dollars to Utah's public schools. For FY2016, we have recently distributed $46.8 million, an increase of 17%. The school trust now represents approximately 1.5% of the overall state education budget.

A school community council at each school, made up of the principal, teachers, and parents, identifies the school's most critical academic needs and directs their School LAND Trust Program distribution to those areas. Most funds are spent hiring teachers and paraprofessionals, providing professional development to teachers, and purchasing technology for the classrooms. The academic areas most commonly addressed are reading, math, science, and technology.

In 2014, the Legislature passed legislation requiring the School Children's Trust Section to provide training regarding school community councils to parents, school districts, and local school boards. A variety of trainings were held throughout the state in FY2015, reaching approximately 750 school community council members, district personnel, and local school board members in the process.

The School LAND Trust Program has continued to transition to a new website, which has been slow going at times, but should ultimately provide a simple and easy to use system for teachers, districts, local school board, and USOE staff to manage the program.

As the funds for the School LAND Trust Program continue to grow, there has been ongoing discussion within the education community regarding the appropriate uses of the funds. Recently, input from local school board members and district superintendents has indicated that more control on what is considered an appropriate expenditure should be given to local school boards. Program rules are being rewritten to accommodate these requests, while being sensitive to the fact that while local school boards have ultimate authority to approve or deny plans, they cannot dictate to schools how funds are to be spent, and the expenditures must improve direct instruction in academic areas. The School Children's Trust Section has continued to engage with this community to refine and hone the best practices for spending these precious dollars.

Legislative Update

In the 2015 legislative session, the Utah Legislature increased the "cap" of funds coming from the permanent State School Fund to the School LAND Trust Program from an amount no more than 2% of the value of the Minimum School Program ("MSP") to an amount no more than 3% of the MSP. The Legislature also passed a law requiring School Community Councils to be involved in the process implementing web filtering at schools. Schools and districts have found implementing this legislation to be somewhat of a challenge, but continue to work with the bill's sponsor (Rep. Stratton) to reach a workable solution. Minor cleanup legislation may be required in 2016.

For the upcoming legislative session, the School Children's Trust Section is educating legislators on the need to amend the Utah Constitution to change the way funds are distributed out of the permanent State School Fund. Presently, only the interest and dividends come out every year. Modern practice with substantial endowments is to distribute a percentage of a rolling average of the fund's value, with certain floors and caps in place to reduce volatility and allow optimization of investing for risks and returns. Rep. Mel Brown (the "father of the trust") will sponsor the legislation in the House, and Sen. Ann Millner will sponsor the legislation in the Senate. The amendment will require a vote of the citizens of Utah, hopefully to take place in November 2016. The School Children's Trust Section also worked to educate policymakers in Washington, D.C. about a revision to the Utah Enabling Act, if necessary, to correspond with the changes to the Utah Constitution. The amendment to the distribution policy has the unanimous support of the SITFO Board, the Utah State Board of Education, and the SITLA Board.

Closing

Changes made to the governance and management of the trust by the Utah State Board of Education and the Utah Legislature over the past several years has put the trust into perhaps its strongest position ever. Most of the problems internal to the trust are good problems to have, and born of success. Competent and dedicated management at SITLA and SITFO have ensured the trust continues to grow even in difficult times. As funds from the trust to the public schools continue to increase, parental involvement in the process will also increase, leading to an ever more careful and thoughtful use of these sacred funds. This trend will only continue, however, if decisions on the trust's management are made based on what is in the best financial interest of the trust, and not for reasons of political expediency. Support and involvement from the education community is vital for continued success.

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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: September 17-18, 2015

ACTION: State Board of Education Strategic Plan

Background:
The Board last adopted a strategic plan for public education in August 2009. The Board has been working over the past several months on a new strategic plan.

Key Points:
The Board met in a two-day meeting in April to begin the framework for a public education strategic plan. The State Superintendent conducted strategic planning workshops for Board members and USOE executive staff on June 10, June 11, June 23, June 25, and July 7. Education stakeholders along with Board members and USOE staff were invited to subsequent workshops conducted on August 3, August 11, August 13, August 17 and August 20.

A strategic plan for public education has been drafted for Board review and adoption.

Anticipated Action:
The Board will review the draft strategic plan and consider adoption or give direction for revisions.

Contact: Brad Smith, State Superintendent, 801-538-7510

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Debbie Davis
Internal Audit Director

DATE: September 18, 2015

ACTION: Release of Completed Audit Reports

Background: In the July Audit Committee meeting, the Internal Audit Department presented drafts of the following audit reports:

- *Review of the Monthly Budget Report (MBR) and Discretionary Funds Report (DFR)*
- *Utah State Board of Education's State Fleet Report*

Additionally, in the August 2014 Audit Committee meeting, the Internal Audit Department presented a final copy of the audit report *Review of the USOE and USOR Accrual Process* with the management response.

