

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

December 7, 2012

A regular meeting of the Utah State Board of Education was held December 7, 2012 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. At the direction of the Chair, Vice Chair Dixie Allen conducted.

Board Members present:

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

Members excused:

Member Carol A. Murphy

Newly-elected members present:

Barbara W. Corry
Jennifer A. Johnson
Jefferson Moss

Executive staff present:

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

Executive staff excused:

Associate Supt. Judy Park
Associate Supt. Bruce Williams

Others present:

Terry Owens, ETS; Jim Shank, Juab School District; Linda Marriotti, Granite School District; Lowry Snow, State Representative; Peter Cannon, Davis School Board

Opening Business

Vice Chair Dixie Allen called the meeting to order at 8:15 a.m. Member David Thomas led the Board in the Pledge of Allegiance. Member Carol Murphy was excused, and newly-elected members Barbara Corry, Jennifer Johnson, and Jefferson Moss were welcomed.

Promises to Keep Highlight

As it was his last meeting as superintendent, Dr. Larry Shumway expressed his feelings about the constitutional oath that is taken by the superintendent and board members upon taking office. He expressed that for him to have served under that oath has been one of the most precious and meaningful things in his life. He hoped that all Board member would remember that among all of the promises they are keeping, that promise to the Constitution is one of the most significant promises and great honors of service in the office in which they hold. He then shared a holiday message of forgiveness and love.

Deputy Superintendent Martell Menlove reported on his initial introduction to the Board's vision and mission—Promises to Keep. He expressed hope that his life is driven by promises that he intends to keep concerning education and other aspects of life. He reaffirmed to the Board that he will be true to its vision and mission and will be honest and forthright in his recommendations to the Board, keeping the focus on what's best for the students of Utah.

Board Member Message

Member Keith Buswell welcomed the Board with several thoughts. The first was from a conversation with his granddaughter, where she stated, "I cannot hear you listening." It brought to mind the confusion and challenges students may have in the classroom and their lives that may make it difficult for them to listen. He questioned whether board members, educators, parents and the community are doing enough to help students listen, and are listening themselves.

Member Buswell also commented on the need for civility and respect, particularly respect for the potential good in people; the importance of "wondering" and "wandering," indicating that inherently within people, everyone wants to learn and do better, and wandering is a good thing;

and the importance of excellence in all things. He encouraged the Board to be constant learners and constant listeners.

Public Participation/Comment

Public comment was given as follows:

Sonia Woodbury, Executive Director, City Academy Charter School - distributed information and reported that as her school changed to the federal calculation for graduation rate, even though the school felt very successful in helping each student achieve, because of the way the rates are calculated they had a lower percentage graduation rate than in the past. What is difficult is how the schools can attend to students that have left the school and are not registered in another school. Her hope is that as the Board considers graduation rates, it will consider ways to assist schools with the problem.

Dr. Calvin White, Department of Diné Education, Navajo Nation - work has been done over the past ten years on a Memorandum of Understanding with the state of Utah to share information related to Navajo students in Utah schools. The Navajo Nation stands ready to improve the quality of education with regard to those students, and he will be sharing more information with the Board standing committee reviewing the MOU today.

Jenny Earl - distributed a Strengthening Marriage Survey she developed, using the SHARP Survey as a framework. She distributed the survey to give the Board a feel for the SHARP survey the students are taking in schools, and pointed out specific concerns. She had concern with the way the SHARP survey is written and asked for it to be reviewed.

Geoff Leonard, Utah School Employees Association - addressed his comments to rule R277-532 which is on the General Consent Calendar. The rule as written only requires an appeal for a procedural violation of the evaluation process. USEA asks that the Board amend the rule to require appeals of substantive errors or concerns with that appeal process—not only evaluations of the process, but evaluations that may be inaccurate due to incomplete knowledge or bias on the part of the investigator. Information was provided to the Board on this issue prior to the meeting.

[For more details, see General Exhibit No. 12184.]

General Consent Calendar

Motion was made by Member Laurel Brown and seconded by Member Mark Openshaw that Items F (R277-532) and J (2013 Meeting Schedule) be removed from the General Consent Calendar, and that the Board approve the Consent Calendar with those items removed.

Motion carried.

1. Minutes of Previous Meeting

Minutes of the State Board of Education meeting held November 2, 2012 were approved.

2. Contracts

The following contracts were approved.

A. Department of Workforce Services, \$87,058, 11/01/2012 to 10/31/2013, Receivable Amend., Fed.

To provide an onsite Benefit Specialist to the department's central region.

