

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

November 2, 2012

The Audit, Charter Schools, and USDB standing committees of the Board met on November 1, 2012 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. All Board members were present with the exception of Members James Olsen, Isaiah Spencer, and Teresa Theurer.

A regular meeting of the Utah State Board of Education was held November 2, 2012 at the State Office of Education. Chair Debra Roberts conducted.

Board Members present:

Chair Debra G. Roberts
Vice Chair Dixie L. Allen
Member Laura Belnap (non-voting)
Member Keith M. Buswell
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member Leslie B. Castle
Member Craig E. Coleman
Member Joel Coleman

Member David L. Crandall
Member Marlin K. Jensen (non-voting)
Member Michael Jensen
Member Carol A. Murphy
Member C. Mark Openshaw
Member Tami W. Pyfer
Member R. Dean Rowley (non-voting)
Member Isaiah (Ike) Spencer (non-voting)
Member David L. Thomas

Members excused:

Member James V. (Jim) Olsen
Member Teresa L. Theurer

Executive staff present:

Larry Shumway, State Supt.
Martell Menlove, Deputy Supt.
Brenda Hales, Associate Supt.

Bruce Williams, Associate Supt.
Judy Park, Associate Supt.
Lorraine Austin, Board Secretary

Others present:

Tina Smith, Utah Association of Public Charter Schools; Nancy Lindeman, Maria Montessori Academy; Karen Montgomery, Karl G. Maiser Preparatory Academy; Hollie Pettersson, Canyons School District; Kory Holdaway, Utah Education Association; Lydia Nuttall, parent, Mountain Green; Nina Welker, USBE candidate; Deon Turley, Utah PTA, Jim Shank, Juab School District; Craig Frank, Utah Education Network; Gayle Shuler, Riverton Elementary; Jan Ferré, LCPD; Jay Blair, Utah Education Association

Opening Business

Chair Debra Roberts called the meeting to order at 8:15 a.m. Member Dixie Allen led the Board in the Pledge of Allegiance. Members James Olsen and Teresa Theurer were excused. Nina Welker, candidate for the State Board of Education, was welcomed.

Swearing In of Marlin K. Jensen

Larry K. Shumway, State Superintendent of Public Instruction, administered the Oath of Office to Marlin K. Jensen as an appointed member of the State Board of Education representing the State Board of Regents. Mr. Jensen thanked the Board for the opportunity to serve. His previous education experience includes service on the Weber School District Board of Education.

Board Member Message

Member Laurel Brown welcomed the Board, and reflected on her mantra from her first campaign—Education for All. The opinion that education should be available to all is not new. In 1838 Horace Mann, considered the “father of public education,” set out the following six principles of education in *The Common School Journal*: 1) The public can no longer remain ignorant; 2) education should be paid for, controlled, and sustained by an interested public; 3) education is best as provided in schools that embrace children from a variety of backgrounds; 4) schools should be non-sectarian; 5) education should be taught by principles of a free society; and 6) education should be provided by well-trained and professional teachers.

Many of these can be found in the Board’s Promises to Keep Mission and Vision for Public Education. Member Brown encouraged citizens to work together for the common good.

She ended her message with an invocation.

Promises to Keep Highlight

Superintendent Larry Shumway referred to a piece of Greek mythology that was discussed in a meeting he recently attended by John Rosenberg, Dean of the College of Humanities at BYU. In Greek mythology, Hercules sailed to the end of the earth, opened the Mediterranean Sea and pushed apart the Atlas Mountains to create the Straits of Gibraltar that are marked by the Pillars

of Hercules. Those pillars are part of the Spanish Coat of Arms, which was created at the time of Charles V. Mythologically, in Greek times, the Pillars of Hercules had the inscription, “non plus ultra,” which means “nothing beyond here,” marking the end of the known world. It was, of course, discovered that there was something beyond the Straits, so when Charles V updated the Spanish Coat of Arms, the inscription changed from “non plus ultra” to “plus ultra,” which means “much beyond here.”

Superintendent Shumway put the story in the context of Promises to Keep, and how important fulfilling the promises in that document are to creating a world of “plus ultra” for students. He’s learned from service in education that literacy is the key that changes the inscription from “non plus ultra” to “plus ultra.” As schools succeed, the gates of opportunity are opened and students lives are changes.

Public Participation

No public comment was given.

General Consent Calendar

Superintendent Shumway mentioned that on the Consent Calendar is a recommendation for appointment to the WestEd Board of Directors to fill the position recently vacated by Davis District Superintendent Bryan Bowles. Dr. Shumway expressed thanks to Superintendent Bowles for the service he has provided as a member of that board.

It was noted that Item F, R277-517 *Board and UPPAC Disciplinary Definitions and Action*, has been pulled and will go back to committee for further discussion.

Motion was made by Member Janet Cannon and seconded by Member Dixie Allen that the General Consent Calendar be approved, with Item F removed.

Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the State Board of Education meetings held September 7, 2012 and October 5, 2012 were approved.

2. Contracts

The following contracts were approved by the Board.

- a. Imagine Learning, \$2,500,000, 07/01/2012 to 06/30/2013, state-level bidding process

For interactive computer software to address literacy and language skills early intervention. HB 513 - contract encompasses six vendors. Total contract of all six may not exceed \$2,500,000.

- b. Compass Learning, \$2,500,000, 07/01/201 to 06/30/2013, state-level bidding process

For interactive computer software to address literacy and numeracy early intervention. HB 513 - contract encompasses six vendors. Total contract of all six may not exceed \$2,500,000.

- c. Cambium Education dba Voyager Learning, \$2,500,000, 07/01/2012 to 06/30/2013, state-level bidding process

For interactive computer software to address literacy early intervention. HB 513 - contract encompasses six vendors. Total contract of all six may not exceed \$2,500,000.

[For more details, see General Exhibit No. 12149.]

3. R277-502 Educator Licensing and Data Retention

In its August 3, 2012 meeting, the Board approved amendments to R277-502 on second reading. The amendments provide more details regarding the requirements to receive Board approval for educator preparation programs, and address the combination of TEAC and NCATE accreditation entities into one organization—CAPE.

The Board approved R277-502 *Educator Licensing and Data Retention* on third and final reading.

[For more details, see General Exhibit No. 12150.]

4. R277-509 Licensure of Student Teachers and Interns

In its October 5, 2012 meeting, the Board passed R277-509 on second reading. The rule was amended to direct that student teachers and interns shall have student teacher licenses issued by the Board prior to assignment in public schools, upon recommendation from UPPAC.

The Board approved R277-509 *Licensure of Student Teachers and Interns* on third and final reading.

[For more details, see General Exhibit No. 12151.]

5. R277-515 *Utah Educator Standards*

In its October 5, 2012 meeting, the Board approved continuation of R277-515, consistent with the Utah Administrative Rulemaking Act, on second reading. The rule continues to be necessary because it establishes statewide standards for licensed public school educators.

The Board approved continuation of R277-515 *Utah Educator Standards* on third and final reading.

[For more details, see General Exhibit No. 12152.]

6. Monthly Budget Report

The Monthly Budget Report for September 2012 was provided to give information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind.

[For more details, see General Exhibit No. 12153.]

7. Requests for Temporary Authorizations

The Board approved temporary authorizations for licenses as submitted by the school districts.

[For more details, see General Exhibit No. 12154.]

8. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in October 2012 was provided for Board information.

[For more details, see General Exhibit No. 12155.]

9. Ratification of Hires

The Board ratified the hiring of Lori Olsen, Performance Auditor; Julie Benson, Education Specialist, Assessment; and Mark Mataya, Education Specialist, CTE/Adult Education.

10. WestEd Appointment

As a signatory agency to WestEd, the Utah State Board of Education may fill two positions on WestEd's Board of Directors. Dr. Bryan Bowles, one of the two Board appointments, resigned from the WestEd Board in August.

The Board approved the appointment of Dr. McKell Withers to represent the Utah State Office of Education on the WestEd Board of Directors to fill Bryan Bowles' remaining term through May 31, 2013, and a subsequent term from May 31, 2013 to May 31, 2016.

The Board separated to committees at 8:35 a.m. The Board reconvened at 10:45 a.m.

Achievement Spotlight

Associate Superintendent Brenda Hales introduced the recipients of the Presidential Award for Excellence in Mathematics and Science Teaching. The award is most prestigious, and is given to K-12 mathematics and science teachers who have developed high-quality science or mathematics programs and who serve as models for science and math instruction. It is run by the National Science Foundation on behalf of the White House Office of Science and Technology.

Utah's recipients of the 2012 award, as well as the five educators who have been nominated as state finalists for the 2013 awards were applauded and given certificates of excellence by Board Vice Chair Dixie Allen and State Superintendent Larry Shumway. Award winners include:

2012 Secondary Science Teacher Presidential Award - Jim Larsen, J.E. Cosgriff Memorial Catholic School

2012 Secondary Mathematics Teacher Presidential Award - Vivian Shell, Salt Lake Center for Science Education

2013 state finalists: Jeanine Graham, McKay School of Education-Alpine School District Partnership; Julie Hamari, East Meadows Elementary; Gail Schuler, Jordan School District Advanced Placement Program; Rebecca Elder, McMillan Elementary; Brittany Powell, Salt Lake Center for Science Education.

Army Reserve Presentation on Military Children

Brent Broome, School Support Specialist for the U.S. Army Reserve, was welcomed to the meeting. He informed the Board that his work is to help ensure academic success for children whose parents are in Army Reserve. Mr. Broome gave a slide presentation and distributed information about child, youth, and school services for Army Reserve families.

The Board directed staff to add links to the program on the USOE Website and add Mr. Broome as a teacher resource.

[For more details, see General Exhibit No. 12156.]

Utah State Office of Rehabilitation Budget Request

Russ Thelin, Director of Rehabilitation in the State Office of Rehabilitation (USOR), presented USOR's budget request. He reviewed the proposed building blocks in priority order: 1) Vocational Rehabilitation Program; 2) Independent Living Center Service Needs; 3) Assistive Technology; 4) Certified Traveling Rural Rehabilitation Teacher; and 5) Funds for Hard of Hearing. In addition, an assistive technology program one-time funding request is included.

Motion was made by Member Dixie Allen and seconded by Member Laurel Brown that the Board approve USOR's budget request as proposed.

Dr. Martell Menlove clarified that Rehabilitation programs are not in competition with public education funds, and are not handled by the Education Appropriations Subcommittee.

Motion carried. [For more details, see General Exhibit No. 12157.]

State Superintendent's Report

New USOE employees were introduced—Emily Pugh, CNP; Connie Bills, CTE; Colter Brink, IT; Clay Martin, CNP; Mark Mataya, CTE.

Associate Superintendent Brenda Hales gave a report on a comparison of Utah criterion-references tests (CRTs) and NAEP, reviewing distributed information. Superintendent Shumway responded to a statement that the USOE is inflating the results, indicating the statement is false. Member Pyfer recommended that a one-page sheet responding to the statement be developed for the Education Interim Committee. The report will be prepared for the November Education Interim Committee meeting.

Associate Superintendent Judy Park gave an update on the Utah Comprehensive Accountability System (UCAS). School information will be released through the system in a few weeks.

Deputy Superintendent Martell Menlove gave a legislative update, reporting that he has met with several groups and individuals regarding the Board's budget request and legislative priorities, which have been well received. He also reported the following:

- The office is in the process of completing enrollment projections for next year.
- The STEM initiative chaired by Stan Lockhart is moving forward. USOE staff have been involved in providing information. Dr. Menlove has communicated that as the initiative moves forward, it should focus on students rather than structure. CMAC is interested in joining with the Board on a STEM initiative. Member Leslie Castle questioned whether there is a difference between males and females leaving the K-12 program prepared to enter STEM programs, and asked if a problem exists. Superintendent Shumway and Brenda Hales will prepare data in response. Chair Roberts mentioned that math teaching and professional development in grades 4-6 were noted as the Board's focus.
- Senator Howard Stephenson organized a group of legislators to discuss issues surrounding the confidentiality of student data with Board members. Members Buswell, Openshaw and Pyfer, and Dr. Menlove met with the group. There was no consensus on what will be released, and how data will be released, but the group did agree to the elimination of several pieces of data in the law that require many resources at the local level.
- Thirty-two pieces of legislation that are education-related are now listed on the Legislature's Website.
- Associate Superintendent Bruce Williams reported that there is some traction on the idea of defining growth. The biggest issue is receiving formal approval from each of the various groups involved. Dr. Menlove indicated that the office will move forward with the historic calculation of growth, but won't drop the work that's been done.

[For more details, see General Exhibit No. 12158.]

UPPAC Case No. 11-1047

Chair Roberts explained that the Board passed a motion in its October 5, 2012 meeting to reconsider its action of September 7, 2012 in UPPAC Case No. 11-1047. The motion to reconsider carried 8-3. The Board then passed a motion that the Board accept the recommendation of UPPAC in Case No. 11-1047 that the individual's Level 2 Secondary Education License be suspended, with specific conditions for reinstatement, and that the individual be allowed to apply no sooner than June 1, 2013 for license reinstatement, and that his license be suspended for no less than one year from the date of Board action. If a reinstatement hearing is granted, he must have a hearing and the State Board of Education must determine that reinstatement is warranted for the individual to be a licensed Utah educator.

It was realized after the meeting that the motion to reconsider needed to pass by a 2/3 majority vote, which was not the case. Therefore, the October 5 motion to reconsider and subsequent motion in this case become null and void.

The Board received notice prior to the November meeting that a motion to rescind the September action and a new motion for action in Case No. 11-1047 would be put forward in the November 2 Board meeting, therefore allowing for a majority vote.

Motion was made by Member David Thomas and seconded by Member Dixie Allen that the Board rescind its action of September 7, 2012 regarding UPPAC Case No. 11-1047.

Motion carried; Member Carol Murphy opposed.

Motion was made by Member David Thomas and seconded by Member Michael Jensen that the Board accept the recommendation of UPPAC in Case No. 11-1047 and suspend the educator's Level 2 Secondary Education License, with specific conditions to apply for reinstatement, and that the individual be allowed to apply for a reinstatement hearing no sooner than June 1, 2013. And in addition, that the individual's license be suspended no less than one year from October 5, 2012. If a reinstatement hearing is granted, the individual must have a hearing and any recommendation for reinstatement from UPPAC following a hearing is subject to approval of the Board.

Motion was made by Member David Crandall and seconded by Member Craig Coleman, that the motion be amended to read as follows: That the Board accept the recommendation of UPPAC in Case No. 11-1047 and suspend the educator's Level 2 Secondary Education License, with specific conditions to apply for a hearing for reinstatement, and that the individual be

allowed to apply ~~for a reinstatement hearing~~ no sooner than June 1, 2013 for a license reinstatement hearing. And in addition, that the individual's license be suspended no less than one year from October 5, 2012. If a reinstatement hearing is granted, the individual must have a hearing and any recommendation for reinstatement from UPPAC following a hearing is subject to approval of the Board.

Motion to amend carried.

Motion was made by Member David Thomas and seconded by Member Craig Coleman that the motion be amended to change the date of suspension to "one year from August 1, 2012."

