

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

August 3, 2012

The Utah State Board of Education held a work/study session at Park City School District, 2700 Kearns Blvd., Park City Utah, on August 2, 2012. All Board members were present with the exception of Carol Murphy, Isaiah Spencer and Teresa Theurer.

A regular meeting of the Utah State Board of Education was held August 3, 2012 at the State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair Debra Roberts presided. At the direction of the Chair, Vice Chair Dixie Allen conducted.

Board Members present:

Chair Debra G. Roberts	Member Joel Coleman
Vice Chair Dixie L. Allen	Member David L. Crandall
Member Laura Belnap	Member Michael Jensen
Member Keith M. Buswell	Member Carol A. Murphy
Member Laurel O. Brown	Member James V. (Jim) Olsen (non-voting)
Member Kim R. Burningham	Member C. Mark Openshaw
Member Janet A. Cannon	Member Tami W. Pyfer
Member Leslie B. Castle	Member Dean Rowley (non-voting)
Member Wilford Clyde (non-voting)	Member David L. Thomas
Member Craig E. Coleman	

Members excused:

Member Isaiah Spencer
Member Teresa Theurer

Executive staff present:

Larry Shumway, State Superintendent	Judy Park, Associate Superintendent
Martell Menlove, Deputy Supt.	Don Uchida, Executive Director, USOR
Brenda Hales, Associate Superintendent	Lorraine Austin, Board Secretary
Bruce Williams, Associate Supt.	

Others present:

Gene Wilhoit, CCSSO; Peter Yeager, ETS; Terry Owens, ETS; Kent Coburn, American Cancer Society; Lydia Nuttall, parent; Ken Wallace, parent; Lisa Cummins, parent; Carolyn Mock, NWEA; Rich Cunningham, candidate, Utah House of Representatives; Barry Walker, USSA; Charlotte Dunn, KCPW; Kris Kimbal, parent; Carolyn Lasater, USDB; Michael Sears, USDB; Trena Rouche, USDB; Tiffany Hall, USOE; Gayle Ruzicka, Eagle Forum; Jan Ferré, LCPD

Opening Business

Vice Chair Dixie Allen called the meeting to order at 8:15 a.m. Member Joel Coleman led the Board in the Pledge of Allegiance. Members Isaiah Spencer and Teresa Theurer were excused.

Swearing in of Laura Belnap

Dr. Larry Shumway, State Superintendent of Public Instruction, issued the Oath of Office to Laura Belnap as the appointed State Charter School Board representative to the State Board of Education.

Mrs. Belnap helped establish online education for K-12 students in Utah in 2002. She currently works for Washington School District as the principal of Washington Online School. She has been serving on the State Charter School Board for two years.

Welcome Message

Board Member Carol Murphy gave the welcome message. She shared a reading from a letter of St. Paul to the Ephesians about looking to the light.

Promises to Keep Highlight - 8th Grade Reading Results

Superintendent Larry Shumway reviewed the preliminary 2011-2012 English/language arts CRT results—the best proxy for reading proficiency. Third grade has improved a full percent from year to year and 8th grade continues to improve. In 2005, the 8th grade reading proficiency overall percentage was in the high 70s. Today, 8th grade reading proficiency has exceeded 90 percent. When these gains—made through specific, targeted intentions—are viewed over time, they show the effectiveness of the focus on Promises to Keep.

In 2005, Utah's Hispanic subgroup in reading in the 8th grade was in the low 50 percent range. Today, the Hispanic subgroup has risen to 78 percent. The American Indian subgroup in 2005 was at 51 percent; today it has risen to 77 percent. Overall, the Caucasian group was at 81 percent, and has risen to 92 percent.

A dramatic increase has taken place, and is the best evidence that when the Board focuses on something, measures it intently, and aligns it to the Board's mission, the results will be positive.

Superintendent Shumway shared that throughout the state he hears the promises from Promises to Keep—such as teaching all children to read, and providing high quality instruction— expressed to him from other educators.

[For complete details, see General Exhibit No. 12017.]

Public Participation/Comment

The following individuals gave comment to the Board. [For complete details, see General Exhibit No. 12018.]

Katie Kersys, staff partner for the American Cancer Society in Salt Lake City - distributed and reviewed information about the Cancer Society's newest program created specifically for elementary schools and junior high schools: Relay Recess and Relay Field Day. The program's goal is to bring cancer awareness and education to the classroom. She asked for the Board's support in spreading the word about the new program.

Geoff Leonard, Utah School Employees Association - urged the Board to not approve R277-531-5, which is on the General Consent Calendar today. The rule refers to evaluations of public school classified employees. The USEA is requesting that the Board give the rule further consideration, as it is not currently aligned to state law to provide general guidelines, requirements and procedures for the evaluations.

Deon Turley, Education Commissioner, Utah PTA - reported that Governor Gary Herbert announced as part of Prosperity 2020, his goal of having 20,200 volunteers in Utah schools this year. Utah PTA encourages businesses to support the online business promise portal that will bring volunteers to the schools to assist teachers and to meet the needs of education. She expressed PTA's hope that schools will not only open their doors to community and family volunteers, but that they will be prepared to use the help of volunteers in ways that will spur student success.

Lars Norfeldt, 17-year math teacher, Park City High School - reported that he attended a four-day Core Academy for secondary math sponsored by the State Office of Education. The Academy provided very effective professional development that will help him be a better teacher. He expressed his excitement about the Utah Core Standards, and for how they will help students.

Member Joel Coleman took a point of personal privilege to indicate that Mr. Norfeldt is a friend and great teacher. Member Carol Murphy also mentioned that Mr. Norfeldt taught her son.

Dr. Sara Jones, Utah Education Association - reported that UEA supports the practice currently in place by the State Office of Education for reporting school-level data. Further, UEA supports teacher-level data being made available to individual teachers, buildings, and district administrators, but does not support releasing teacher-level data on the Data Gateway on the USOE website. Some problems that could occur in reporting teacher-level data is that reporting a single test score can be misleading, use of the data may discourage teacher collaboration, and in elementary school, no single teacher is responsible for student success.

General Consent Calendar

Motion was made by Member Laurel Brown and seconded by Member Kim Burningham that the Board pull Item W, R277-531 *Public Educator Evaluation Requirements (PEER)* from the Consent Calendar and bring the rule back at a future meeting.

Members Carol Murphy and Tami Pyfer reported that Mr. Leonard's concerns about the rule were discussed at length when the committee discussed the rule.

Substitute motion was made by Member Janet Cannon and seconded by Member Carol Murphy that the Board approve the rule, as amended, on third reading, and additionally that the rule be brought back to the Board for further study and potential amendment at the earliest possible time.

Substitute motion carried unanimously.

Motion was made by Member Janet Cannon and seconded by Member Mark Openshaw that the Board approve the General Consent Calendar.

Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the State Board of Education meeting held June 1, 2012 were approved.

2. Contracts

The following contracts were approved by the Board. [For complete details, see General Exhibit No. 12019.]

- a. Camomile Holdings dba Shade Tree Building LLC, \$0, 07/01/09 to 06/30/14, Fed., Amendment

Change of contact and vendor number for the lease of space for the Division of Rehabilitation Services located at 926 West Baxter Place, South Jordan, Utah.

- b. Old Dominions Freight Line Inc, \$330,000, 6/30/12 to 7/1/13, Amendment

For transportation of USDA dry and temperature controlled commodities to recipient agencies statewide.

- c. Precision Exams & Survey, LLC, \$522,000, 7/1/12 to 6/30/12

The USOE has the responsibility for administering the Career and Technical Education (CTE) skill certificate testing program using an online delivery platform. The purpose of this contract is to secure the services of a qualified testing vendor to undertake activities to deliver online skill testing in support of the CTE Skill Certificate Program.

- d. Tri County Independent Living Center of Utah, \$526,737, 7/1/12 to 6/30/13, Fed., Amendment

To provide Independent Living, Assistive Technology services, and Nursing Home Transition services to individuals with severe disabilities residing in Morgan, Davis, and Weber Counties.

- e. Pearson Clinical Assessment, a business of NCS Pearson, \$0, 7/1/12 to 6/30/13, Fed., Amendment

To provide consumable tests to Career Exploration Services. Amendment for Contract #126012 (Requirements Contract) - adding 2012 Price List.

- f. The National Center for the Improvement of Educational Assessment, \$663,005, 6/15/12 to 4/14/15, Fed., Amendment

The contract has been amended to extend the contract expiration date to April 14, 2015, and to continue assisting the state with Technical and Policy Advisory Committee; implementing the CAS and NCLB waiver; providing scaling and equating services; and supporting the Utah educator evaluation system.

g. HMB Information System Developers, \$292,430, 7/1/12 to 9/30/13

To continue to enhance the Utah Consolidated Application (UCA) with Utah specific programming that will allow LEAs and the USOE to interface more efficiently and clearly, as well as provide electronic processing of reimbursement requests for grants with the UCA.

h. iAssessment dba TrueNorthLogic, \$192,500, 7/1/12 to 6/30/13, Fed., Amendment

Licensed software for program and grant management.

i. Iron Data Solutions, Inc, \$180,000, 10/1/11 to 9/30/16, Fed.

To provide annual maintenance for the computer program/system at Disability Determination Services (DDS).

j. Experis IT Services, US, LLC, \$150,000, 6/1/12 to 5/31/13

Purpose: USOE assessment database and software.

k. Measured Progress, -\$694,705, 7/15/12 to 7/15/16, Fed, Amendment

To add public reporting fields to the data administration system, to add a summer administration, and to eliminate printing of paper test booklets.

l. Pearson Clinical Assessment, a business of NCS Pearson, \$0, 7/1/12 to 6/30/13, Fed., Amendment

To provide consumable tests to Career Exploration Services. Amendment for Contract #126107 (Requirements Contract) - adding 2012 Price List.

m. Utah Restaurant Association, \$313,100, 9/1/08 to 6/30/13, Amendment

To prepare high school juniors and seniors for a career in the restaurant and food service industry. Funding appropriated by the legislature to aid with training, mentoring, equipment, supplies, and competitions in Utah high schools.

3. R277-101 Utah State Board of Education Procedures

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-101, consistent with the Utah Administrative Rulemaking Act five-year review requirement. In addition, staff have updated the definition of LEA as directed by the Board.

The Board approved continuation of R277-101 *Utah State Board of Education Procedures* on third and final reading. The Board also approved R277-101, as amended, on third and final reading. [For complete details, see General Exhibit No. 12020.]

4. R277-103 *USOE Government Records and Management Act*

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-103, consistent with the Utah Administrative Rulemaking Act five-year review requirement. The Board also approved on second reading amendments to the rule that provided updated terminology.

The Board approved continuation of R277-103 *USOE Government Records and Management Act* on third and final reading. The Board also approved R277-103, as amended, on third and final reading. [For complete details, see General Exhibit No. 12021.]

5. R277-110 *Legislative Supplemental Salary Adjustment*

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-110, consistent with the Utah Administrative Rulemaking Act five-year review requirement. The Board also approved on second reading, amendments to the rule. The rule was amended to reflect accurate Utah Code references, to conform school district and charter school references to LEAs, and to remove references to specific years.

The Board approved continuation of R277-110 *Legislative Supplemental Salary Adjustment* on third and final reading. The Board also approved R277-110, as amended, on third and final reading. [For complete details, see General Exhibit No. 12022.]

6. R277-112 *Prohibiting Discrimination in the Public Schools*

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-112, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-112 *Prohibiting Discrimination in the Public Schools* on third and final reading. [For complete details, see General Exhibit No. 12023.]

7. R277-115 Material Developed with State Public Education Funds

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-115, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-115 *Material Developed with State Public Education Funds* on third and final reading. [For complete details, see General Exhibit No. 12024.]

8. R277-116 Utah State Board of Education Internal Audit Procedures

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-116, consistent with the Utah Administrative Rulemaking Act five-year review requirement. An amendment to the rule to include "LEA" in the definition of "Audit" to make the definition consistent with the rest of the rule was also approved on second reading.

The Board approved continuation of R277-116 *Utah State Board of Education Internal Audit Procedures* on third and final reading. The Board also approved R277-116, as amended, on third and final reading. [For complete details, see General Exhibit No. 12025.]

9. R277-400 School Emergency Response Plans

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-400, consistent with the Utah Administrative Rulemaking Act five-year review requirement. In addition, the Board approved on second reading amendments to the rule. The rule was amended to reflect changes in R710-4 *Buildings Under the Jurisdiction of the State Fire Prevention Board*, as in effect May 1, 2012. The amendments allow for certain monthly required emergency evacuation (fire) drills for elementary schools to be substituted with specific other emergency drills, and reduces the time frame in which the first emergency evacuation drill shall be conducted each school year for both elementary and secondary schools. In addition, staff updated the definition of LEA as directed by the Board.

The Board approved continuation of R277-400 *School Emergency Response Plans* on third and final reading. The Board also approved R277-400, as amended, on third and final reading. [For complete details, see General Exhibit No. 12026.]

10. R277-401 Child Abuse-Neglect Reporting by Education Personnel

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-401, consistent with the Utah Administrative Rulemaking Act five-year review

requirement. The Board also approved on second reading amendments to the rule to correct a citation and update terminology.

The Board approved continuation of R277-401 *Child Abuse-Neglect Reporting by Education Personnel* on third and final reading. The Board also approved R277-401, as amended, on third and final reading. [For complete details, see General Exhibit No. 12027.]

11. R277-407 School Fees

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-407, consistent with the Utah Administrative Rulemaking Act five-year review requirement. In addition, staff have updated the definition of LEA as directed by the Board.

The Board approved continuation of R277-407 *School Fees* on third and final reading. The Board also approved R277-407, as amended, on third and final reading. [For complete details, see General Exhibit No. 12028.]

12. R277-410 Accreditation of Schools

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-410, consistent with the Utah Administrative Rulemaking Act five-year review requirement. Amendments to the rule were also approved on second reading. Amendments included incorporating language clarifying that the Northwest Accreditation Commission is now an accreditation division of AdvanceED.

The Board approved continuation of R277-410 *Accreditation of Schools* on third and final reading. The Board also approved R277-410, as amended, on third and final reading. [For complete details, see General Exhibit No. 12029.]

13. R277-411 Elementary School Accreditation
R277-412 Junior High and Middle School Accreditation
R277-413 Accreditation of Secondary Schools

In its June 1, 2012 meeting, the Board repealed on second reading R277-411, R277-412, and R277-413. Necessary language from all three rules has been placed in R277-410 *Accreditation of Schools*.

The Board repealed R277-411 *Elementary School Accreditation*, R277-412 *Junior High and Middle School Accreditation*, and R277-413 *Accreditation of Secondary Schools* on third and final reading. [For complete details, see General Exhibit No. 12030.]

14. R277-419 Pupil Accounting

In its June 1, 2012 meeting, the Board approved R277-419, as amended, on second reading. The rule was amended to provide funding to LEAs for CTE students who are enrolled in approved CTE courses under specific circumstances.

The Board approved R277-419 *Pupil Accounting*, as amended, on third and final reading. [For complete details, see General Exhibit No. 12031.]