B. Keddington & Christensen, LLC, \$49,900, 10/01/2012 to 9/30/2017, Fed.

For financial compliance reviews of sponsoring organizations of family day care homes under the Child and Adult Care Food Program.

C. Special Education Data Services and Info Systems, Inc., \$750,000, 7/1/2012 to 6/30/2017, Fed.

To provide software development of a Web-based monitoring program to review and report Individuals with Disabilities Education Act (IDEA) data.

D. Questar, \$833,675, 10/30/2012 to 1/29/2017, Amendment, Fed.

To further define the scope of work in the areas of printing, distribution, scanning, return and reporting.

E. Cedar South Station, Inc., \$286,311.35, 02/01/13 to 1/31/18, Amendment, Fed.

For lease of Division of Rehabilitation Services Cedar City Office, 925 South Main Street, Cedar City, Utah.

[For more details, see General Exhibit No. 12185.]

3. Utah State Instructional Materials Commission Recommendations

On November 15, 2012, the Utah State Instructional Materials Commission met and approved 546 records of titles for recommendation to the Board.

The Board adopted the recommendations for instructional materials from the Utah State Instructional Materials Commission, and directed staff to award contracts to the various publishers. [For more details, see General Exhibit No. 12186.]

4. UEN Board Appointment

The Board appointed Judy Park, USOE Associate Superintendent, to the Utah Education Network Board for a term ending March 1, 2016. The appointment was made to replace Brenda Hales.

5. R277-487 Public School Data Confidentiality and Disclosure

R277-484 Data Standards

R277-502-8 Educator Licensing and Data Retention - Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)

In its November 2, 2012 meeting, the Board approved on second reading amendments to rules R277-487, R277-484, and R277-502-8, and approved R277-487 and R277-484 for continuation.

R277-487 was amended to remove Section 5, Educator Evaluation Data. Amendments were also made to remove Section 9 from R277-484 and Section 8 from R277-502 and add those sections to R277-487, so that all provisions about appropriately protecting and disclosing student data will be in one rule.

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

[For more details, see General Exhibit No. 12187.]

7. Monthly Budget Report

The Monthly Budget Report for October 2012 was provided to give information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind. [For more details, see General Exhibit No. 12188.]

8. Requests for Temporary Authorizations

The Board approved temporary authorizations for licenses as submitted by the school districts and charter schools. [For more details, see General Exhibit No. 12189.]

9. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in November 2012 was provided for Board information. [For more details, see General Exhibit No. 12190.]

10. Ratification of Hiring

The Board ratified the hiring of Kim K. Fratto as an Education Specialist in the USOE Special Education Section.

The Board recessed to committees at 9:50 a.m.

The Board reconvened at 10:18 a.m.

Motion was made by Member Mark Openshaw and seconded by Member Michael Jensen that the 2013 meeting schedule be adopted with the following revisions: Change Board meeting dates to February 8, March 8, and November 8; add legislative meetings on January 31 and February 28; remove legislative meeting on March 7; add committee meetings on February 7, April 4, June 6, September 5, and November 7.

Motion carried unanimously. [For more details, see General Exhibit No. 12191.]

Member Janet Cannon, Chair of the Instruction, Support and Technology Committee, reported that the committee reviewed R277-532 *Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)*, and recommended that the rule come back in a future meeting for further discussion. It was suggested that more input be

received from district superintendents and the Utah School Employees Association. [For more details, see General Exhibit No. 12192.]

Utah Open and Public Meetings Act

As a public body, the State Board of Education is subject to the Open and Public Meetings Act (UCA 52-4), which requires that each year members of the Board will receive training on the law.

Sheila Page, Attorney General's Office, gave a presentation to the Board on the Open and Public Meetings Act and distributed information. She reported that electronic message transmission has been included in the last couple of years, and cautioned Board members not to email, text, etc. another Board member during Board meetings. Communicating with the public during meetings is acceptable, but may be perceived as improper communication. [For more details, see General Exhibit No. 12193.]

Graduation Requirements/Competency Committee Report

A Graduation Requirements/Competency Committee of the Board was formed in May 2012 to look at the high school experience, focusing on graduation requirements. The committee included Board members Debra Roberts, Craig Coleman, and Dixie Allen, and has met for several months. A presentation of the committee's work and recommendations was made to the board from committee members Linda Marriotti, Mary Kay Kirkland, Representative Carol Spackman Moss, Associate Superintendent Brenda Hales, and Board Chair Debra Roberts.