A copy of the confidential draft reports were also provided to the full Board via email. Management responses to the reports have been incorporated with the respective reports.

Key Points:

Reports from July 2015 Audit Committee

The reports mentioned above correspond with some of the top risks identified by Internal Accounting; namely, lack of policies and procedures and internal controls and lack of training for staff. The findings identified with the MBR and DFR also highlight the concerns that Board members have been voicing regarding the accuracy of budget information; however, it is acknowledged that management is aware of these concerns and is working, albeit with limited resources, to address the concerns.

Report from August 2014 Audit Committee

As stated, this report was reviewed in the August 2014 Audit Committee meeting and the committee recommended it to the Board for consideration for release. Recently as part of a process to track prior audits, it was noted that the Board has not yet made a motion to release this report. The report outlines findings associated with insufficient policies, procedures, and internal controls over accruals, insufficient internal controls over data compiled by School Finance, and insufficient internal controls over the accrual calculation for USOR. For state fiscal year 2014, the USOE LEA accrual represented approximately $76 million and the USOR client service accrual represented approximately $1.2 million.

Anticipated Action: Board approval to release these reports to the public.

Contact: Debbie Davis, 801-538-7639

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Debbie Davis
Internal Audit Director

DATE: September 18, 2015

ACTION: Approval of the Internal Audit Charter

Background:
The Internal Audit Department is required by Utah Code and Administrative Rule R277-116 to following Internal Auditing Standards. These standards require the Internal Audit Department to have a charter outlining its purpose, objectives, and authority and require that the charter be regularly updated.

Key Points:
With the revision of Administrative Rule R277-116 *Audit Procedure*, the Internal Audit Charter has been revised. To ensure efficiency when updates are required, because R277-116 and the Internal Audit Department Policy and Procedures Manual contain detailed information, the charter has been scaled back and includes more summary and reference material.

Anticipated Action:
Board approval of the Internal Audit Charter.

Contact: Debbie Davis, 801-538-7639

250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Voice: (801) 538-7517 Fax: (801) 538-7768

UTAH STATE BOARD OF EDUCATION
INTERNAL AUDIT CHARTER

Introduction

The Utah Internal Audit Act, per Utah Code 63I-5-401(3), requires the Internal Audit Director to ensure appropriate standards are followed in the performance and reporting of audits. Utah Administrative Rule ("the Rule") 277-116-3(1)(b) requires the audit director to "direct the audit program… in accordance with the current International Standards for the Professional Practice of Internal Auditing (IIA Standards)." This charter demonstrates compliance with IIA Standard 1000, which requires a charter to formally define "the purpose, authority, and responsibility of the internal audit activity".

Authority and Responsibilities

The Utah State Board of Education is authorized as outlined in the Code noted above to direct the establishment of an internal audit department for programs administered by the entities it governs.

The purpose of the Rule noted above is to outline the authority and responsibilities of the Audit Director, Superintendent, and Agency. The Rule (R277-116-5) requires the agency to cooperate and provide the Internal Audit Director and staff all:

- Necessary access to those charged with governance, management, and staff; and
- Personnel, records, data, and other agency information considered necessary to carry out their assigned duties.

The chief audit executive (CAE) is the principal internal auditor with overall responsibility for the internal audit function; the designation for the CAE is the Director of Internal Audit. The Director of Internal Audit and the Internal Audit Department staff function as staff for the Audit Committee of the Board and report directly to the Audit Committee of the Board and ultimately to the Board.

The roles and responsibilities of the Internal Audit Department and staff are further defined in the Rule (R277-116-3) and the Internal Audit Department Policy and Procedures Manual.

Objectives and Purpose

The Rule (R277-116-6-8) also outlines "the Board's procedures for audits of agencies," including procedures for the audit plan, audit process, and audit reporting. The Rule defines "Agency" as entities governed by the Board, LEAs, and sub-recipients.

Internal auditing is an independent and objective assurance and consulting function designed to add value and improve operations. Assurance services (audits) may, depending upon the audit scope, identify:

- The adequacy of the agency's systems of internal control,
- The efficiency and effectiveness of the agency's management in carrying out assigned responsibilities
- The efficiency and effectiveness of agency programs, accounts, sections, etc., and
- The agency's compliance with applicable laws, rules, and regulations.

Consultation reviews are non-audit services where auditors provide technical advice, counsel, training, or assistance upon formal request. Consultations must not result in auditors making management decisions or performing management functions.