It was noted that because this would substantially change the motion that had been previously noticed to Board members, the passage of this amendment would require a 2/3 majority to pass. Member Thomas withdrew the amendment.

Original motion, as amended, carried, with Members Allen, Brown, Burningham, Buswell, Cannon, Castle, C. Coleman, J. Coleman, Jensen, Murphy, Pyfer, Roberts and Thomas in favor, and Members Crandall and Openshaw opposed.

[For more details, see General Exhibit No. 12159.]

Executive Session

Motion was made by Member Laurel Brown and seconded by member Joel Coleman that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

The Board was polled, and upon unanimous consent of those present, moved into Executive Session at 11:35 a.m. Member Isaiah Spencer left the meeting prior to Executive Session.

Motion was made by Member Laurel Brown and seconded by Member Dixie Allen that the Board reconvene into open meeting.

Motion carried. The meeting reconvened at 1:55 p.m.

Executive Session Action Items

Deaf Services Advisory Council Appointment

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board appoint Dr. Curt Radford to serve on the Deaf Services Advisory Council, representing professionals of education for deaf children, for a term ending June 30, 2015.

Motion carried unanimously.

Coalition of Minorities Advisory Committee (CMAC) Appointments

Motion was made by Member Kim Burningham and seconded by Member Dixie Allen that the Board appoint the following individuals to the Coalition of Minorities Advisory Committee for terms ending December 2014: Aida Santos-Mattingley, representing Asian Americans; Deborah Corsino-Moore and Hector Mendiola, representing Hispanic Americans; Charlene Lui, representing Pacific Islanders.

Motion carried unanimously.

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member Keith Buswell and seconded by Member Dixie Allen that in UPPAC Case No. 10-973 the Board accept UPPAC's recommendation and reinstate the individual's Level 2 Career and Technical Education and Secondary Education License.

Motion carried 8-7, with Members Allen, Burningham, Buswell, C. Coleman, Jensen, Openshaw, Roberts and Thomas in favor, and Members Brown, Cannon, Castle, J. Coleman, Crandall, Murphy and Pyfer opposed.

Motion was made by Member Dixie Allen and seconded by Member Keith Buswell that in UPPAC Case No. 11-1045 the Board accept the recommendation of UPPAC to suspend the Level 1 Special Education License of a former educator in Jordan School District, and approve the stipulated agreement. The individual may request a reinstatement hearing following satisfaction of all conditions in the stipulated agreement, completion of a criminal background check, and no sooner than three years from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

The educator violated R277-515 *Professional Educator Standards* by engaging in inappropriate communication and interaction with students, by driving students in a personal vehicle, by spending time outside the school day with students, and by providing alcohol to students, who were minors, which resulted in a Class A Misdemeanor.

Motion carried 8-7, with Members Allen, Burningham, Buswell, Jensen, Openshaw, Pyfer, Roberts and Thomas in favor, and Members Brown, Cannon, Castle, C. Coleman, J. Coleman, Crandall, and Murphy opposed. [For more details, see General Exhibit No. 12160.]

Board Chair's Report

Board Secretary Lorraine Austin, H.R. Director Dave Rodemack and P.R. Director Mark Peterson were thanked for their work on the superintendent selection process, and Patty Hunt and Lorraine Austin for their work on the Board legislative dinner. Superintendent Shumway was also acknowledged for his excellent State of Education address.

Chair Roberts reported that there is some real concern over the continuation of having vendor bills, and suggested the Board may want to give reaction at some point.

Board members Allen, Burningham, Belnap, Brown and Rowley were acknowledged for attending the Governor's Education Summit. Chair Roberts reported on a speaker's comment that at this point in time, although they are the highest-paying jobs in the nation, only five percent of employment is STEM related, and is not likely to increase much.

Chair Roberts reported on a presentation she gave on Core Standards at the PTA Advocacy Conference last week.

The Board's committee on graduation requirements/competency continues to meet and will report in December.

Member Carol Murphy reported on the National Association of State Boards of Education Conference she attended along with Members Burningham, Pyfer and Castle, and they gave comment as well.

Member Craig Coleman reported on a conference he attended of the State Educational Technology Directors Association (SETDA), as an outgrowth of his participation on the NASBE technology study group. Utah was featured for its open education resource program. He passed around the document, *Out of Print: Reimagining the K-12 Textbook in a Digital Age*, which was also the theme of the conference. One of the recommendations is to complete a shift from print-centric textbook adoption practices to digital resources within five years. Member Coleman noted that Utah Education Network has partnered with Learning Registry, a U.S. Department of Education initiative that has created a way to access metadata. He expressed some concern that the content being used in classrooms is identified as accurate and high quality.

Vice Chair Allen reported that Board leadership elections are scheduled for the December meeting. The newly-elected Board members will take the place of outgoing members for the vote.

A tentative schedule of Board meetings for 2013 was distributed, and will be adopted in December.

A dinner for the Board and the USBA Board of Directors is scheduled for January 10.

Legislation was passed in the 2011 Legislative Session allowing for higher education entities, including UCAT campuses, to create charter schools subject to the approval of the State Board of Education. Member David Crandall reported that in the last UCAT Board of Trustees meeting, a charter application from Davis Applied Technology College was presented. The Board of Trustees had many questions and did not approve it initially, but it will be coming back

A suggestion has been made the a data policy analyst from the USOE be assigned to the Board, and that Board requests for data go through the Accountability, Finance and Assessment Committee for referral to the data analyst.

Chair Roberts corrected a public statement made that the Board does not have technology standards, indicating that the Board does have standards that she will distribute to the Education Interim Committee next month.

Chair Roberts has requested time on the Education Interim Committee meeting every fall for the Board to present its budget and legislative priorities. It is anticipated that a presentation will be made on November 14.

Report from Auditor

Internal Auditor Natalie Grange presented a report on monitoring of non-LEA entities. She also presented the Single Audit Management Letter No. 12-12 from the State Auditor, which reports on the USOE and USOR statewide federal compliance audit.

[For more details, see General Exhibit No. 12161.]

Board Bylaws

Motion was made by Member Janet Cannon and seconded by Member Dixie Allen that the Board amend its Bylaws under Section V, Election of Officers, to reflect what is on a distributed amendments document as discussed in the Board's November 1 study session, and in addition, delete the wording, "by mail" under Section V-A-2a of the Bylaws.

Superintendent Shumway called the Board's attention to a statutory provision stating that "a majority of all members is required to validate an act of the board" [53A-1-203]. Member

Cannon indicated that Board Bylaws state that the “election of Board officers will be decided by a majority vote of Board members present.” The change from statute was made in the Bylaws out of concern that if newly-elected board members are not present to vote, there might not be enough votes to take action. Member Murphy reminded the Board that it is also in statute that newly-elected board members that have not yet taken office, will take the place of members leaving the Board for the election of officers.

Amendment to the motion was made by Member Joel Coleman and seconded by Member David Thomas that the Board delete Section V-A-2k from the amendments sheet.

The amendment would bring the Bylaws in line with statute regarding Board voting.

Amendment to the motion carried; Members Castle and Openshaw absent.

Amendment to the motion was made by Member Joel Coleman and seconded by Member Tami Pyfer that Sections V-A-2a(i) through V-A-2a(j) on the amendments documents be replaced with language distributed from Member Coleman on instant runoff voting.

Motion to amend V-A-2a(i) through V-A-2a(j) failed, with Members C. Coleman, J. Coleman, Crandall and Thomas in favor, and Members Allen, Burningham, Buswell, Cannon, Jensen, Pyfer and Roberts opposed; Members Castle and Openshaw absent.

Motion was made by Member Joel Coleman and seconded by Member Craig Coleman that Section V-A-2a(2) be deleted, and V-A-2a(1) be combined with V-A-2(a) to read, “. . the Vice Chair shall direct the Board secretary to contact each voting Board member to inquire as to the Board member’s willingness or desire to serve as Board Chair or Vice Chair.” And in addition, that Section V-A-2d be amended to read, “Nominations for each office will be open to the board at the board meeting at which the elections take place.”

Substitute to the amendment was made by Member Tami Pyfer and seconded by Member David Crandall that V-A-2a(2) remain, and that V-A-2d be amended to read, “Nominations from the floor may also be taken at the meeting in which the elections take place.”

Substitute to the amendment carried, with Members Buswell, C. Coleman, J. Coleman, Crandall, Jensen, Murphy, Pyfer and Thomas in favor, and Members Allen, Brown, Burningham, Cannon, and Roberts opposed; Members Castle and Openshaw absent.

Member Janet Cannon moved a division of the main motion, to vote separately on the change of nomination process and the duties of vice chair. The motion was seconded by Member Carol Murphy.

Motion to divide carried, with Member Crandall opposed; Members Castle and Openshaw absent.

Motion was made by Member Janet Cannon and seconded by Member Joel Coleman that the Board amend Section V-C-8, Duties of the Vice Chair, as outlined on the distributed sheet.

Motion carried; Members Castle and Openshaw absent.

Motion was made by Member Janet Cannon and seconded by Member Tami Pyfer that the Board adopt Section V-A-2d, as amended, other amendments in Section V-A-2e-j as presented on the distributed sheet, and the amendment to Section V-A-2a as presented.

It was noted that since the deletion of Section V-A-2k already passed, it would not be voted upon again.

Motion failed for lack of 2/3 majority, with Members Brown, Buswell, C. Coleman, J. Coleman, Crandall, Jensen, Murphy, Pyfer, Thomas, in favor, and Members Allen, Cannon and Roberts opposed; Member Burningham abstained; Members Castle and Openshaw absent.

Motion was made by Member Dixie Allen and seconded by Member Kim Burningham that the Board add to its elections, along with Chair and Vice Chair, a “Leadership Associate” to meet with the Board Leadership Committee, and insert “Leadership Associate” in Sections V-A, V-2a(1), V-2b, V-2c, and V-2e.

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

Motion was made by Member Dixie Allen and seconded by Member David Thomas that the Board postpone its election until the January Board meeting.

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

[For more details, see General Exhibit No. 12162.]

