

**UTAH STATE BOARD OF EDUCATION  
MEETING MINUTES**

October 5, 2012

A regular meeting of the Utah State Board of Education was held October 5, 2012 at the State Office of Education, 250 East 500 South, Salt Lake City, Utah. At the request of the Chair, Vice Chair Dixie Allen conducted.

Board Members present:

Chair Debra G. Roberts  
Vice Chair Dixie L. Allen  
Member Keith M. Buswell  
Member Laurel O. Brown  
Member Kim R. Burningham  
Member Leslie B. Castle  
Member Craig E. Coleman  
Member Joel Coleman  
Member David L. Crandall

Member Michael Jensen  
Member Carol A. Murphy  
Member James V. (Jim) Olsen (non-voting)  
Member C. Mark Openshaw  
Member Tami W. Pyfer  
Member Dean Rowley (non-voting)  
Member Isaiah (Ike) Spencer (non-voting)  
Member Teresa L. Theurer (non-voting)  
Member David L. Thomas

Members excused:

Members Laura Belnap  
Member Janet Cannon

Executive staff present:

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

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

Others present:

D. Alan Shakespear, USBE candidate; Jay Blaine, UEA; Lydia Nuttall, parent; Gayle Ruzicka, Eagle Forum; Nina Welker, USBE candidate; Carolyn Mock, NWEA; Jason Parson, Wasatch Transportation; Jeff Moss, USBE candidate; Michael Sears, USDB

**Opening Business**

Vice Chair Dixie Allen called the meeting to order at 8:17 a.m. Member Craig Coleman led the Pledge of Allegiance. Members Laura Belnap and Janet Cannon were excused. Vice Chair Allen welcomed State Board candidates Alan Shakespear and Nina Welker.

**Board Member Message**

Member David Crandall welcomed the Board. He mentioned that in the recent presidential debate, the topic of education was discussed, and both candidates agreed that education is a key piece of our life. Member Crandall asked board members to match quotes on education with the U.S. president being quoted. He closed by making the point that even though our country's presidents have been from different parties, one constant they've all understood is the importance of education. Regardless of who wins, education will continue to be the best safeguard of our way of life.

**Promises to Keep Highlight**

Superintendent Larry Shumway stated it may seem the pursuit of Promises to Keep would be easy, but in fact, it can be very complicated. One area where tension is obvious is the area of high quality assessment that informs instruction and accountability. With accountability there is a desire for transparency. Some parents may want to know how their child's school and classroom are performing, then how specific groups within the classroom are performing. However, as the groups get smaller, personal privacy may be violated. Also, it is hard for data alone to show all the things that happen in a classroom that lead to a specific outcome.

There is no question the Board is committed to parent participation in their children's education, but is also completely committed to the privacy of children. Those two things are competing, and it is balance and wisdom that is needed. Dr. Shumway expressed gratitude for the wisdom Board members show in their careful deliberations on these issues.

**Public Participation/Comment**

The following individuals gave comment to the Board.

Dr. Sara Jones, Utah Education Association (UEA) - reported that S.B. 64 [*Public Education Employment Reform* (2012 Legislative Session)] substantially altered the way of doing business because requirements now tie student performance data to evaluation ratings, employment decisions and pay advancement. Proposed Board rule R277-487 is designed to apparently resolve conflicting statutes that simultaneously require the release of classroom assessment data and the protection of individual educator evaluation data, which will include in

the future, classroom assessment data. UEA recognizes the need for the Board to be in compliance with all statutes, however, the proposed rule creates an untenable situation for the Board as it attempts to release and protect the same data.

Although UEA staff appreciate the work of USOE staff in bringing together a stakeholder group to discuss the rule, and the meeting did result in an improvement in language, the fundamental problem still remains, and UEA believes the rule fails to sufficiently protect individual educator evaluation data. They ask that the Board hold the current rule because of the confusion it creates, and that the Board work together with them, other education stakeholders, and the legislature during the upcoming legislative session to bring conflicting statutes into alignment with the goals, purpose and intent of S.B. 64.

Written comment from Anissa Wardell regarding concerns about release of student information under FERPA was entered into the record.

[For complete details, see General Exhibit No. 12114.]

### **General Consent Calendar**

It was recommended that items A—minutes of September 7, and B3—contract with the University of Utah, be removed from the Consent Calendar as they are not ready for Board action.

Motion was made by Member Laurel Brown and seconded by Member Debra Roberts that the Board approve the General Consent Calendar with items A and B3 removed.

Member Joel Coleman questioned the amount for CCSSO dues. Superintendent Shumway responded that CCSSO is our most important vehicle for interstate collaboration, and expressed his feeling that membership in CCSSO is an outstanding return on the investment. CCSSO has partnerships in a variety of projects with funding from foundations and corporations, and less than 20 percent of the organization's funding comes from dues.

Member Mark Openshaw questioned what process was followed in contracts B2, B5, B6, B7 and B8. The contracts are for monitoring requirements for Special Education. Glenna Gallo, USOE Special Education Director, reported that an RFP was sent throughout the state and correct purchasing procedures were followed.

Motion carried.

1. Contracts

The Board approved the following contracts.

- a. Weingarten Miller Equiwest Salt Lake City LLC, \$0, 8/1/2013 to 7/31/202, Fed., Amendment

Change of vendor for lease of office space for Disability Determination Services located at 210 West Harris Avenue, Salt Lake City, Utah.

- b. TWalker Consulting, \$16,666, 10/1/12 to 9/30/13, Fed., Amendment

To provide monitoring for the Utah Program Improvement Planning Systems (UPIPS); review files and procedures and LEA Self-Assessment and Annual Performance Reports; monitor LEAs for compliance with Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education Special Education rules.

- c. Davis County Schools Warehouse, \$800,000,10/1/12 to 9/30/13, Amendment

For receipt and storage of USDA Commodities.

- d. Lisa Morris, \$18,000, 8/1/12 to 7/31/13, Fed.

To provide monitoring for the Utah Program Improvement Planning Systems (UPIPS); review files and procedures and LEA Self-Assessment and Annual Performance Reports; monitor LEAs for compliance with Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education Special Education rules.

- e. Special Ed Consulting, \$16,666, 10/1/12 to 9/30/13, Fed., Amendment

To provide monitoring for the Utah Program Improvement Planning Systems (UPIPS); review files and procedures and LEA Self-Assessment and Annual Performance Reports; monitor LEAs for compliance with Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education Special Education rules.

- f. Wade Glather, \$16,666, 10/1/12 to 9/30/13, Fed., Amendment

To provide monitoring for the Utah Program Improvement Planning Systems (UPIPS); review files and procedures and LEA Self-Assessment and Annual Performance Reports; monitor LEAs for compliance with Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education Special Education rules.

g. Mary Ann Williams, \$18,000, 8/1/12 to 7/31/13, Fed.

To provide monitoring for the Utah Program Improvement Planning Systems (UPIPS); review files and procedures and LEA Self-Assessment and Annual Performance Reports; monitor LEAs for compliance with Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education Special Education rules.

[For complete details, see General Exhibit No. 12115.]

2. R277-108 Annual Assurance of Compliance by Local School Boards

In its September 7, 2012 meeting, the Board approved continuation of R27-7108, and amendment to the rule on first and second reading. The rule was amended to bring it in line with statute.

The Board approved continuation of R277-108 *Annual Assurance of Compliance by Local School Board*, and amendments to the rule, on third and final reading. [For complete details, see General Exhibit No. 12116.]

3. R277-422 State Supported Voted Local Levy, Board Local Levy and Reading Improvements Program

In its September 7, 2012 meeting, the Board approved R277-422, as amended, and approved continuation of the rule, on first and second reading. The rule was amended to remove language currently in statute and to update terminology.

The Board approved R277-422 *State Supported Voted Local Levy, Board Local Levy and Reading Improvements Program* on third and final reading. [For complete details, see General Exhibit No. 12117.]

4. R277-509 Licensure of Student Teachers and Interns

In its September 7, 2012 meeting, the Board approved continuation of R277-509 on first and second reading. Amendments to the rule were considered, but were referred back to the committee for further discussion.

The Board approved continuation of R277-509 *Licensure of Student Teachers and Interns* on third and final reading. [For complete details, see General Exhibit No. 12118.]

5. R277-522 Entry Years Enhancement (EYE) for Quality Teaching - Level 1 Utah Teachers

In its September 7, 2012 meeting, the Board approved continuation of R277-522 on first and second reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-522 *Entry Years Enhancement (EYE) for Quality Teaching - Level 1 Utah Teachers* on third and final reading. [For complete details, see General Exhibit No. 12119.]

6. R277-733 Adult Education Programs

In its September 7, 2012 meeting, the Board approved continuation of R277-733 on first and second reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-733 *Adult Education Programs* on third and final reading. [For complete details, see General Exhibit No. 12120.]

7. Council of Chief State School Officers (CCSSO) Dues

The Board approved annual dues of \$39,000 for membership in the Council of Chief State School Officers. [For complete details, see General Exhibit No. 12121.]

8. Monthly Budget Report

The Monthly Budget Report for August 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 complete details, see General Exhibit No. 12122.]

9. Requests for Temporary Authorization

The Board approved temporary authorizations for licenses as submitted by the school districts. [For complete details, see General Exhibit No. 12123.]

10. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas process in September 2012 was provided for Board information. [For complete details, see General Exhibit No. 12124.]

### 11. Terms for UEN Board Members

In its March 2, 2012 meeting the Board appointed Barry Walker, Clark Baron, Glen Taylor, and Brenda Hales to the Utah Education Network Board, in accordance with UCA 53B-17-102 *Utah Education Network*. The appointments were made, but terms were not set.

The Board approved the following terms for UEN board members appointed by the State Board of Education:

Brenda Hales	Term ending March 1, 2016
Barry Walker	Term ending March 1, 2016
Clark Baron	Term ending March 1, 2014
Glen Taylor	Term ending March 1, 2014

The Board recessed to committees at 8:45 a.m. The Board reconvened at 11:03 a.m.