Board members reiterated the importance of allowing flexibility in fulfilling the requirements. Member Castle asked that developmental patterns in students be considered. It was also suggested that higher education be involved. Member Craig Coleman expressed concern that students' interest in a variety of subjects might be dampened if the focus is solely on getting a job. Member Pyfer also questioned whether the new model could have the potential to decrease students' exposure to fine arts, but was assured that it would not.

The Board will discuss next steps at a future meeting. [For more details, see General Exhibit No. 12194.]

Recognition of Outgoing Board Members/Superintendent

Members Laurel Brown and Janet Cannon will be leaving the Board in January, and were recognized for their many years of service. Chair Debra Roberts gave tributes to both. Member Brown has been on the Board since 2000 and has served an important role in working with the Utah Public Education Coalition. Member Cannon has been on the Board since 1995 and served as Vice Chair from 2000 to 2007. Her great legacy will be the Board Bylaws.

Superintendent Larry Shumway was also honored for his tremendous work as superintendent for the past three years, and in particular for writing the Board's Promises to Keep Vision and Mission.

All were recognized with the traditional bell.

Member Dixie Allen was also recognized for her service as Board Vice Chair since 2009, and was given a crystal apple.

School and Institutional Trust Lands Administration Board

Members of the School and Institutional Trust Lands Administration (SITLA) Board and staff of the USOE School Children's Trust Section joined the Board for lunch. Kevin Carter, SITLA Director, introduced Michael Mower and Thomas Bachtell from the SITLA Board. He distributed SITLA's Annual Report and reviewed significant points from the report. Public education is the largest beneficiary of the Trust, and the duty of the SITLA Board is to represent the beneficiaries and consider what will make the most money for the beneficiaries.

Staff of the USOE School Children's Trust Section—Margaret Bird, Tim Donaldson, Karen Rupp and Paula Plant—were introduced and thanked for their work.

Deputy Superintendent Martell Menlove reported that the State Board has multiple opportunities to impact what happens in the trust lands process. Members Cannon, Brown,

Burningham, and Thomas are on the SITLA nominating committee, Member Brown is on the Trust Advisory Committee, and Margaret Bird represents the Board as a beneficiary.

Member Buswell asked for information about what has happened with funding from the Trust in the last ten years, and questioned how more money can be channeled to the schools. USOE staff will provide information to the Board on the history of funding from the Trust.

Member Dean Rowley expressed the appreciation of local school boards for the additional money coming into the schools from the Trust, and indicated it makes a difference in school improvement.

[For more details, see General Exhibit No. 12195.]

Utah Education Network (UEN)

Dr. Ray Timothy, UEN CEO/Executive Director, was welcomed to the meeting. He showed a video clip from UEN's website (www.uen.org), *UEN in Nutshell*, and distributed and reviewed information about UEN.

Dr. Timothy reviewed UEN's legislative funding request, indicating that the top priority is elementary school connectivity. He asked for the Board's support of the request. He also expressed appreciation for the work Associate Superintendent Brenda Hales has done with UEN for the past several years.

[For more details, see General Exhibit No. 12196.]

Board Chair's Report

Chair Debra Roberts reported on the following items.

The K-16 Alliance met in November. The LDS Church Commissioner of Education met with the group and discussed the church's new policy allowing men and women to serve missions for the church at younger ages. He reported that half of new missionary applications are for young women. There is some concern that women will not come back into postsecondary education after a mission. Also, young men are wanting to graduate earlier from high school. Member Keith Buswell reported that counseling for those students is being approached from

three levels—the school, ecclesiastical leaders, and church seminary teachers. Member Teresa Theurer also reported that every higher education institution has formed a task force to study the issue and determine how to facilitate an easy return to higher education. Students need to get accepted to an institution and receive deferments prior to leaving on missions. It is an issue on which public and higher education will need to work together.

Members Joel Coleman and Tami Pyfer were thanked for their involvement in the recent Social Studies/Civics Seminar.

Chair Roberts has received a Memorandum of Understanding from the Board of Regents that attests that the Utah Core Standards are college and career ready.

The Governor's Education Excellence Commission passed a motion to support the legislative priorities of the Board of Education, Board of Regents, and Governor. The Governor and Lt. Governor abstained from the vote.

Chair Roberts and Superintendent Menlove met recently with Utah Speaker of the House Rebecca Lockhart. The Speaker was clear that there will be an education governance discussion in the upcoming legislative session.

Appreciation was expressed to Member Dixie Allen and Lorraine Austin for conducting the new board member training, and to Members Brown, Crandall, and Castle for their input during the training.

Senator Howard Stephenson has asked for Board participation on two committees he is forming on K-3 literacy and a full-time, student-centered pilot. