

**MINUTES OF A SPECIAL MEETING OF THE
UTAH STATE BOARD OF EDUCATION**

June 27, 2011

A special meeting of the Utah State Board of Education was held June 27, 2011 at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 2:03 p.m. Chair Debra Roberts presided.

Board Members present:

Chair Debra G. Roberts
Vice Chair Dixie L. Allen
Member Kim R. Burningham
Member Janet A. Cannon
Member Leslie B. Castle
Member Craig E. Coleman

Member David L. Crandall
Member Carol A. Murphy
Member James V. (Jim) Olsen
Member C. Mark Openshaw
Member Tami W. Pyfer
Member David L. Thomas

Members excused:

Member Tim Beagley
Member Laurel O. Brown
Member Keith M. Buswell
Member Daniel W. Campbell

Member Joel Coleman
Member Michael Jensen
Member R. Dean Rowley
Member Isaiah (Ike) Spencer

Executive staff present:

Larry K. Shumway, State Superintendent
Martell Menlove, USOE Deputy Superintendent
Brenda Hales, USOE Associate Superintendent
Todd Hauber, USOE Associate Superintendent
Judy Park, USOE Associate Superintendent
Lorraine Austin, Board Secretary

Others present:

Jay Blain, Utah Education Association
Stacey Hutchings, UTVA
Delaina Tonks, OHSU
Emily Eyre, USOE
Jenn Yates, USOE
Sean Thomas, USOE

Amy Vance, UTVA
Dave Hoffman, Paradigm High School
Missy Mackay-Whiteurs, Salt Lake School
for the Performing Arts
Senator Howard Stephenson
Senator Aaron Osmond

Public Education Online Programs, R277-276

Chair Debra Roberts reported that many comments have been received by phone and email regarding the Public Education Online Program rule. She expressed her hope that those concerned have also read the statute, as several of the comments touched on obstacles set forth by the law. She voiced that the Board has consistently and appropriately supported online education, and it is the Board's intent to work with the legislature to provide a program that will give students the best choices and opportunities.

Chair Roberts reminded Members that a Board rule in conjunction with S.B. 65 *Statewide Online Education Program* must be in place by July 1, 2011, thus the reason for calling the special meeting.

Superintendent Larry K. Shumway outlined the following changes to the rule suggested by State Office of Education staff.

- Line 2 - change the title here and throughout the rule to, "Statewide Public Education Online Program."
- Line 4 - change to read: ". . . student actively participates as defined by the provider."
- Line 9 - change to ". . . a course with a passing grade and the provider has transmitted the grade . . ."
- Line 13 - Insert "statewide" at the beginning of sentence.
- Line 22 - Insert "section 53A-15-1207" at the end of the line.
- Line 46 - change to read, "'Statewide assessment' means Criterion- referenced tests or adaptive tests required under R277-404."
- Lines 83-84 - change to, "If so, the counselor gives preliminary approval to the CCA and submits the completed CCA. Delete the rest of the sentence.
- Line 88 - change to, ". . . and signs and submits the CCA. Strike the rest of the sentence.
- Lines 91-94 - change to read, "Primary LEA of enrollment reviews the CCA for accuracy, and finalizes and submits the completed CCA to the USOE. The USOE send notice . . ."
- Lines 103-105 - change to, "A provider sends verification of required student participation to the USOE within 30 calendar days . . ."
- Lines 115-116 - Strike these lines.
- Lines 118-119 - Change "courses" to "credits"

- Line 130 - add, “consistent with 53A-15-1206” to the end of the line.
- Line 132 - replace “Utah” with “Statewide.”
- Line 136 - insert “Statewide” at the beginning of the sentence.
- Line 164, 179 - add at the end of the line, “. . . R277-404, and R277-473.
- Line 202 - strike “state requirements” and insert “R277-404 and R277-473.”
- Line 203 - change to, “. . . identified courses using LEA-adopted and state-approved assessments.”
- Line 204 - Replace “shall” with “may.”
- Line 211 - change to, “Sections 53A-15-1206 and 1207.”
- Line 249 - replace “standards set by the board” with “R277-473.”
- Line 264 - change to read . . . “53A-15-1206, 53A-15-1207, and 53A-15-1208.”
- Line 282 - change to read, “. . . submit a student’s credit and grade within 30 days . . .”
- Line 315 - insert new item P to read, “Providers shall inform students and parents of expectations for active participation in course work.”
- Line 319 - insert, “or within 10 days of the student’s initial enrollment” at end of the line.