### **Achievement Spotlight**

Associate Superintendent Brenda Hales expressed that it was her great privilege to talk about one of the finest educators she has worked with—Nancy Livingston. Mrs. Livingston began her career in 1952, and is retiring after 60 years as an educator. She has served as a classroom teacher, district reading specialist, state reading specialist, and university professor. She has been working for the past few years at the USOE as the early childhood parent involvement specialist, teaching parents how to be effective in helping their children read.

Mrs. Livingston is recognized nationally and internationally as a reading expert. Her colleagues recognize her as a great friend and for her untiring commitment to service.

Nancy gave wonderful remarks about why she loves education. She was given an enthusiastic standing ovation, and was honored by Chair Roberts, Vice Chair Allen, and Superintendent Shumway with a certificate of excellence.

### **Educator Evaluation Project**

Dr. Sydnee Dickson, USOE Director of Teaching and Learning, gave an update on the Educator Evaluation Project. She showed the presentation, *Improving Instruction in Utah Schools*. The goal is to have a good evaluation system in place by 2014-15. [For complete details, see General Exhibit No. 12125.]

**Beverley Taylor Sorenson Arts Education Program**

Associate Superintendent Brenda Hales introduced Beverley Taylor Sorenson, founder of the Beverley Taylor Sorenson Arts Education Program, and her associate, Lisa Cluff. Ms. Cluff gave a presentation to the Board regarding ideas to help the program expand and obtain more funding.

For many years, Mrs. Sorenson has worked to put arts education back into elementary schools. The program includes arts specialists that work with classroom teachers to integrate the arts into the core curriculum in music, dance, visual arts, and theater. Several studies nationally and in Utah have been done that show the positive impact the arts have on student achievement and confidence.

The program did not receive the funding hoped for during the last legislative session, so a team began to look at how the program could be maintained without cuts. Districts are so supportive they are giving matching funds, and private partnerships are involved. Also, the intent is to get more teachers endorsed in arts education in order to continue the program when the arts specialist is in another school.

Ms. Cluff indicated the Governor is supportive of including the program in his budget, and she asked for the Board's support as well. [For complete details, see General Exhibit No. 12126.]

**State Superintendent's Report**

Superintendent Larry Shumway reported on the following.

The USOE appealed the federal Office of Special Education Program's (OSEP) determination that Utah "needs intervention" in applying the requirements of Part B of the IDEA (Individuals with Disabilities Education Act). Superintendent Shumway, Associate Superintendent Judy Park, and USOE Special Education Director Glenna Gallo met this week in Washington D.C. with Assistant Secretary Michael Udin and others, and presented Utah's case. This is an important issue, because educators need to be recognized for the work they've done. The basis of the finding was a data reporting problem from two years ago regarding post-school transition plans. The work was being done, but was not reported accurately. The data showed 12



percent compliance, but in reality, the compliance is at 85 percent. A response to the appeal should come shortly.

Member Mark Openshaw and Superintendent Shumway visited Navajo Mountain High School last week. The school has 28 students, 4 faculty and is 190 miles one way from the district office. The superintendent expressed that if anyone wants to understand the challenges remote districts face, it is a good place to go.

A letter was received from U.S. Deputy Secretary of Education Tony Miller regarding the potential impact of sequestration of education appropriations. It is unlikely that any action will take place this year. Associate Superintendent Bruce Williams reported that sequestration on most programs would not affect public education until 2013-14, with Impact Aid as the exception. San Juan School District would be the most affected.

Upcoming legislative Education Interim Committee, Education Appropriations Subcommittee, and Executive Appropriations meetings were reviewed.

Fall meetings of the Utah School Boards Association have been taking place, and the superintendent expressed appreciation for the invitation to participate. USOE executive staff have presented on Utah Core Standards and the Board's budget priorities.

The Board will host a dinner with legislators and legislative and board candidates on October 9 at the USOE. The Superintendent's State of Education address will follow at at Open Classroom Charter School.

School Principals Week will take place on October 8-12. Dr. Shumway acknowledged that the leadership provided by principals is one of the most important factors in school success.

The Governor's Education Summit will take place on October 15 at Salt Lake Community College.

New employees of the State Office of Education were introduced including Sybil Prudeau, Esther Clark, Connie Bills and Julie Benson.

[For complete details, see General Exhibit No. 12127.]

### **Board Chair's Report**

Chair Debra Roberts reported on the following.

PACE Resolution - governing entities of the Governor's Commission on Education Excellence were asked to review a proposed resolution which was distributed to the Board.

Motion was made by Member Laurel Brown and seconded by Member Keith Buswell that the Board adopt the PACE Resolution.

Motion carried. [For complete details, see General Exhibit No. 12128.]

Chair Roberts shared some thoughts from former State Superintendent Steven Laing on possible ways to increase the longevity of the State Superintendent position. He suggested the Board think about ways to provide greater support for the superintendent, including: 1) set the expectation for who the superintendent serves, and make that expectation clear to all groups; 2) gather information from the Council of Chief State School Officers comparing compensation for chiefs appointed by state boards; 3) provide support for the USOE staff—the budget provided is not sufficient for staff to fill all the needs expected, and compensation is often lower than at school districts; 4) become more assertive politically, particularly in areas that would be more difficult for the superintendent to push.