15. R277-433 Disposal of Textbooks in the Public Schools

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-433, consistent with the Utah Administrative Rulemaking Act five-year review requirement. The Board also approved amendments to the rule on second reading. The rule was amended to provide updated terminology.

The Board approved continuation of R277-433 *Disposal of Textbooks in the Public Schools*, on third and final reading. The Board approved R277-433, as amended, on third and final reading. [For complete details, see General Exhibit No. 12032.]

16. R277-445 Classifying Small Schools As Necessarily Existent

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-445, consistent with the Utah Administrative Rulemaking Act five-year review requirement. The Board also approved on second reading amendments to the rule to change the distribution formula to necessarily existent small schools, as a result of a legislative appropriation.

The Board approved continuation of R277-445 *Classifying Small Schools as Necessarily Existent* on third and final reading. The Board also approved R277-445, as amended, on third and final reading. [For complete details, see General Exhibit No. 12033.]

17. R277-475 Patriotic, Civic and Character Education

In its June 1, 2012 meeting, the Board approved on second reading amendments to R277-475 to clarify specific language regarding excusing a student from reciting the Pledge of Allegiance and clarify responsibilities of the USOE and LEAs. In addition, staff have updated the definition of LEA as directed by the Board.

The Board approved R277-475 *Patriotic, Civic and Character Education*, as amended, on third and final reading. [For complete details, see General Exhibit No. 12034.]

18. R277-477 Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program

In its June 1, 2012 meeting, the Board approved R277-477, as amended, on second reading. Amendments included clarification of the definition of appropriate expenditures of School LAND Trust Funds, and changes as a result of changes in the law from the 2012 Legislative Session and from the Legislative Audit, *A Review of School Community Council Election Practices*, released in January 2012.

The Board approved R277-477 *Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program*, as amended, on third and final reading. [For complete details, see General Exhibit No. 12035.]

19. R277-502 Educator Licensing and Data Retention

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-502, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-502 *Educator Licensing and Data Retention* on third and final reading. [For complete details, see General Exhibit No. 12036.]

20. R277-505 Administrative License Areas of Concentration and Programs

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-505, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-505 *Administrative License Areas of Concentration and Programs* on third and final reading. [For complete details, see General Exhibit No. 12037.]

21. R277-506 School Psychologists, School Social Workers, and School Counselors Licenses and Programs

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-506, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-506 *School Psychologists, School Social Workers, and School Counselors Licenses and Programs* on third and final reading. [For complete details, see General Exhibit No. 12038.]

22. R277-514 Board Procedures: Sanctions for Educator Misconduct

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-514, consistent with the Utah Administrative Rulemaking Act five-year review requirement. The Board also approved on second reading amendments to the rule to provide minor wording changes.

The Board approved continuation of R277-514 *Board Procedures: Sanctions for Educator Misconduct* on third and final reading. The Board also approved R277-514, as amended, on third and final reading. [For complete details, see General Exhibit No. 12039.]

23. R277-531 Public Educator Evaluation Requirements (PEER)

In its June 1, 2012 meeting, the Board approved on second reading amendments to R277-531. The rule was amended to reflect requirements in Utah Code 53A-8a-301 and to include annual evaluations for classified employees and give local school boards direction about creating policy. In addition, staff have updated the definition of LEA as directed by the Board.

The Board approved R277-531 *Public Educator Evaluation Requirements (PEER)*, as amended, on third and final reading. [For complete details, see General Exhibit No. 12040.]

24. R277-608 Prohibition of Corporal Punishment in Utah's Public Schools

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-608, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-608 *Prohibition of Corporal Punishment in Utah's Public Schools* on third and final reading. [For complete details, see General Exhibit No. 12041.]

25. R277-703 Centennial Scholarship for Early Graduation

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-703, consistent with the Utah Administrative Rulemaking Act five-year review requirement. In addition, staff have updated the definition of LEA as directed by the Board.

The Board approved continuation of R277-703 *Centennial Scholarship for Early Graduation* on third and final reading. The Board also approved R277-703, as amended, on third and final reading. [For complete details, see General Exhibit No. 12042.]

26. R277-709 Education Programs Serving Youth in Custody

In its June 1, 2012 meeting, the Board approved R277-709, as amended, on second reading. Amendments included addressing the delivery of educational services to Youth in Custody students in general, and the Utah State Hospital specifically, as well as the processes for distributing education contract funds to the LEA responsible for delivery of educational services at the Utah State Hospital.

The Board approved R277-709 *Education Programs Serving Youth in Custody*, as amended, on third and final reading. [For complete details, see General Exhibit No. 12043.]

27. R277-713 Concurrent Enrollment of High School Students in College Courses

In its May 3, 2012 meeting, the Board approved amendments to R277-713 on second reading. A necessary provision was inadvertently omitted from the amended rule. In its June 1, 2012 meeting, the Board approved on second reading R277-713, as amended, to add the necessary provision and clarification of charges to concurrent enrollment students.

The Board approved R277-713 *Concurrent Enrollment of High School Students in College Courses* on third and final reading. [For complete details, see General Exhibit No. 12044.]

28. R277-720 Child Nutrition Programs

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-720, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-720 *Child Nutrition Programs* on third and final reading. [For complete details, see General Exhibit No. 12045.]

29. R277-750 Education Programs for Students with Disabilities

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-750, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-750 *Education Programs for Students with Disabilities* on third and final reading. [For complete details, see General Exhibit No. 12046.]

30. R277-911 *Secondary Career and Technical Education*

In its June 1, 2012 meeting, the Board approved on second reading continuation of R277-911, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-911 *Secondary Career and Technical Education* on third and final reading. [For complete details, see General Exhibit No. 12047.]

31. Monthly Budget Report

The Monthly Budget Reports for May and June 2012 were 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. 12048.]

32. National Association of State Boards of Education (NASBE) Dues

The Board approved payment of dues to NASBE for 2013 in the amount of \$23,556, which includes \$23,406 for membership dues, \$130 for NCOSEA membership, and \$20 for 2013 Standard Subscription. [For complete details, see General Exhibit No. 12049.]

33. Utah School Boards Association Dues

The Board approved payment of 2012-2013 membership dues to the Utah School Boards Association (USBA) in the amount of \$1,500. [For complete details, see General Exhibit No. 12050.]

34. USDBEA/USDB Negotiated Agreement

The Board ratified the Negotiated Agreement between the Utah Schools for the Deaf and the Blind Education Association (USDBEA) and the Utah Schools for the Deaf and the Blind (USDB) for the school year 2012-2013. The agreement was negotiated by the administration of USDB and the negotiation team from the USDBEA. [For complete details, see General Exhibit No. 12051.]

35. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in June and July 2012 was provided for Board information. [For complete details, see General Exhibit No. 12052.]

36. Adoption of Per Diem Rates

In accordance with its Bylaws, the Board adopted the per diem rates for boards established by the Director of the State Division of Finance [63A-3-106 and 107]. The rates established for FY 2013 are listed in Utah Administrative Code R25-5-4. [For complete details, see General Exhibit No. 12053.]

37. Ratification of Hiring

The Board ratified the hiring of the following employees at the Utah State Office of Education: Bruce Williams, Associate Superintendent for Business Services; Sarah Reeves Young, Science Specialist; David Roberts, School Finance Director; Roxana Orellana, Social Media Specialist.

Utah Core Standards

Superintendent Larry Shumway introduced Gene Wilhoit, Executive Director of the Council of Chief State School Officers (CCSSO). Prior to coming to CCSSO, Mr. Wilhoit had experience as the chief state school officer in two states. Mr. Wilhoit explained that in both states in which he served as the chief, there had been many educational improvement activities under way as the states worked to implement No Child Left Behind. Both states went through a revision of their standards, with a great deal of time and cost. It didn't make sense to him that each state was doing the same thing independently.