Board Standing Committee Reports

CHARTER SCHOOLS COMMITTEE

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

Maria Montessori Academy Charter Amendment

Motion from committee that the Board accept the recommendation from the State Charter School Board and approve the amendment to the Maria Montessori Academy charter to add 135 new students in 2013-2014 and add grade 9 and 75 students in 2014-2015, bringing the total to 750 students. The change will bring the school into alignment with the surrounding school district.

Motion carried; Members Castle and Openshaw absent. [For more details, see General Exhibit No. 12163.]

Thomas Edison Charter Amendment

Motion from committee that the Board accept the recommendation from the State Charter School Board and approve the amendment to Thomas Edison Charter School's charter to add 96 students to its south campus beginning in 2013-2014, and make multiple technical changes to various sections of the charter agreement as outlined in the application.

Motion carried; Members Castle and Openshaw absent. [For more details, see General Exhibit No. 12164.]

Beehive Science & Technology Academy Charter Amendment

Motion from committee that the Board accept the recommendation from the State Charter School Board and approve an amendment to Beehive Science & Technology Academy's charter to add grade 6 in 2013-2014, bringing the total student population served to 450 students in grades 6-12.

It was noted that the vote was not unanimous in the committee. Member Cannon indicated she does not support the amendment because the school is currently serving 276 students, but has been approved to enroll 450 and seems to be having trouble getting sufficient enrollment. In addition, the school meets only four of seven financial metrics. She also questioned teacher retention.

Member Murphy responded that the school has moved every year, causing problems with retention of students, and indicated that the teacher retention issue has been addressed. Member Craig Coleman also responded that the school is in Canyons District, and if the school does not add 6th grade, they will be at a disadvantage when Canyons moves to grades 6-8 middle schools.

Superintendent Shumway noted that the school is in the bottom ten percent for student performance. Member Crandall added that the school does merit attention and some monitoring, but they are trying to make a positive change to get on more solid footing, and this change will probably help them do that. Member Murphy suggested that the Charter Board and State Board reassess the school in a year or so.

Motion carried, with Members Allen, Burningham, Buswell, C. Coleman, J. Coleman, Crandall, Jensen, Murphy, Roberts and Thomas in favor, and Members Brown, Cannon and Pyfer opposed. Members Castle and Openshaw absent. [For more details, see General Exhibit No. 12165.]

Oquirrh Mountain Charter Amendment

Motion from committee that the Board accept the recommendation from the State Charter School Board and approve an amendment to Oquirrh Mountain Charter School's charter to change its name to Jefferson Academy.

Motion carried; Members Castle and Openshaw absent. [For more details, see General Exhibit No. 12166.]

American Preparatory Academy Charter Amendment

Motion from committee that the Board accept the recommendation from the State Charter School Board and approve an amendment to American Preparatory Academy's charter to consolidate American Preparatory Academy's 405 middle school students on one campus.

Motion carried; Members Castle and Openshaw absent. [For more details, see General Exhibit No. 12167.]

Weber State University Charter Academy - New Application

Utah Code 53A-1a-521 grants authority for the board of trustees of specific institutions of higher education to authorize charter schools. Weber State University (WSU) is the first university in Utah to authorize a charter school, Weber State University Charter Academy. As a courtesy, the university did present the charter to the State Charter School Board.

Weber State University Charter Academy requests to open in fall 2013 on the campus of the university. The school proposes to serve 44 kindergarten students. This request requires a

waiver from Board Rule R277-482-5(B) *Charter School Timelines and Approval Processes*.

Motion from committee that the Board approve Weber State University Charter Academy, as authorized by the WSU Board of Trustees, for opening in fall 2013.

Motion carried; Members Castle and Openshaw absent.

[For more details, see General Exhibit No. 12168.]

COMMUNICATIONS COMMITTEE

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

Utah Core Standards

Member Pyfer reported she has been working with Associate Superintendent Brenda Hales on producing a booklet with information and answering questions on the Utah Core Standards. Copies will be printed for board members to distribute to legislators, and the information will also be posted to the Web. She suggested that each board member make a personal contact with the legislators in their Board district.

Fact Sheets

The committee discussed having USOE staff prepare one-page fact sheets on various topics, such as ACT tests, budget priorities including the five-year plan, Utah Core Standards professional development, special education funding for high-cost student population, and early intervention. It was suggested that fact sheets on growth and STEM be added.

General Communication

Board members were encouraged to submit op ed pieces in the newspaper and on blogs, both to correct misinformation and in support of board positions.

ACCOUNTABILITY, FINANCE AND ASSESSMENT COMMITTEE

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

R277-487 Public School Data Confidentiality and DisclosureR277-484 Data StandardsR277-502-8 Educator Licensing and Data Retention, Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)

At the October 5, 2012 Board meeting, amendments to R277-487 were proposed to the Accountability, Finance and Assessment Committee. The Committee and USOE staff discussed several current statutes that are ambiguous and/or conflicting with other statutes. The committee directed USOE staff to remove Section 5, Educator Evaluation Data, from R277-487, and bring the rule back to the committee in November. Additionally, sections were removed from both R277-484 and R277-502 for inclusion in R277-487, and minor terminology changes were made. Continuation of R277-487 and R277-484 was also proposed

Motion was made by Member David Thomas and seconded by Member Kim Burningham that an amendment be made to R277-487-2-B, line 62 and R277-487-5-A(2) , line 181 to replace “data” with “student information.” Motion carried.