Board interviews of finalists for the State Superintendent position will take place on October 8 from 1:00 to 4:00 p.m. The interviews will be open to the public and will be streamed online. Candidate names were drawn by an audience member to determine the order of interviews, with Martell Menlove first, Gregory Hudnall second, and Michael Sentance third.

The NASBE Annual Conference will be held October 14-16, 2012.

A Social Studies Symposium cosponsored by the Board is scheduled for November 13. The K-16 Alliance will also meet on the 13<sup>th</sup> from 3:00 p.m. to 5:00 p.m.

### **Utah Schools for the Deaf and the Blind (USDB) Annual Report**

UCA 53A-25b-201(6) requires that the State Board of Education present an annual report of the Utah School for the Deaf and the Blind (USDB) to the Education Interim Committee on or before its November meeting, and R277-800-3 requires that the report be presented to the Board prior to its presentation to the Interim Committee.

Steven Noyce, USDB Superintendent, stated that he is very proud of what the USDB has accomplished this year, and felt honored to report some of those accomplishments. He reported on items from the document, *Utah Schools for the Deaf and the Blind Annual Report for the*

*Legislative Education Interim Committee.* The majority of students served are those in early childhood years, which is an indication of the foundation with which they are preparing students.

Superintendent Noyce noted that the financial problems reported last year have been resolved and USDB is now in a strong financial position.

Member Buswell asked about the condition of the USDB facilities. Superintendent Noyce responded that the Ogden Campus is functioning quite well, but needs a new roof. A request to build an early childhood learning center in the Salt Lake area has been made to the State Building Board. [For complete details, see General Exhibit No. 12129.]

### **Legislative Priorities**

Deputy Superintendent Martell Menlove distributed and reviewed the document, *Five-Year Funding of State Board of Education Vision and Mission—2013 Legislative Session*, approved by the State Board September 7, 2012. The information in the highlighted column has been submitted to the Governor's office to give input to the Governor as he develops his budget. It was noted that in the past, a budget request completed this early has not necessarily been the Board's final budget request.

Motion was made by Member Debra Roberts and seconded by Member Tami Pyfer that the Board approve \$2 million for the Beverley Taylor Sorenson Arts program for 2014-15, with another \$1 million added each year thereafter.

Substitute motion was made by Member Keith Buswell and seconded by Member Leslie Castle that the Board approved \$4 million for the Beverley Taylor Sorenson Arts for 2013-14.

Motion carried.

Motion was made by Member Debra Roberts and seconded by Member Kim Burningham that the Board indicate that the long-term budget will include a minimum two percent increase in the WPU every year.

Member Buswell spoke in favor of the motion, stating that even though the Board and legislature can't commit to five years, it helps to have a long-term vision and express that vision to the legislature. Member Crandall agreed with a long-term plan, but questioned whether the two percent increase every year would disallow for other priorities that may be more important.

Member Burningham commented that anything beyond this year is a statement of intent, but it suggests the Board must consider long term in order to help students.

Motion carried.

Member Murphy asked whether under the Federal Sequestration item it appears that federal sequestration looks like revenue generation. Deputy Superintendent Menlove will add “replacement costs” in parentheses by Federal Sequestration.

Motion was made by Member Keith Buswell and seconded by Member Mark Openshaw that under Full Funding of Growth in 2014-15 and beyond, a notation be added that full funding of growth is included in the base budget.

Motion carried.

Motion was made by Member Debra Roberts and seconded by Member David Thomas that the Board approve the five-year funding sheet as a working draft/document to be updated over time as the Board updates its long-term strategic plan and Board priorities.

Motion carried.

Motion was made by Member David Thomas and seconded by Member Mark Openshaw that the Board identify a sponsor and make the necessary amendments to legislation to implement a statewide college and career readiness testing program that includes a nationally recognized college readiness test to be administered statewide as students exit the public school system, as well as additional testing that assists students and parents in designing and implementing college and career ready class schedules, and that the legislature take action on the legislation in the first week of the 2013 Legislative Session.

Motion carried.

Motion was made by Member Mark Openshaw and seconded by Member Keith Buswell that the Board work cooperatively with Prosperity 2020 and its STEM Initiative to identify an appropriate STEM proposal to address STEM concerns in grades 4-8. If needed, the Board will then cooperatively identify a sponsor and introduce legislation.

Member Craig Coleman stated that he is very unclear about what the \$5 million for STEM request is for. Superintendent Shumway reported that Stan Lockhart has been appointed to chair the STEM movement to improve the quality of instruction in math and science in grades 4-8.

The group first met yesterday, but the initiative has not been fleshed out.

Member Buswell clarified that the funding has already been prioritized, and this motion is supporting a commitment to the collective effort. He was present when the Governor and business community presented the plan, and there is no set amount.

Motion carried; Member Joel Coleman opposed.

Motion was made by Member Carol Murphy and seconded by Member Mark Openshaw that the State Board oppose any legislation that alters the current process for the appointment of the State Superintendent of Public Instruction.

Motion carried; Member Keith Buswell opposed.