In 2006, public education was under a great attack regarding standards, and was being criticized for lack of rigor and growth, and low graduation rates. The business community was stating it couldn't get graduates that could compete with new demands of the workforce. Additionally, the release by the federal government of the NAEP standards against the proficiency of the state standards was another blow.

Against this backdrop, in his first meeting with states as Executive Director of CCSSO, he challenged the chiefs to come together and develop standards for the purpose of correcting the flaws, and setting a bar not just for minimum graduation standards, but setting standards that would tie to what students would need for higher education and the workforce. He asked that states be willing to benchmark their standards against the best states, and guaranteed that no state would have to lower its benchmarks. CCSSO found a partner in this effort in the National Governors Association (NGA).

CCSSO and NGA did not initially ask states to commit to standards, but asked them to engage in the process. Forty eight states signed an MOA to participate. Nothing was binding at that time. When states signed the MOA to participate, the only agreement made was that they would take seriously the process in which they were engaging and contribute to the partnership among the states. The standards were developed by the states and for the states. Utah representatives were engaged in all five rounds of redrafting the standards. The development process included consultation with individuals from higher education, business, and people around the country who had done research on standards.

Mr. Wilhoit expressed his thinking that the states have developed what at this time in history are among the best standards in the world. There have been concerns about the reading material outlined in the standards—that too much informational text is required. He responded that during the process, it was found that higher education is more interested in informational reading of historical documents, primary source documents and research documents, than solely literature. The new standards emphasize a balance between literary and informational text. Mathematics standards were also taken back to the basics before moving along to higher content levels.

In June 2010, 46 states and the District of Columbia moved forward with the standards. Adoption was voluntary and determined by each state. The states can choose to adopt and choose the context of what the standards will look like in their states. There are no “standards police” watching a state to ensure the standards are implemented in any specific way. States may add to the standards as they wish. Mr. Wilhoit expressed his belief that the strong standards will drive improvement in instructional materials for teachers, and will bring some entrepreneurs into teaching. There is also no binding commitment to CCSSO, NGA, or any other entity on implementation of the standards. Implementation will look different in each state.

Mr. Wilhoit discussed the concern about federal engagement. He reminded the audience that he can’t control what the federal government will do, and indicated he encourages states to have constant watch on the federal government and vehemently oppose any sort of increased federal engagement, making sure the states maintain control of the standards.

He indicated that standards imply “the what.” They in no way imply there should be standardization of practice; in fact, they should foster more innovation, more experimentation,

and more development by individual teachers than has happened in the past. Standards don't raise student achievement—educators do. He applauded Utah for the work it is doing with teachers, such as in the Core Academies.

Finally, Mr. Wilhoit expressed his thoughts that better assessments are needed in this country. There are advantages for states to come together to look at assessment, but in no way is any state required to implement those assessments.

Member Craig Coleman reported that some of his constituents have been concerned about the state's ability to alter or change the standards, and asked what kind of latitude Utah has. Mr. Wilhoit responded that Utah has whatever latitude it wants to take. He did caution that the farther a state veers from the core content statements, the more difficult it will be for the state to align with the kinds of resources that will be available as the states move forward.

Member Laurel Brown asked about where publishers are in terms of aligning textbooks to the core standards. Mr. Wilhoit stated the harsh reality is that the desire on the part of the teachers to move forward is ahead of the development of the materials. He warned that states need to be very critical about the claim that something is "aligned with the Common Core Standards." CCSSO has looked at those claims and some have done very little to change.

Member Tami Pyfer indicated she has heard the standards are copyrighted and that individuals are making a great deal of money from state licensing. Mr. Wilhoit responded that the standards are copyrighted by CCSSO and NGA, but the copyright is only to ensure that those are the standards. It is all open information, nothing is being sold, no profits are being made, and there is no licensing. The standards are owned by the states to do with what they wish.

Member Craig Coleman asked if there was any thought to creating a system for evaluating claims that materials are aligned to the standards. Mr. Wilhoit responded that CCSSO and NGA have discussed the issue, but have avoided getting into the policing of implementation and materials. However, there are a number of states that are working together on the quality of materials and sharing information. CCSSO is planning to work with some universities to look at implementation. The standards will change, and an evaluation will be needed as they are implemented. Also, evaluation will be needed to look at how the standards are being implemented against student learning results.

Superintendent Shumway indicated that the USOE is interested in concerns regarding specific standards. The challenge is in getting past some of the deeply felt worries that the standards came out of a malevolent intent to impose federal will or to impose a certain political or social agenda. Mr. Wilhoit responded that it is puzzling to him. The irony is that the standards were literally decided by the states because they were concerned that the states own this process. It was developed by the states and state staff with advice from many other people.

He finds there are some who will criticize the standards themselves, but generally, when he hears comments about the standards, they are not about the substance of the standards. Some people are chiefly concerned about the intrusion of the federal government into education policymaking and states rights. He indicated that every day CCSSO lobbies against federal government intruding on this process. The effort to have common standards stemmed from the desire of states to manage the process, to do what's right for children, and to move education forward, using the resources and supports of each other. It is now being characterized very differently.

Vice Chair Dixie Allen thanked Mr. Wilhoit for his participation.

The Board recessed to committees at 9:17 a.m. The Board reconvened at 11:15 a.m.

Achievement Spotlight

Associate Superintendent Brenda Hales introduced two Utah students honored nationally for their achievement on Advanced Placement (AP) testing—Elizabeth Malcolm and Roman Amici. Both students graduated from Park City High School in 2011. Each year, the College Board confers a distinction for the top male and top female students in AP achievement in each state. Utah has one of the highest AP participation rates in the country, and 25,443 students took AP tests last year in Utah and received a score of three or higher on those tests. From those students, the top two were chosen.

Chair Roberts and Superintendent Shumway honored the students with certificates of excellence. Their parents were also applauded.

Classroom-level Data Availability

The Public Education Data Gateway is a publicly available tool accessed through the Utah State Office of Education's website: www.schools.utah.gov. Through the Gateway, interested individuals may view school performance, compare schools, see a school profile, and view school report cards. The data is not currently available through the Gateway at the teacher or classroom level. Principals, teachers, and district administrators do have availability through a password-protected site to look at classroom-level data and, when the circumstances are appropriate, individual student data.

The public availability of classroom-level data is highly controversial. Advocates for the availability of data at the teacher/classroom level argue the merits of transparency and accountability. Opponents argue the challenges of meaningful interpretation of the data, the impact on collegiality, and the difficulty of protecting the privacy of individual students.

In its study session on September 6, the Board heard from a panel on this issue including Senator Howard Stephenson, Senator Aaron Osmond, Dr. Patti Harrington— Executive Director of the Utah School Superintendents Association, Sharon Gallagher-Fishbaugh—Utah Education Association President, and Superintendent Ron Wolf—Box Elder School District. The Board heard arguments for and against making classroom-level data available to the public.

Superintendent Shumway mentioned that two sections of law are in conflict with data sharing: 53A-1-603(4)(d) *Duties of the State Board of Education* and 53A-8a-410(4) *Public Education Human Resource Management Act—Report of educator ratings*.

Motion was made by Member Tami Pyfer that the Board not publish teacher-level data, or make the data password protected, through the Data Gateway system. Motion failed for lack of a second.

Motion was made by Chair Debra Roberts and seconded by Member Mark Openshaw that the Board continue to include classroom-level data, as it is now doing, to supervisors and teachers, and that the Board adapt Board rule to state that principals will share that information, with appropriate context, to parents who ask about their child's present or potential teachers' data, and ask that if necessary, the Board find a sponsor for legislation to resolve any contradiction in statute.