The Committee approved on first reading R277-487 *Public School Data Confidentiality and Disclosure*, R277-484 *Data Standards*, and R277-502-8 *Educator Licensing and Data Retention, Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)*, as amended, and approved continuation of R277-487 and R277-484.

Motion from committee that the Board approve on second reading, as amended, R277-487, R277-484, and R277-502-8, and approve R277-487 and R277-484 for continuation.

Motion carried; Member Leslie Castle absent. [For more details, see General Exhibit No. 12169.]

R277-419 Pupil Accounting

The committee discussed possible changes to R277-419. As a result of changes over the past few years in how instruction is delivered in the Public Education System, it has become necessary to amend or rewrite R277-419 to provided new definitions concerning how pupils are counted in membership, which in turn drives funding to LEAs. Instruction provided in the traditional classroom setting is well defined in current rule and practice. The advent and growth of non-traditional instructional programs necessitate revising several pupil accounting definitions, including “membership” and “average daily attendance and membership.” The

committee also discussed revising funding practices to provide funding for all LEAs, including charter schools, consistent with the law.

The committee determined that meetings with stakeholders should be held in order to develop a solution to ensure compliance with state statute.

Taxing Entity Committee (TEC) to the Redevelopment Agency of Bennion Point Economic Development Plan Area

The Bennion Point Economic Development Project Area comprises approximately 122 acres of undeveloped land. The property was formerly a county landfill which has since been remediated. The Redevelopment Agency of Taylorsville City will be requesting the Taxing Entity Committee to approve the Project Area Plan Budget as outlined.

The Committee authorized Cathy Dudley, the Board's representative to the TEC, to vote in favor of the budget. [For more details, see General Exhibit No. 12170.]

Outcomes of Taxing Entity Committee Meetings

The committee received a report of meetings of the West Valley City Redevelopment Agency Taxing Entity Committee and the Riverdale City Redevelopment Agency Taxing Entity Committee. [For more details, see General Exhibit No. 12171.]

Charter School Building Revolving Subaccount Committee Loan Recommendations

Utah Code 53A-1a-522 authorizes the Charter School Building Revolving Subaccount Committee to review and make recommendations regarding loans to charter schools. The State Board of Education is charged with approving loans to charter schools specifically to pay for the costs of planning expenses, constructing or renovating charter school buildings, equipment and supplies, or other startup or expansion expenses.

Motion from committee that the Board approve the following loans to charter schools as recommended by the Charter School Building Revolving Subaccount Committee:

Utah International Charter School - \$212,000

Esperanza Elementary School - \$80,000

Voyage Academy - \$200,000

Promontory School of Expeditionary Learning - \$118,000

Provo Freedom Academy - \$281,873

Motion carried. [For more details, see General Exhibit No. 12172.]

R277-113 Board Fiscal Accountability

Recent audits conducted by the Utah State Board of Education Internal Auditors and the Utah State Auditor's Office have identified various issues regarding insufficient internal controls, segregation of duties, lack of training, and lack of policies in Utah's LEAs regarding school athletic and club activities. R277-113 provides direction to LEAs in developing and implementing or reviewing local policies that require employee accountability as they manage public funds.

Staff was directed to gather more information from stakeholders and bring the rule back in December. [For more details, see General Exhibit No. 12173.]

Intent Language from S.B. 2 Public Education Budget Amendments (2012 Legislative Session)

S.B. 2 contains three intent items concerning the State Board and State Office of Education, including the intent that: 1) the Board will address the costs and benefits of its Early Retirement Incentive Pay Plan and its Other Employment Benefits Plan; 2) USOE will work with the legislative fiscal analyst for public education in developing job specific outcome based performance measures; and 3) that the USOE will work with the legislative fiscal analyst for public education in performing cost-benefit analyses on the activities of the programs with the USOE Administrative line item.

The Board addressed the retirement and other benefits item in its September meeting. The report on job-specific, outcome-based performance measures is complete and will be reported to the Education Interim Committee in November. The cost-benefit analysis has also been completed and will be reported in November. [For more details, see General Exhibit No. 12174.]

Utah Schools for the Deaf and the Blind (USDB) FY 2013 1st Quarter Fiscal Results

The committee received a report from USDB staff on the school's financial results from the first quarter of the fiscal year. USDB is in the black and is on budget. [For more details, see General Exhibit No. 12175.]

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

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

Canyons School District Pilot Program

Canyons School District staff gave a presentation to the committee regarding the district's plan to reconfigure its secondary school model for the 2013-2014 school year. The middle schools will include 6th grade students, while 9th grade students will become part of high schools.

Canyons District has requested that the Board change its rule to allow for the Introduction to CTE course to be given in the 6th grade.

Career and Technical Education Funding

The 2012 Utah Legislature placed intent language in S.B. 2 *Public Education Budget Amendments* requiring the State Board of Education to conduct a study and prepare a report on Career and Technical Education (CTE) funding. The committee received that report from CTE staff. [For more details, see General Exhibit No. 12176.]