Motion was made by Member Carol Murphy and seconded by Member Kim Burningham that the Board identify a sponsor and attempt to amend the current process for the election of State School Board members to be a non-partisan, direct election with an open primary (if necessary) to select two candidates to appear on the ballot for the final election, and that the election cycle be changed to coincide with other non-partisan elections.

Substitute motion was made by Member Tami Pyfer and seconded by Member Debra Roberts that the Board identify a sponsor and attempt to amend the current process for the election of State School Board members to be a process whereby stakeholders within each of the fifteen State Board districts select candidates to appear on the ballot for final election.

Motion carried; Members David Crandall and David Thomas and opposed.

Motion was made by Member Carol Murphy and seconded by Member Tami Pyfer that in the legislation supported in the last motion, language be added that the election cycle would be moved to the non-partisan, municipal election cycle.

Member Roberts expressed a concern that in going to the off-year cycle, every municipality might not have an election, and that may cause additional costs. Member Thomas also indicated that all unincorporated areas—which include a sizeable population—would not be included.

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

Motion was made by Member Mark Openshaw and seconded by Member Keith Buswell that the Board support proposed legislation to resolve conflicts created by conflicting statutes relating to the privacy of personal student data and release of classroom-level data.

Motion carried.

Motion was made by Member Laurel Brown and seconded by Member Tami Pyfer that the Board not support legislation creating performance-based pay for teachers or administrators until the currently proposed teacher/administrator evaluation legislation is fully implemented (2014-2015) and the ramifications of performance-based compensation are more fully defined.

Member David Crandall spoke against the motion as he feels it would depend on the legislation as to his support.

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

[For complete details, see General Exhibit No. 12130.]

### **Board Committee Meetings**

#### ACCOUNTABILITY, FINANCE AND ASSESSMENT COMMITTEE

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

#### Taxing Entity Committee (TEC) to the Redevelopment Agency of West Bench Redevelopment Project Area Plan

The West Bench Redevelopment Project Area was created to incentivize the removal of blight and to redevelop a critical area of the city to the mutual long-term benefit of area property owners, citizens of Riverdale City, and the taxing entities of Weber County. Initially, the project was not approved by the statutory taxing entity committee.

Since that time, there has been a significant effort to reduce the budget, and the Redevelopment Agency of Riverdale City will be requesting Taxing Entity Committee (TEC) approval to amend the Project Area Plan.

The committee directed Cathy Dudley, the Board's representative to the TEC, to vote in favor of the amendment. [For complete details, see General Exhibit No. 12131.]

Outcomes of Taxing Entity Committee Meetings

The committee heard a report of outcomes of meetings of the Redevelopment Agency of Salt Lake County Magna/Arbor Park Urban Renewal Area, the Redevelopment Agency of Eagle Mountain City Economic Development Area, and the Redevelopment Agency of Park City Lower Park Avenue Redevelopment Project. [For complete details, see General Exhibit No. 12132.]

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

In its August 3, 2012 meeting, the Board discussed several provisions in state law about the disclosure of classroom-level student data, protection of educator evaluation data, and when student data should be publicly available and to whom. The Board directed USOE staff to ensure that all provisions of the law related to student and educator data are consistent and adequately addressed in one Board rule.

Rule R277-487 was addressed by the Accountability, Finance and Assessment Committee in its September 7, 2012 meeting. The Committee did not take action on the rule, but directed USOE staff to make some changes and refine the language for the committee to consider at the October meeting.

Committee Chair Thomas reported that the most controversial issues are contained in R277-487, Section 5 *Educator Evaluation Data*, lines 184-189 regarding educator evaluation data and classroom-level assessment data. Concerns have been expressed from the public that in providing the data, depending on the number of students in the classroom, data on individual students may be apparent.

There are also competing statutes regarding privacy and the release of data, therefore making it difficult to write rule that would satisfy the law. The committee decided that the portion of the rule that is in conflict with statute will not be written until the legislature has a chance to rectify the problem. Staff was directed to remove Section 5 of R277-487, which is in conflict with

statute, reformat the rule, and bring back to the committee in November. Rules R277-484 and R277-502 will be brought back as well.

It was clarified that Board members will work with legislators to help write legislation that will resolve the conflicts in statute on this matter. Once the legislation is formulated, there will be opportunity for public input through the legislative process. Several board members expressed hope that other stakeholders would be involved early in the process.

Member Thomas mentioned the public comments the Board has been received regarding FERPA (Federal Education Rights and Privacy Act). He indicated there is some confusion about FERPA, which is a federal statute that can't be changed by the state. Apparently, years ago when the FERPA law was put in place, there was a reference to it that became known as "Utah FERPA." This has caused confusion, and it appears the public feedback is really about Section 5 in R277-487.

[For complete details, see General Exhibit No. 12133.]

#### Fiscal Accountability Rule

Recent audits conducted by the State Board of Education Internal Auditors and the Utah State Auditor's Office have brought to light various issues regarding insufficient internal controls, segregation of duties, lack of training, and lack of policies in Utah's LEAs regarding school and club activities.

The State Superintendent, in conjunction with LEA heads, has committed to develop a Board rule standardizing the policies, controls, and training required at the LEA level over fund raising, accounting, and monitoring of school and club accounts.

A new draft of the rule was distributed. It will be brought back to the committee for further review and action in November. [For complete details, see General Exhibit No. 12134.]

#### 2012 Utah State Literacy Report

For the second year since the IOWA 3<sup>rd</sup> grade reading was phased out, USOE has produced a Literacy Report specific to the literacy achievement of 3<sup>rd</sup> grade students using the CRT English Language Arts and DIBELs reading indicators.



The 2012 Utah State Literacy Improvement Report was distributed to the Board and reviewed. Overall, from 2005 to 2012 Utah has experienced factors that could have negatively impacted third grade English/language arts CRT (criterion-referenced test) proficiency rates, yet proficiency rates are still slowly trending upward. It was also pointed out that eighth grade language arts proficiency has increased more than 16 percent from 2005. [For complete details, see General Exhibit No. 12135.]

#### CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

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

##### Earth Science Core Standards

The committee reviewed the *Core Standards for Science*—an update to the previous Earth System Science Core. The document has been out for public comment, and as a result, changes have been made. Committee Chair Brown reviewed the proposed changes including: Changing the name from Earth Systems to Earth Science; dispersing objectives and indicators from Earth Systems Standard 2 into the other standards to present a more cohesive scope and sequence; and highlighting vocabulary words within the standards and removing the box at the end to encourage science communication within context.

Motion from committee that the Board adopt the *Core Standards for Earth Science*, as amended.

Motion carried. [For complete details, see General Exhibit No. 12136.]

##### Secondary Mathematics Honors

The Utah Standards for Honors Mathematics Courses have been developed to challenge high achieving students and to prepare students for senior year calculus. The committee reviewed the standards, including the following key points:

- The 7<sup>th</sup> and 8<sup>th</sup> grade honors courses are loosely defined by topic to give teachers flexibility to challenge high achieving students while presenting them with additional mathematical challenges.

- The Secondary I, II, and III Honors courses incorporate the plus standards from the Utah Core Standards and also include additional topics identified by Utah calculus teachers as important prerequisite knowledge for calculus.

The committee approved the standards and topics for Secondary Honors Mathematics as presented, allowing staff the flexibility to move standards and topics between courses as necessary, and moved that the Board approve the standards as stated above.

Member Pyfer relayed a question from a charter school regarding the honors sequence and whether the courses have to be taken in sequence. Associate Superintendent Hales responded that flexibility is built in and a teacher would need to determine the level of the student. Diana Suddreth, USOE Teaching and Learning Coordinator, also added that there is no rule requiring that a student in a specific grade needs to be in a specific course, but that the student should have mastered the elements of the course.

Brenda Hales noted that this information allows for complete transparency about courses. There have always been additional honors courses and standards unique to honors courses, but the standards have never been folded into the Core.

Member Crandall asked about assessment for 9<sup>th</sup> grade students taking secondary math honors courses, if with computer-adaptive testing math will be tested every year, according to legislation. He also questioned if that is case, would the assessment be independent of the courses a student is taking.

Associate Superintendent Hales responded that in the honors courses there are still elements common to regular secondary courses, and those items will be the ones tested on a common assessment. It has not yet been determined if all grades will be tested.

Associate Superintendent Judy Park also responded that the way our accountability system is designed, there is an assessment either at the grade or the course level, depending upon the content. Testing will occur every year, and for math will be based on the course; for language arts it is based on the grade. An adaptive test will not pinpoint at what “level” students are, but is based on concepts. It does give an indication of where a student is at. Member Crandall reiterated his understanding that a computer-adaptive test would be independent of the course or grade.

Motion from committee carried. [For complete details, see General Exhibit No. 12137.]

### Social Studies Core Revision

In a previous meeting, the Board directed USOE staff to move forward with recommendations for changes in the current core requirements for secondary social studies, based on suggestions from Robert Austin, USOE Social Studies Specialist.

The committee was presented with a Projected Timeline for Revision of Secondary Social Studies Offerings. [For complete details, see General Exhibit No. 12138.]

### Essential Elements

Special Education students have special needs at the levels they can be taught, but must be taught according to Utah standards. There are a significant number of students in the system that have severe cognitive impairments.

The committee reviewed a draft of *Essential Elements*, which 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 standards are available on the USOE website and are now out for public comment: <http://schools.utah.gov/sars/Significant-Cognitive-Disabilities.aspx>.

### STEM Update

Science, technology, engineering and math (STEM) education and careers are of critical importance to the economic future of Utah students and the economic wellbeing of the state.

The USOE has joined in partnership with the Governor and Prosperity 2020 to promote STEM education initiatives in Utah. The USOE has also created an internal STEM task force to begin exploration of STEM priorities and proposals.

A handout of STEM projects on which the USOE is working was reviewed by the committee and distributed to the Board. [For complete details, see General Exhibit No. 12139.]

### Preparation of Elementary Mathematics Teachers

Member Brown discussed with the committee an executive summary of the report, *No Common Denominator*. The committee discussed standards for math preparation of elementary

teachers and how schools were rated in the study. In many of those areas Utah is doing well, but there may be areas that should be addressed, such as the need for elementary teachers to adequately understand and have the necessary depth of knowledge to teach mathematics using the new Core Standards. [For complete details, see General Exhibit No. 12140.]