Member Burningham questioned what the impact would be if a principal does not comply. Member Brown mentioned that once the information has been shared with a parent, the parent will be able use it, and Member Castle expressed concern that the information could be taken out of context. She wondered if there would be a time when a principal should have the right to decline sharing the information, and suggested principals needs some latitude to use their judgment.

Associate Superintendent Judy Park cautioned that when sharing data about a specific student, sometimes in trying to be transparent the rights of other students may be compromised.

Chair Roberts amended her motion, with Member Openshaw's support, to add the wording, "while prioritizing the maintenance of individual student privacy" after, "share that information with appropriate context."

Superintendent Shumway also mentioned that there are some technical challenges in reporting fairly, as some classrooms have multiple teachers. Member Castle expressed her concern that the Board is pushing the responsibility for what data to share to principals.

Substitute motion was made by Member Kim Burningham and seconded by Member Tami Pyfer that the Board continue to include classroom-level data, as it is now doing, to supervisors and teachers, and that the Board adapt Board rule to state that principals should share that information with appropriate context, while prioritizing the maintenance of individual student privacy, to parents who ask about their child's present or potential teachers' data, and ask that if necessary, the Board find a sponsor for legislation to resolve any contradiction in statute.

Member Burningham clarified that he changed the word "will" to "should," as "will" implies enforcement, and he doesn't believe there could be enforcement.

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

Board Chair Report

Chair Debra Roberts reported on the following items. [For complete details, see General Exhibit No. 12054.]

PACE - The Governor's Commission on Education Excellence met and approved the metrics for the Governor's PACE initiative—Prepare young learners; Access for all students; Complete certificates and degrees, and Economic alignment. Chair Roberts expressed support because the metrics are based on the work of Promises to Keep.

Education Summit - Governor Herbert will be holding an education summit on October 17, 2012.

Prosperity 2020 - The website for the business portal, Prosperity 2020, was shown: <http://p2020businesspromise.com>. It emphasizes the importance of partnerships between parents, education, and business, and outlines the goal of having 20,200 volunteers in education by the year 2020.

Graduation Requirements Committee - The Board's committee on graduation requirements/competency has been meeting, and is prioritizing how to best use state policy to affect student achievement. The committee has listened carefully to board concerns.

Property Tax Proposal - Senator Aaron Osmond

Senator Aaron Osmond was welcomed to the meeting. He commented that there are significant inequities in capital outlay, and made a presentation on his plan for property tax equalization. He is in the process of talking with the entities affected, including rural school districts. He asked that the Board consider the proposal and take a position in the future.

[For complete details, see General Exhibit No. 12055.]

State Superintendent Report

State Superintendent Larry Shumway reported on the following. [For complete details, see General Exhibit No. 12056.]

Teacher of the Year - The annual Teacher of the Year banquet is scheduled on October 5 at Embassy Suites, from 6:30 to 9:30 p.m.

New employees - Roxana Orellana, USOE Social Media Specialist; David Roberts, USOE Director of School Finance; and Sarah Young, USOE Science Specialist were introduced.

ESEA flexibility waiver - Associate Superintendent Judy Park reported on Utah's ESEA flexibility request approval. Superintendent Shumway informed the Board that during the

approval process there were requests from the U.S. Department of Education that weren't aligned with Utah practice. In responding to the Department, Utah did not change what it was doing, but responded with greater detail about how things are being done. Utah has not given up control.

Federal budget cuts - A summary of pending federal education budget cuts, due to sequestration, was reviewed.

Attorney relationships - Superintendent Shumway reported that he was directed by Board Leadership to research board/attorney relationships. He distributed and reviewed a memorandum on his research. It is clarified in the Utah Constitution and statute that the Attorney General is the attorney for the Board and USOE. Attorneys on staff are not the Board's or office's attorneys, but may bring expertise to various areas. Dr. Shumway cautioned that when speaking to a staff attorney, there is no attorney-client privilege. As outlined in statute, the State Superintendent may request a legal opinion from the Attorney General, and an opinion by the Attorney General "shall be considered correct and final unless set aside by a court of competent jurisdiction or by subsequent legislation."

Member Joel Coleman asked whether the Board could hire an attorney to give a different opinion than the Attorney General, but that wouldn't represent the Board in court. Superintendent Shumway responded with his understanding that the Board cannot hire another attorney.

Motion was made by Member Joel Coleman and seconded by Member Mark Openshaw that the Board request that an attorney be assigned to the State Board of Education from the Attorney General's Office as the Board's official counsel, and that the assigned attorney attend the Board's executive sessions.

Member Keith Buswell asked if there were additional fees charged to the Board for the Board attorney's attendance at extra meetings. Dr. Shumway responded that he was not aware of a fee schedule. Member Buswell suggested that if there are costs associated, the attorney may not need to attend every executive session, but should be available to come if needed.

Motion carried unanimously.

Member Leslie Castle suggested that clarification be sought from the Board's attorney regarding the Board's right to talk to outside counsel about issues for which they might want an outside opinion, and whether the Board has the right to hire an outside attorney. Chair Roberts

also questioned whether there is a difference between the Board as a whole and individual board members requesting information from the Attorney General. She suggested that a process may be needed whereby the Board obtains legal opinions.

Motion was made by Member Leslie Castle and seconded by Member Laurel Brown that the Board determine a process whereby the Board would have the opportunity, at times, to seek legal guidance from someone other than the Attorney General's office.

Member Joel Coleman questioned why the Board would want to avoid the Attorney General.

Member James Olsen reported that he has served on other state boards and committees in different areas of state government, and when they tried to hire a separate attorney, they were told in no uncertain terms that the Attorney General was their attorney, and they could not hire another attorney.

Member Castle withdrew her motion.

District superintendents - Three new districts superintendents have been hired: Keith Rittel–Provo, Scott Crane–Grand, and Douglas Erickson–Piute.

Request for proposals - An update on RFPs was reviewed.

Hunter access - Deputy Superintendent Martell Menlove reported that currently the School Trust Lands Administration (SITLA) has a contract with the Division of Wildlife Resources (DWR) where DWR pays \$600,000 per year to SITLA for hunter access to SITLA properties statewide. The agreement was reached several years ago, and is currently partway through a ten-year agreement. The USOE School Children's Trust Section has recommended that an opinion be sought from the Attorney General on what should be expected as fair market payment for hunter access. The intent would not be to change the access.

Motion was made by Member Mark Openshaw and seconded by Member Janet Cannon that the State Superintendent seek an opinion from the Attorney General regarding hunter access fees.

Motion carried unanimously.

District visits - A schedule of visits by the State Superintendent to school districts and with district superintendents was reviewed. Board members were invited to attend.

Professional Development - Success of the summer Core Academies was reported.

SMARTER Balanced Assessment Consortium (SBAC)

In June 2010, Utah joined with other states to submit an application to the U.S. Department of Education to develop a computer adaptive assessment system. The application for Utah to be a governing state in the SMARTER Balanced Assessment Consortium (SBAC) included the signatures of Governor Gary Herbert, Board Chair Debra Roberts, State Superintendent Larry Shumway, Commissioner of Higher Education William Sederburg, UCAT President Robert Brems, and State Purchasing Director Kent Beers.

In addition, in its January 6, 2011 meeting, the State Board of Education adopted a Promises to Keep Strategic Plan that included the language, “Support the work of the SMARTER Balanced Assessment Consortium and adopt Computer Adaptive Assessment in Language Arts and Math by 2014-2015.” In the February 3, 2012 State Board of Education meeting, a motion to “withdraw as a governing state from the SMARTER Balanced Assessment Consortium” failed.