Motion was made by Member Dixie Allen that the Board adopt R277-726 *Public Education Online Program*, under the provisions of emergency rulemaking procedures, with the changes proposed by staff. The motion failed for lack of a second.

Motion was made by Member David Thomas and seconded by Member Dixie Allen that the Board approve R277-726 with the changes suggested by staff, with an additional amendment to delete lines 125-128 and lines 293-295.

Motion was made by Member Carol Murphy that line 86 be amended to read, “The USOE shall develop and administer procedures for facilitation of the CCA that inform all appropriate parties.” Members Thomas and Allen accepted the amendment as part of the original motion.

Motion was made by Member David Thomas to add changes to the following to his original motion. Member Allen accepted the changes.

- Lines 77-78 to read, “A student or student’s parent may initiate a CCA by filing a CCA with the student’s primary school of enrollment.”
- Lines 78-80 to read, “A counselor designated by the school of enrollment reviews the CCA to ensure consistency with graduation requirements . . .”

Motion was made by Member David Crandall and seconded by Member David Thomas that Sections 5 A, B, and C, lines 132-179, be moved to the end of Section 7. Motion carried unanimously. Section 5E will be renumbered to become 5A.

Motion was made by Member David Crandall and seconded by Member David Thomas that lines 274-276 be amended to read, “. . . including all materials for students designated fee waiver eligible . . .” Motion carried unanimously.

Member Murphy suggested a change to lines 289-290 to read, “. . . the Provider is responsible for all student due process procedures, including IDEA and 504.” Members Thomas and Allen accepted the change as part of the original motion.

Member David Thomas amended his original motion to include in Section 1, after line 15, a definition of eligible students, as outlined by USOE staff. He also made amendments to Section 4, lines 117, 119, and 129, to add the word “eligible” before “students.” Member Dixie Allen accepted the amendments.

Motion was made by Member David Crandall to move Section 8A, lines 317-319, to Section 4, add the word “eligible” before “student” at the beginning of line 317, and renumber as appropriate. Members Thomas and Allen accepted the amendment as part of the original motion.

Member David Thomas restated his motion that the Board approve R277-276 *Public Education Online Programs* as amended.

Senator Howard Stephenson was asked to comment as the sponsor of S.B. 65. Senator Stephenson expressed appreciation to the Board for its work on the rule, and asked the Board to consider additional changes. He asked first, that the name of the program in the rule be changed to be consistent with the name as it is designated in the law--Statewide Online Education Program. He also recommended that lines 273-276 regarding fee waivers be stricken, to make it consistent with fee waivers for the Electronic High School. Superintendent Shumway clarified that fee waivers other than connectivity are required for the Electronic High School, and the connectivity portion has been stricken as part of the amendments to the rule. Senator Stephenson indicated that he intends to propose some modifications to the law in the next legislative session.

Motion was made by Member David Thomas and seconded by Member David Crandall that the name of the program be change to Utah Statewide Online Education Program. Motion failed, with Members David Thomas, David Crandall, and Craig Coleman voting in favor.

Motion to accept R277-276 as amended carried unanimously. [For complete details, see General Exhibit No. 11583.]

Redistricting

Member David Thomas indicated he has been asked to come back to the Redistricting Committee with principles the Board would like the Committee to consider as it draws new district maps. He distributed and reviewed some suggested principles.

Motion was made by Member Craig Coleman and seconded by Member Tami Pyfer that the Board accept the first three principles on the sheet, that: 1) State School Board districts must have substantial equality of population among the various districts with a deviation not greater than +/- 3.5%; 2) State School Board districts must be contiguous and reasonably compact; and 3) the 2010 Decennial Census will be used.

Motion carried unanimously; Member Carol Murphy absent.

Motion was made by Member Kim Burningham and seconded by Member Tami Pyfer that the Board support the fourth principle on the sheet that State School Board districts will minimize overlap between local school districts. Motion carried unanimously; Member Carol Murphy absent.

[For complete details, see General Exhibit No. 11584.]

Motion was made by Member Dixie Allen and seconded by Member Janet Cannon that the meeting adjourn. Meeting adjourned at 3:50 p.m.

Lorraine Austin, Secretary to the Board
Approved August 5, 2011