#### INSTRUCTION, SUPPORT AND TECHNOLOGY COMMITTEE

Committee Vice Chair Michael Jensen reported on the following items from the committee.

##### R277-509 Licensure of Student Teachers and Interns

Rule R277-509 was addressed by the Instruction, Support and Technology Committee at its September 7, 2012 meeting. The Committee did not take action on the rule, but directed USOE staff to make further changes and refine the language for consideration in the October meeting.

An updated rule with additional amendments from the committee was distributed. The biggest change was that student teachers and interns shall have student teacher licenses issued by the Board prior to working in public schools, upon recommendations from UPPAC.

It was suggested that the wording in lines 55-56, Section 3B(2) of the newly amended rule be changed to read: “. . . prior to assignment in public schools,” rather than “prior to working in public schools.” The committee was comfortable with the change.

The committee approved R277-509, as amended, on first reading, and moved that the Board approve on second reading R277-509, as amended, with the addition of changing the word “working” to “assignment” in Section 3-B(2), line 55.

Member Brown questioned whether the rule applies to classroom teachers only or would it apply to people that are interning for high school counselors or speech language pathologists, etc. It was noted that both Student Teacher and Intern licenses are mentioned in Section 3A.

Motion carried.

It was determined that if more language is necessary to clarify the process for interns, the rule will be pulled before third reading and additional changes recommended.

[For complete details, see General Exhibit No. 12141.]

R277-515 Utah Educator Standards

Consistent with the Utah Administrative Rulemaking Act, R277-515 was presented for continuation. The rule continues to be necessary because it establishes statewide standards for licensed public school educators.

The committee approved continuation of R277-515 *Utah Educator Standards* on first reading, and moved that the Board approve continuation of R277-515 on second reading.

Motion carried. [For complete details, see General Exhibit No. 12142.]

R277-517 Board and UPPAC Disciplinary Definitions and Actions

In its August 3, 2012 meeting, the Board received from Member Carol Murphy a document identifying several areas of the Utah Professional Practices Advisory Commission (UPPAC) process that may need revision. As a result of the document, R277-517 was developed to address some of the issues identified. The rule was addressed by the committee in its September 7 meeting, and staff was directed to make changes to and refine the language for further consideration during the October meeting.

A revised rule with additional amendments from the committee was distributed and reviewed.

Motion was made by Member David Thomas and seconded by Member David Crandall that the Board amend Section 3E, line 159 of the revised rule to read: “UPPAC action is a final administrative action for those disciplinary actions found in R277-517-3C, . . . ”

Member Kim Burningham observed that a great deal of work went into this rule and expressed his appreciation for those involved. He asked to what extent UPPAC members have had a chance to review the changes. Member Murphy responded that she met with UPPAC a few weeks ago and reviewed the general outline, and they were not adversarial to the changes. There have been discussions with the Utah Education Association as well.

Motion carried.

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

Motion carried. [For complete details, see General Exhibit No. 12143.]

The committee also reviewed the document, *Utah State Board of Education Review of Utah Professional Practices Advisory Commission Process and Principles*. Discussion Item #4—Consistent Factors for Consideration by UPPAC—will be addressed in the Board’s November meeting. With the exception of Discussion Item #10, which was placed on hold, staff are moving forward on the other discussion items. [For complete details, see General Exhibit No. 12144.]

R277-532 Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)

Rule R277-532 was addressed by the Instruction, Support and Technology Committee in its September 7, 2012 meeting. At that time, classified employees association representative Geoff Leonard addressed the committee and provided proposed changes to the rule. Staff was directed to further review the rule and consider the proposed changes, and bring back to the committee in October.

The new rule provides requirements for school districts to adopt policies for public employee evaluation and dismissal consistent with state law enacted in 2012. The new rule also provides components that should be included in the policies.

The committee discussed whether to change the reference “non-licensed” to “classified.” Staff indicated that district superintendents were surveyed and their interpretation of the term “classified” is not consistent. Therefore, it was determined that no change in the term will be made.

The committee amended line 41, Section 3B(3), to read “. . . tied to specific non-licensed job descriptions or assignments.”

The committee approved R277-532, as amended, on first reading, and moved that the Board approve the rule, as amended, on second reading.

Motion carried. [For complete details, see General Exhibit No. 12145.]

**Board Training on the UPPAC Process**

Heidi Alder, USOE investigator and prosecutor for the Utah Professional Practices Advisory Commission (UPPAC), was introduced for the purpose of giving a presentation on the work UPPAC does on a daily basis. She distributed and reviewed the steps in a handout outlining the UPPAC process, as well as a Notification of Alleged Educator Misconduct.

Heather Waite Grover, another UPPAC investigator, explained the investigation process.

Rob McDaniel, Chairman of UPPAC, talked about what happens once UPPAC receives a stipulated agreement and investigative report. He noted that the investigators do a tremendous job. He also emphasized that it is UPPAC's role to help "police their own" and determine a recommendation based on the investigations. UPPAC wants to ensure that everyone in the classroom is qualified and competent.