In March 2012, a committee began the process of developing a Request for Proposal (RFP) for an assessment system for Utah public education. Subsequently, in the May meeting of the Board, Superintendent Shumway recommended that Utah change its SBAC status from a “governing” state to an “advisory” state, to ensure that as the Board moved forward in a procurement process to identify a provider for assessment services for Utah, the process would be fair and open, and the Board would be free to look at all providers. In the Board’s June meeting, it was determined to place the issue of changing Utah’s SBAC status on the August Board meeting agenda.

Motion was made by Member David Thomas and seconded by Member Mark Openshaw that the Board withdraw from the Smarter Balanced Assessment Consortium.

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

Board Legislative Agenda

Motion was made by Member Mark Openshaw and seconded by Member Keith Buswell that the Board direct staff to meet with legislative leadership with the intention that “growth” (as the

Board helps define the term) be included in the base budget prepared for the 2013 legislative session and going forward.

Motion carried; Member Murphy absent.

Motion was made by Member David Thomas and seconded by Member Mark Openshaw that the Board move forward in reestablishing statewide college and career readiness assessment legislation for the 2013 legislative session, and talk with the sponsor of S.B.10 *College and Career Readiness Assessment* from the 2012 Legislative Session to determine the status of possible funding, and seek a sponsor for the legislation that will cooperate with the Board.

Member Openshaw expressed concern that even though this was identified as a priority for the Governor, it wasn't brought up as a priority for the special session, even though there was likelihood it would have passed. Member Openshaw would like a straightforward approach. Member Thomas clarified that he is supportive of moving the legislation forward prior to the next legislative session if the opportunity arises.

Motion carried unanimously.

Motion was made by Chair Debra Roberts and seconded by Member Keith Buswell that the Board direct staff to develop a five-year budget plan based on the Board's strategic plan to report in September to the Board for input and possible approval.

Motion carried.

Motion was made by Member Kim Burningham and seconded by Member Mark Openshaw that the Board instruct leadership to work on a possible plan for a pilot program in the area of competency and present to the Board at a future meeting.

Member Craig Coleman reported that the discussion is already happening in the Board's graduation requirements/competency committee in the context of graduation requirements. He expressed concern with how to implement a pilot change in graduation requirements. Member Burningham responded the Board has long stood behind some kind of proposal for increasing the use of competency as a method of determining high school graduation, but nothing has happened, and a pilot might be a way of encouraging movement.

Motion carried, with Member Craig Coleman opposed.

Motion was made by Member Janet Cannon and seconded by Member Tami Pyfer that the Board direct staff to identify and report on possible sponsors for State Board-initiated legislation that addresses: 1) ongoing needs to fully implement computer adaptive testing statewide; 2) continued development and implementation of teacher and administrator evaluations; 3) election of the State Board of Education and appointment of the State Superintendent of Public Instruction; 4) the need for Utah Core Standards; 5) high school graduations requirements; 6) upgrading a financial management package for the Utah State Office of Education; and 7) enhanced security of digital data.

Member Keith Buswell asked for clarification regarding what the Board would be seeking in changes to election of the Board. It was clarified that the Board would be considering whether the nomination committee process should be changed and a position on how the State Superintendent is selected.

Motion carried; Members Crandall and Openshaw absent.

Motion was made by Chair Debra Roberts and seconded by Member Joel Coleman that the Board direct the Superintendent to instruct staff to move forward on working with the deans of education to tighten licensing requirements in terms of some of the things that have been discovered through the Core Academies, particularly in mathematics.

Motion carried.

The Board will hold a work/study session on September 6 for more discussion on its legislative agenda. Board committee meetings will be held from 4:30 p.m. to 6:30 p.m. with a study session from 6:30 p.m. to 8:00 p.m.

Utah Professional Practices Advisory Commission Process

The Board has had multiple conversations in recent Board meetings concerning the Utah Professional Practices Advisory Commission (UPPAC). These conversations included items such as the role of UPPAC, the relationship between UPPAC and the Board, guidelines for reinstatement of licenses, and legal advice concerning UPPAC and licensure.

Board Member Carol Murphy was tasked with identifying multiple questions that would address the major issues raised by the Board. Member Murphy distributed and reviewed a document with the questions she identified, along with recommended solutions. Board members

expressed thanks to Carol for her work. Specific portions of the document will be assigned to Board committee for review and recommendation. [For complete details, see General Exhibit No. 12057.]

Board Standing Committee Reports

ACCOUNTABILITY, FINANCE AND ASSESSMENT COMMITTEE

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

Taxing Entity Committee Representative

The State Board of Education is charged with appointing one representative to serve on each taxing entity committee per UCA 17C-1-402(2) *Taxing Entity Committee*. In the June 1, 2012 Board meeting, Cathy Dudley, USOE School Finance Specialist, was appointed as the Board's taxing entity committee (TEC) representative through August 30, 2012.

Consistent with the Board's Redevelopment Agency/Taxing Entity Committee Procedures, the State Superintendent recommended that Cathy Dudley be appointed as the Board's TEC representative through December 31, 2012.

The committee approved the appointment of Cathy Dudley as the Board's taxing entity committee representative through December 31, 2012, and moved that the Board approve the appointment.

Motion carried.

Taxing Entity Committee (TEC) to the Redevelopment Agency of Eagle Mountain of Snugz Economic Project Area Plan

The Snugz Economic Development Project Area Plan is a new economic development project for the Redevelopment Agency of Eagle Mountain. It is estimated that the initial manufacturing business will employ 330 people, and after 18 months, the business expects to add another 40 to 60 employees.

The Committee directed the Board's representative to follow the lead of Alpine School District in voting. [For complete details, see General Exhibit No. 12058.]

Taxing Entity Committee (TEC) to the Redevelopment Agency of West Valley City Northwest Economic Development Project Area Plan

The Northwest Economic Development Project Area Plan is a new economic development project (EDA) for the Redevelopment Agency of West Valley City. The Northwest EDA will, at completion, consist of 20-25 new buildings totaling approximately 4.1 million square feet of new industrial/light manufacturing space in West Valley City.

The Committee directed the Board's representative to follow the lead of Granite School District in voting. [For complete details, see General Exhibit No. 12059.]

Taxing Entity Committee (TEC) to the Redevelopment Agency of Syracuse City State Road 193 Economic Development Project Area Plan

The State Road 193 Economic Development Project Area Plan is a new economic development project for the Redevelopment Agency of Syracuse City. A major tenant with considerable personal property tax value is considering this site (along with other sites), but requires shovel-ready building conditions and other site assistance. It is anticipated that between 350 and 1,100 full-time jobs will be created in this economic development area.

The Committee directed the Board's representative to follow the lead of Davis School District in voting. [For complete details, see General Exhibit No. 12060.]

Taxing Entity Committee Meetings Outcomes

Utah law and State Board policy require a report back to the Board each time there is a taxing entity committee project vote on all community development and renewal agency project budgets. The committee heard a report on the outcome of the Redevelopment Agency of Ogden City Urban Renewal Area meeting held during June. [For complete details, see General Exhibit No. 12061.]

Utah State Board of Education Early Retirement Incentive Program

The Utah State Board of Education has offered its employees an early retirement incentive since 1982. There have been few revisions since that time, but the basis of the incentive has been

the same—to pay employees an annual stipend and a percentage of their unused sick leave, as well as continued health, dental and life insurance for retiring before age 65. All employees who have worked for the Board of Education for five consecutive years and who are eligible for state retirement qualify for this incentive.