CTE funding is an issue that may need to be addressed further by the Legislature.

Meeting the Needs of Utah's Secondary Students in Career and Technical Education

The Board is required to provide an annual report to the Governor and to the Legislature's Education Interim Committee detailing how the CTE educational needs of secondary students are being met and what access they have to CTE programs offered at the Utah College of Applied Technology, Snow College, and USU Eastern.

The committee received the report and a copy was distributed to the Board. The percent of effort to meet the needs of CTE students has increased, but is not keeping up with growth. [For more details, see General Exhibit No. 12177.]

Essential Elements (Extended Utah Core Standards)

The Essential Elements are extended core curriculum standards in English/Language Arts and Mathematics and are designed to ensure that students with significant cognitive disabilities (and being assessed with an alternate assessment) are provided with appropriate specialized instruction aligned with the Utah Core Standards. The draft Essential Elements have been

available for public review and comment for approximately two months. Public input has been positive.

Motion from committee that the Board give final approval to the Essential Elements (Extended Utah Core Standards).

Motion carried; Member Castle absent.

[For more details, see General Exhibit No. 12178.]

INSTRUCTION, SUPPORT AND TECHNOLOGY COMMITTEE

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

Expanded Eminence Letters of Authorization

American Preparatory Academy requested expanded eminence letters of authorization for two teachers—Leslie Fallis and Craig Hollinger—for the 2012-2013 school year. Provisions for such authorizations are given under Board Rule R277-520-6. The request is to allow the teachers, who have eminence authorization, to teach more than 37 percent of the regular instructional load.

Motion from Committee that the Board approve the request for expanded eminence letters of authorization for Craig Hollinger and Leslie Fallis.

Motion carried, with Member Carol Murphy opposed; Member Castle absent. [For more details, see General Exhibit No. 12179.]

Four-day School Week Report

The State Board of Education granted Rich School District, Tabiona School in Duchesne School District, and Lake Powell School in Kane School District variances to R277-419-3 *Pupil Accounting - Minimum School Days*, allowing a four-day school week in these schools/districts. These variances were granted for a three-year time period and have been renewed at the end of the three-year period.

As required by the Board, an annual report from each entity has been provided. The committee reviewed the annual reports. In no case will the three-year waiver end at the end of the 2012-2013 school year. [For more details, see General Exhibit No. 12180.]

Utah Professional Practices Advisory Commission (UPPAC) Process

In the October 5, 2012 Board meeting, the Instruction, Support and Technology Committee reviewed the *UPPAC Process and Principles* document developed by Member Carol Murphy. The committee determined that Item #4 of that document—Consistent Factors for Consideration by UPPAC—would be brought back in November further discussion.

The committee reviewed a draft UPPAC Recommendation Report “checklist” developed to create consistent factors for UPPAC to consider and report to the Board. The checklist as revised by the committee was distributed. Member Cannon noted that on the checklist under #3, bullying was not included. It will be added.

The idea is to give Board members a clear and easy way to survey all the information that might be relevant to a UPPAC case. Member Murphy commented that because the composition of UPPAC changes, there has been some confusion—particularly in reinstatements—about what was discussed in the original hearing, and that different UPPAC members may be discussing the case in the reinstatement hearing. The form is designed to be a base document for what was considered and why.

Member Craig Coleman suggested it would be helpful with consistency if the Board could make clear to UPPAC its expectations of disciplinary actions for certain offenses. Member Keith Buswell questioned whether a range of actions could be considered.

[For more details, see General Exhibit No. 12181.]

R277-517 Board and UPPAC Disciplinary Definitions and Action

In its October 5, 2012 meeting, the Board approved R277-517 *Board and UPPAC Disciplinary Definitions and Action* on first and second readings. The rule includes definitions that are consistent between UPPAC and the Board, an explanation of UPPAC actions and recommendations and Board actions, and the language assuring compliance with public sector standards.

The rule was brought back to committee for minor changes. An amended copy of the rule was distributed and reviewed.

The committee approved R277-517 *Board and UPPAC Disciplinary Definitions and Action*, as amended, on first reading, and moved that the Board approve the rule, as amended, on second reading.

Member David Thomas discussed whether Section 4-F precludes the Board from having additional hearings, and it was suggested that if so, R277-517 is inconsistent with R277-514 *Board Procedures: Sanctions for Educator Misconduct*, and a change would need to be made.

Motion carried.

Member Murphy gave her thoughts on next steps in the Board-UPPAC process, suggesting the Board might want to begin looking at specific penalties for violations, or sentencing guidelines. The Board could also think about a more freestanding professional practices commission, which would require changes in legislation and funding.

[For more details, see General Exhibit No. 12182.]

Math Educators - Requirements/Support

Staff gave a presentation to the committee regarding the preparation of elementary mathematics teachers. The information was distributed to the Board. [For more details, see General Exhibit No. 12183.]

Adjournment

Motion was made by Member Joel Coleman and seconded by Member Michael Jensen that the meeting adjourn. The meeting adjourned at 4:55 p.m.

Lorraine Austin, Secretary to the Board
Minutes approved December 7, 2013