If a stipulated agreement is not made, an educator has the right to a hearing. Doug Larsen, a UPPAC Hearing Officer, talked about the hearing process.

Board members expressed appreciation for the presentation. Member Joel Coleman recommended that a video clip of the presentation be made available to all new board members.

Assistant Attorney General Kristina Kindl discussed with the Board the implementation of its UPPAC procedures with regard to decision making as outlined on a flow chart of UPPAC-Board Procedures. If the Board has made a direction to UPPAC to revise its disposition, she cautioned the Board against making subsequent motions for dispositions without reviewing the file or having the basis for motions clearly stated. It would be proper if the Board does not accept UPPAC's recommendations, to put forth a motion to have a Board member or a committee of the Board review the record and create findings for the next meeting. Findings must be supported on a sufficient basis.

[For complete details, see General Exhibit No. 12146.]

**Executive Session**

Motion was made by Member Keith Buswell and seconded by Member Laurel Brown that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual and pending or reasonably imminent litigation.

The Board was polled, and upon unanimous consent of those present, moved into Executive Session at 4:15 p.m.

Members Burningham, Murphy and Roberts left the meeting prior to the end of Executive Session.

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

Motion carried. The meeting reconvened at 5:15 p.m.

**Executive Session Items**Utah Professional Practices Advisory Council Recommendations

Motion was made by Member Leslie Castle and seconded by Member Joel Coleman that in Case No. 10-973 the Board reject the UPPAC recommendation, that the Board draft its own findings, and that Board Leadership appoint a committee to draft the findings, conclusions and recommended disposition and bring back to the next Board meeting.

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

Motion was made by Member Keith Buswell and seconded by Member Craig Coleman that in Case No. 10-973 the Board accept the recommendation of UPPAC.

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



Motion was made by Member David Thomas and seconded by Member Mark Openshaw that in Case No. 11-1047 the Board reconsider its prior action taken in the September 7, 2012 Board meeting.

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

Motion was made by Member David Thomas and seconded by Member Mark Openshaw that in Case No. 11-1047 the Board accept the recommendation of UPPAC 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.

Motion carried; Member Laurel Brown opposed. Members Burningham, Cannon, Murphy and Roberts absent.

Motion was made by Member Joel Coleman and seconded by Member David Crandall that Case 10-973 be referred back to UPPAC, and that UPPAC reconsider its disposition with input provided by a committee of the Board.

Motion carried. Members Burningham, Cannon, Murphy and Roberts absent.

Motion was made by Member Tami Pyfer and seconded by Member Laurel Brown that the Board accept the recommendations of UPPAC in Cases 09-925, 10-985, 12-1048, 12-1060 and 12-1066 as follows:

- In Case No. 09-925, accept the Stipulated Agreement and suspend the Level 2 Secondary Educator License. The educator may request a reinstatement hearing following satisfaction of all conditions in the Stipulated Agreement and no sooner than two years from the date of Board action.
- In Case No. 10-985, revoke the Level 2 Secondary Educator License of the educator.
- In Case No. 12-1048, accept a Stipulated Agreement and suspend the Level 2 Secondary Educator License and Middle Education License. The educator may request

a reinstatement hearing following satisfaction of all conditions in the Stipulated Agreement no sooner than one year from the date of Board action.

- In Case No. 12-1060, accept a Stipulated Agreement and suspend the Level 2 Secondary Educator License. The individual may request a reinstatement hearing following satisfaction of all conditions in the Stipulated Agreement and no sooner than one and one-half years from the date of Board action.
- In Case No. 12-1066, accept a Stipulated Agreement and suspend the Level 2 Secondary Educator License. The individual was charged with a Class B misdemeanor and received a three-year plea in abeyance. The individual may request a reinstatement hearing following satisfaction of his plea in abeyance and satisfaction of all conditions in the Stipulated Agreement. Should the plea in abeyance be terminated early, he may request a reinstatement hearing no sooner than one year from the date of Board action.

Motion carried. Members Burningham, Cannon, Murphy and Roberts absent.

[For complete details, see General Exhibit No. 12147.]

#### State Rehabilitation Council Appointment

Motion was made by Member Laurel Brown and seconded by Member Keith Buswell that the Board appoint Rylee Williams to the State Rehabilitation Council, representing vocational rehabilitation counselors, for a term ending September 30, 2013.

Motion carried. Members Burningham, Cannon, Murphy and Roberts absent.

#### Utah Schools for the Deaf and the Blind Advisory Council Appointment

Motion was made by Member Laurel Brown and seconded by Member Michael Jensen that the Board appoint Suzie Blackham as a non-voting member of the Utah Schools for the Deaf and the Blind Advisory Council, representing USDB educators, for a term ending June 30, 2014.

Motion carried. Members Burningham, Cannon, Murphy and Roberts absent.

**Adjournment**

Motion was made by Member Michael Jensen and seconded by Member Joel Coleman that the meeting adjourn.

Motion carried. The meeting adjourned at 5:25 p.m.

Lorraine Austin, Secretary to the Board  
Minutes approved November 2, 2012