Because of increasing costs of this incentive and recommendations by legislative audits, it is now recommended that the Board close down the USBE Early Retirement Incentive Program. Additionally, legislative intent language was included in S.B. 2 *Public Education Budget Amendments* passed during the 2012 General Session that requires “that the State Board of Education address the costs and benefits of its Early Retirement Incentive Pay Plan and its open Other Employment Benefits plan that allows individuals to accumulate health insurance benefits at retirement. The State Board should report its findings to the Public Education Appropriations Subcommittee by November 2012.”

The Accountability Committee studied several options and timelines by which this action could take place, including:

- 1) Close as of July 1, 2012 to all employees.
- 2) Close as of July 1, 2012 to all employees with less than five consecutive years with the Board of Education.
- 3) Close to all new employees hired after July 1, 2012.

The Committee voted 4-1 to approve Option 2, and moved that the Board approve Option 2 for closing the USBE Early Retirement Incentive Program.

Motion carried, with Members Burningham and Pyfer opposed; Member Murphy absent.
[For complete details, see General Exhibit No. 12062.]

FY 2013 Operating Budgets for the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind

During the 2012 Legislative Session, the legislature appropriated FY 2013 operating funds for the Utah State Office of Education (USOE), Utah Schools for the Deaf and the Blind (USDB), and Utah State Office of Rehabilitation (USOR). The committee was presented with the operating budgets for the three agencies.

The committee approved the FY 2013 operating budgets of the USOE, USOR and USDB, and moved that the Board approve the operating budgets.

Motion carried; Members C. Coleman, J. Coleman, and Murphy absent. [For complete details, see General Exhibit No. 12063.]

USDB FY 2014 Fee Schedule

During the 2012 Legislative Session, the legislature adopted the FY 2013 fee schedule for the Utah Schools for the Deaf and the Blind. Each year the USDB administration reviews the fees that USDB charges and makes proposed changes as necessary. As part of the proposed budget approval process, USDB submits the proposed changes to the State Board of Education for approval before submitting to the Governor's Office of Planning and Budget and Legislative Fiscal Analyst's Office.

It was noted that there is an eleven percent increase in fees, based upon teacher salaries. The fees will be included in the FY 2014 budget proposal.

The Committee approved the FY 2014 Fee Schedule and moved that the Board approve the schedule.

Motion carried; Member J. Coleman absent. [For complete details, see General Exhibit No. 12064.]

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

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

Additions to Utah English Language Arts Core and Utah Mathematics Core

The Utah State Board of Education adopted new core standards for English/Language Arts and Mathematics in August 2010. The committee discussed whether the standards need to be modified to include content for honors mathematics classes and to add standards for cursive handwriting.

The Committee directed staff to research the issues regarding cursive handwriting and come back with recommendations. The Committee further directed staff to review the Mathematics

Core and consider additions, including the of coins, and review the glossary to ensure that definitions are correct.

Social Studies Courses

The Board previously received information from the USOE Social Studies Specialist regarding Social Studies courses, and recommendations for changes. Robert Austin, USOE Social Studies Specialist, distributed and reviewed a Social Studies Course Update with the committee. The Committee directed staff to come back with further suggestions for moving forward. [For complete details, see General Exhibit No. 12065.]

INSTRUCTION, SUPPORT AND TECHNOLOGY COMMITTEE

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

Five-year Review of Rules

Motion from Committee that staff be directed to request that State Administrative Rules allow that for State Board of Education rules that have been vetted in committee and have been acted upon by the Board, the five-year review cycle would automatically begin on the date of the Board's third reading of the rule.

This would alleviate the problem of rules being amended in one meeting and brought back in a subsequent meeting, solely for the purpose of the five-year review and continuation.

Motion carried.

R277-112 *Prohibiting Discrimination in the Public Schools*

R277-112 *Prohibiting Discrimination in the Public Schools* was provided to the Instruction, Support and Technology Committee and the full Board on June 1, 2012 for its five-year review and approval for continuation. The Committee approved the rule for continuation, but requested that staff research and update the rule to ensure that all necessary laws prohibiting discrimination are included in the rule.

Staff requested information from the Utah State Office of Rehabilitation and specific sections within the USOE that work with federal programs. The Americans with Disabilities

Act, the Individuals with Disabilities Education Improvement Act of 2004, and the State Board of Education Special Education Rules, August 2007, were added to Section 3 of R277-112.

The Committee approved on first reading R277-112 *Prohibiting Discrimination in the Public Schools*, as amended, and moved that the Board approve the rule, as amended, on second reading.

Motion carried unanimously. [For complete details, see General Exhibit No. 12066.]

R277-419 Pupil Accounting

Consistent with the Utah Administrative Rulemaking Act five-year review rule, staff reviewed R277-419 and determined that the rule continues to be necessary because it provides pupil accounting procedures used in apportioning and distributing state funds for education.

The rule was recently amended by the Board, effective June 7, 2012. The Committee approved on first reading continuation of the rule. The Committee also approved the rule on first reading with an amendment to delete Section 5A(1)(c).

It was noted that this rule needs some extensive revision and the committee requested that staff give the rule further review and bring it back in December or January.

Motion from Committee that the Board approve continuation of R277-419 *Pupil Accounting*, and amendments to the rule, on second reading.

Motion carried unanimously. [For complete details, see General Exhibit No. 12067.]

R277-420 Aiding Financially Distressed School Districts

Consistent with the Utah Administrative Rulemaking Act five-year review rule, staff reviewed R277-420 and determined that the rule continues to be necessary, because it provides eligibility requirements and procedures for nonrecurring or nonroutine interfund transfers for financially distressed school districts.

The Committee amended Section 1D to read: “‘State Superintendent’ means the State Superintendent of Public Instruction. For purposes of this rule, the Board’s designee is the State Superintendent.”

The committee approved R277-420 *Aiding Financially Distressed School Districts* on first reading, as amended, and continuation of the rule, and moved that the Board approve the rule, as amended, and continuation of the rule, on second reading.

Motion carried unanimously. [For complete details, see General Exhibit No. 12068.]

R277-422 *State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program*

The Committee referred the rule to the September meeting of the Accountability, Finance and Assessment Committee. The committee felt clarification was needed between the terms, “electors” and “voters” in the rule. [For complete details, see General Exhibit No. 12069.]

R277-423 *Delivery of Flow Through Money*

Consistent with the Utah Administrative Rulemaking Act five-year review rule, staff reviewed R277-423 and determined the rule continues to be necessary because it provides procedures for delivery of flow through money and required reports. The rule was also amended to add the definition of "LEA" to make it consistent with other Board rules.

The Committee approved R277-423 *Delivery of Flow Through Money*, as amended, and continuation of the rule, on first reading, and moved that the Board approve R277-423, as amended, and continue the rule, on second reading.

Motion carried.

[For complete details, see General Exhibit No. 12070.]

R277-424 *Indirect Costs for State Programs*

Consistent with the Utah Administrative Rulemaking Act five-year review rule, staff reviewed R277-424 and determined that the rule continues to be necessary because it provides standards for claiming indirect costs for state programs. This rule was last amended by the Board effective December 8, 2011.

The Committee approve continuation of R277-424 *Indirect Costs for State Programs* on first reading, and moved that the Board approve continuation of R277-424 on second reading.

Motion carried unanimously.

Staff was directed to review the LEA definition and, if needed, update the definition.

[For complete details, see General Exhibit No. 12071.]

R277-426 *Definition of Private and Non-Profit Schools for Federal Program Services*

Consistent with the Utah Administrative Rulemaking Act five-year review rule, staff reviewed R277-426 and determined that the rule continues to be necessary, because it defines requirements that private, non-public, and non-profit schools must meet to receive services under federal laws requiring the public education system to serve students in these schools.