For additional detail on the objectives and purpose of the Internal Audit Department, see Chapters I-IV of the Internal Audit Department Policy and Procedures Manual.

Professional Standards

The Internal Audit Department is committed to the professional practice of internal auditing as defined by the Institute of Internal Auditors (IIA). All Internal Audit Department staff will follow the Code of Ethics of the IIA, which includes principles such as Integrity, Objectivity, Confidentiality, and Competency. Internal Audit Department staff will follow all administrative rules, agency policies, applicable state laws, and the Internal Audit Department's Policy and Procedures Manual. Internal audits will be conducted in accordance with the IIA Standards as required by Utah Code and the Rule.

The Utah Internal Audit Act and IIA standards require that the internal audit department be free of operational and management responsibilities that would impair their ability to make independent audits. The Internal Audit Department's audit process does not in any way relieve the Board or the agency, as defined in the Rule, of the responsibilities assigned to them.

The Internal Audit Department Policy and Procedure Manual, Chapter I, includes additional details regarding independence and objectivity and other professional standards.

Approval:

_____ _____

Chair, Utah State Board of Education Date

_____ _____

Director, Internal Audit Date

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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Debbie Davis
Internal Audit Director

DATE: September 18, 2015

ACTION: Change to the Internal Audit Budget

Background:
As with other USOE agencies and sections, the Internal Audit Department prepared a budget for SFY16 and a version of that budget was approved by the Board and included as the official budget in BASE. In the July Audit Committee meeting the Internal Audit Director noted concerns with the budget and Internal Audit and Internal Accounting subsequently reviewed the budget. In the August Audit Committee meeting Internal Audit submitted a revised budget for approval that requests, because Internal Audit will not be in the indirect cost pool until SFY17, an overall increase in the budget of $15,654.

Key Points:
The revised budget includes changes to the following detail expenditure code line items:

- Salaries and wages were revised to correct some formula errors and rates.
- In-State travel due to the approved prioritized audit plan, which includes an audit requiring travel to southern Utah.
- Educational assistance, membership dues, and employee development and training items were revised according to discussions with HR, industry practice for auditors, and are consistent with the Internal Audit Policy and Procedure Manual.
- Other minor items reflecting actual expected charges rather than estimates.

Anticipated Action:
Board approval to release these reports to the public.

Contact: Debbie Davis, 801-538-7639

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SFY 2016 Internal Audit Budget

Object	Budget Area		2016 Board Approved Current Budget	2016 Revised Requested Budget	Difference	
5*	Salaries & Benefits	×	671,924.90	667,701.69	4,223.21	See SWB Backup
600*	In-state Travel	✓	1,020.00	2,400.00	(1,380.00)	See Budget Backup
605*	Out-of-state Travel	✧	5,325.00	5,325.00	-	See Budget Backup
6115	Human Resources Services	×	3,726.00	3,726.00	-	$621/FTE approved by Legislature SB8
6116	Payroll Services	×	324.00	324.00	-	$54/FTE approved by Legislature SB8
6126	Wireless Communication	×	5,328.00	5,328.00	-	$73.99/mo per employee (600 shared minutes/unlimited data)
6132	Communication Services (6300 in SFY15)	×	6,000.00	6,000.00	-	Century Link (phones) by FTE (previously DTS 6300 @ $1K/employee)
6136	Postage and Mailing	✓	200.00	200.00	-	Based on PY
6161	Rental of Land & Bldgs	×	592.00	402.57	189.43	2014 $.71/sq foot 567
6171	Bldgs & Grnds - Op Supplies	×	5,500.00	5,500.00	-	Double space from PY in 2016 for new staff (Maint Charge/sq foot)
6181	Office Supplies	×	1,000.00	1,000.00	-	Based on PY w/ increase for new staff
6182	Printing & Binding	×	100.00	100.00	-	Estimate
6185	Books & Subscriptions	✧	750.00	750.00	-	Based on PY
6186	Photocopy Expense	×	4,200.00	4,200.00	-	Copier maintenance (estimated $350/mo)
6189	Small Equip/Supplies	✓	500.00	3,000.00	(2,500.00)	Based on PY w/ upgrade costs for cell phones (3 staff) - ongoing is 2100, 900 1x office
6263	Insurance & Bonds	×	5,970.00	5,970.00	-	Double from PY for new staff - Liability premium by FTE
6269	Employee Training& Dev	✧	5,100.00	14,500.00	(9,400.00)	See Budget Backup
6274	Membership Dues	✧	1,425.00	995.00	430.00	See Budget Backup
6282	Employee Educational Assistance	✧		5,250.00	(5,250.00)	See Budget Backup
6468	DP Software <$5K Netw	✓	869.50	2,835.50	(1,966.00)	See Budget Backup
6469	DP Hardware <$5K Laptop	✓			-	
6473	DP Software <$5K Other	✓	2,000.00	2,000.00	-	See Budget Backup
6582	Data Processing - Supplies	✓	400.00	400.00	-	Based on PY (toner for sm printer)
7523	Indirect Costs		120,946.60	120,946.60	-	Determine if IA pays these costs
Total			**843,201.00**	**858,854.36**	**(15,653.36)**	**Underbudget**