The Committee approved continuation of R277-426 *Definition of Private and Non-Profit Schools for Federal Program Services* on first reading, and moved that the Board approve continuation of R277-426 on second reading.

Motion carried unanimously.

It was noted that the committee asked for further review of the rule, specifically for improvement of the definition of a school, considering preschool programs.

[For complete details, see General Exhibit No. 12072.]

R277-454 *Construction Management of School Building Projects*

Consistent with the Utah Administrative Rulemaking Act five-year review rule, staff reviewed R277-454 and determined that the rule continues to be necessary because it specifies the standards local boards of education need to follow in using construction management for school construction projects. This rule was recently amended by the Board effective May 8, 2012.

The Committee approved continuation of R277-454 *Construction Management of School Building Projects* on first reading, and moved that the Board approved continuation of R277-454 on second reading.

Motion carried unanimously. [For complete details, see General Exhibit No. 12073.]

R277-502 *Educator Licensing and Data Retention*

Consistent with Board rule R277-503 *Licensing Routes*, the Board has proposed revisions to R277-502 *Educator Licensing and Data Retention* to provide more details regarding the

requirements to receive Board approval for educator preparation programs. The proposed rule outlines procedures and requirements for the approval of new educator preparation programs and currently approved programs seeking to offer licensure in new areas. The rule details annual reporting requirements for approved programs and the process by which a program may lose Board approval. It also addresses the combination of TEAC and NCATE accreditation entities into one organization—CAPE.

The Committee made additional amendments outlined on a distributed sheet. The Committee approved R277-502 *Educator Licensing and Data Retention*, as amended, on first reading, and moved that the Board approve R277-502, as amended, on second reading.

Member James Olsen requested clarification of Section 1C(2) on the amendments sheet as to why a physical location in Utah would be required. Deputy Superintendent Martell Menlove responded that the intent is that Utah will provide initial licenses to Utah preparation programs and that programs that are not Utah preparation programs should seek initial licensure in the state in which they reside. The USOE doesn't currently have the resources to check the quality and monitor programs outside of the state.

Motion carried unanimously. [For complete details, see General Exhibit No. 12074.]

R277-509 Licensure of Student Teachers and Interns

Review of the rule was postponed to the September meeting.

R277-726 Statewide Public Education Online Program

Amendments to R277-726 Statewide Public Education Online Program were approved on first and second reading in the Board's June 1, 2012 meeting. Since that meeting, additional amendments were offered by Parents for Choice in Education (PCE), the organization that helped author the original online education legislation in 2011 and revisions in the 2012 legislative session (S.B. 65 *Statewide Online Education Program*, 2011; S.B. 178 *Statewide Online Education Program Amendments*, 2012.) The organization also provides assistance to parents and students enrolling in online courses.

The original amendments to R277-726 already approved by the Board were consistent with the changes provided for in the 2012 legislation (S.B. 178). The new amendments to the rule

provide for additional clarification.

The committee approved R277-726 *Statewide Public Education Online Program*, as amended, on first reading, and moved that the Board approve R277-726 on second and third reading.

Motion carried unanimously. [For complete details, see General Exhibit No. 12075.]

R277-733 *Adult Education Programs*

Review of the rule was postponed to the September meeting.

Early Retirement Incentive - Reconsideration of Action

Motion was made by Chair Debra Roberts and seconded by Member Mark Openshaw that the Board reconsider its action on the Utah State Board of Education Early Retirement Incentive Plan during the September meeting of the Board.

Superintendent Shumway was not present for the committee discussion on this item, and would like a chance to further address the Board. It was suggested that the item come before the full Board for discussion, and additional information on the numbers of employees affected by the various options be provided. Superintendent Shumway reported that staff did consult with the Utah Department of Human Resource Management prior to making their recommendation.

Motion carried unanimously.

Executive Session

Motion was made by Member Laurel Brown and seconded by Member Keith Buswell 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 3:10 p.m. Member Joel Coleman was absent for the vote, but was present during Executive Session.

UPPAC Process

Motion was made by Chair Debra Roberts and seconded by Member Janet Cannon that the

Board reconvene into open meeting to discuss questions on process. Motion carried.

The meeting reconvened at 3:37 p.m.

Motion was made by Member Carol Murphy and seconded by Member David Crandall that the Board accept the following process for considering recommendations from the Utah Professional Practices Advisory Commission (UPPAC): 1) That the Board consider and ask questions concerning the UPPAC cases presented at the initial meeting, and be prepared to forward any questions concerning those cases to the appropriate staff; and 2) that the actual vote on UPPAC cases be taken during a second consideration.

It was clarified that there is no time line for action specified in law or rule. Carol Lear, Executive Director of UPPAC, was asked to reflect on how this practice would affect the UPPAC process. Ms. Lear responded that individuals and attorneys expect a fair and consistent process, and if there is inconsistency or capriciousness, they could find the process unfair and illegal.

Member Janet Cannon recommended to Board Leadership consideration of revision to R277-514 *Board Procedures: Sanctions for Educator Misconduct* to reflect the practice, if passed.

Member Wilford Clyde reminded the Board that government entities are often criticized for being cumbersome and slow, and expressed his feeling that although there is a necessity to be thorough and careful, the Board should not delay making a decision if there is no reason to do so. Member Laura Belnap suggested making a delay of action optional.

Member Mark Openshaw spoke against imposing additional time frames on top of the process in place, and mentioned that in certain cases, a delay could negatively affect an individual's opportunity to meet hiring deadlines.

Carol Lear also expressed concern about very sensitive information being available for a longer period of time.

Member Keith Buswell expressed his feeling that if the Board selects individuals to serve as part of UPPAC, and has empowered them as trusted professionals, then this action might weaken that trust and their desire to serve. Member Tami Pyfer responded that other issues, such as Board rules, have a three-reading process. In making decisions about people's lives, the decision should not be rushed. Member Leslie Castle also responded that she feels trust in the

professionals, but not in the process.

Member David Crandall indicated that when the Board receives recommendations from UPPAC, Board members should be reading and digesting UPPAC's reports, and sometimes it may take longer than has been allotted in the past.

Superintendent Shumway cautioned the Board not to put themselves in the position of reinvestigating UPPAC cases. Statute and rule have designed a significant process that takes a lengthy amount of time—probably more than anything else that is done. The work all happens on the Board's behalf, and the process proceeds at the Board's direction and has been extensive and resource intensive. He also cautioned against Board members putting themselves in the position of retrying a case without the subject of the investigation being present.

Member Joel Coleman questioned why the subordinate recommending body would have access to information to which the Board does not. It was recommended that the Board obtain legal advice on the matter of access to information in UPPAC files.

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

Motion was made by Member Joel Coleman and seconded by Member Janet Cannon that the Board move back 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 4:00 p.m.

Executive Session Items

Motion was made by Member Kim Burningham and seconded by Member Keith Buswell that the Board reconvene into open meeting. Motion carried.

The meeting reconvened at 4:41 p.m.

Utah Schools for the Deaf and the Blind Advisory Council Appointment

Motion was made by Member Joel Coleman and seconded by Member Leslie Castle that the Board appoint Dr. McKell Withers, Salt Lake City School District Superintendent, as a member of the Utah Schools for the Deaf and the Blind Advisory Council, representing individuals who

have an interest in and knowledge of the needs and education of students who are deaf, blind, or deafblind, for a term expiring June 30, 2014.

Motion carried.

Adjournment

Motion was made by Member Michael Jensen and seconded by Member Mark Openshaw that the meeting adjourn.

The meeting adjourned at 4:42 p.m.

Lorraine Secretary to the Board
Minutes approved September 7, 2012