×	**required expenditure because Dept exists**
✓	**required to fulfill our critical Dept functions**
✧	**required to maintain competent staff to fulfill critical Dept functions**

UTAH STATE BOARD OF EDUCATION

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: September 18, 2015

ACTION: Licensing Actions and Utah Professional Practices Advisory Commission (UPPAC) Recommendations

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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. In addition, a Licensing Consent Calendar is provided for all other licensing recommendations.

Key Points: The Board has instituted a process for review and action on UPPAC cases that are submitted for suspension, revocation, and reinstatement. 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. UPPAC cases provided for review in September include the following cases: 14-1184, 15-1266, 14-1222, 14-1233, 14-1229, 04-691, 12-1063, 91-251, 14-1246.

In addition, the Board will review proposed actions on the Licensing Consent Calendar on all other preservice and UPPAC cases.

Anticipated Action: The Board will consider actions on licensing and UPPAC cases.

Contact: Ben Rasmussen, 801-538-7835

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UPPAC

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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.

MEMORANDUM

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: September 18, 2015

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. 14-1184**
  The Executive Secretary recommends the Board suspend the educator's Level 2 Secondary Education License for a period of five (5) years consistent with the terms of the Default Order.

- **Case No. 15-1266**
  UPPAC recommends suspension of the educator's Level 1 Secondary Education License. UPPAC recommends that the educator's license be suspended for not less than two (2) years with certain 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. 14-1222**
  UPPAC recommends revocation of the educator's Level 2 Education License. UPPAC recommends that the educator's license be revoked from the date of Board action pursuant to a stipulated agreement.

- **Case No. 14-1233**
  UPPAC recommends revocation of the educator's Level 1 Education License. UPPAC recommends that the educator's license be revoked from the date of Board action pursuant to a stipulated agreement.

- **Case No. 14-1229**
  UPPAC recommends revocation of the educator's Level 1 Elementary Education License. UPPAC recommends that the educator's license be revoked from the date of Board action pursuant to a stipulated agreement.

UPPAC

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- **Case No. 04-691**
  UPPAC recommends that the Petitioner's request for license reinstatement be denied.

- **Case No. 12-1063**
  UPPAC recommends that the Petitioner's request for license reinstatement be approved with conditions.

- **Case No. 91-251**
  UPPAC recommends that the Petitioner's request for license reinstatement be approved with conditions.

- **Case No. 14-1246**
  The Commission recommends that the Petitioner's license be suspended for no less than one (1) year from the date of Board action. Reinstatement, following a UPPAC hearing and recommendation, is subject to Board approval.

UPPAC CONSENT CALENDAR:

September Board Meeting

UPPAC Investigations:

UPPAC recommends dismissal of the following cases:

None.

UPPAC recommends a Letter of Admonishment in the following cases:

1. Case No. 15-1253

UPPAC recommends a Letter of Warning in the following cases:

1. Case No. 15-1283
2. Case No. 15-1263
3. Case No. 14-1240

Criminal Background Reviews:

UPPAC's Executive Secretary recommends clearance of the following criminal background reviews:

1. Case No. 15-9
2. Case No. 15-10
3. Case No. 15-11
4. Case No. 15-12
5. Case No. 15-13
6. Case No. 15-14
7. Case No. 15-16
8. Case No. 15-17
9. Case No. 15-18
10. Case No. 15-19
11. Case No. 15-20
12. Case No. 15-21
13. Case No. 15-22
14. Case No. 15-27
15. Case No. 15-28
16. Case No. 15-29
17. Case No. 15-30
18. Case No. 15-31
19. Case No. 15-32
20. Case No. 15-33
21. Case No. 15-34

22. Case No. 15-35
23. Case No. 15-36
24. Case No. 15-37
25. Case No. 15-38

UPPAC recommends clearance of the following criminal background reviews:

1. Case No. 15-3
2. Case No. 15-23
3. Case No. 15-24
4. Case No. 15-26

Other:

UPPAC recommends removal of the Letter of Reprimand from CACTUS in the following cases:

1. 05-754
2. 14-1237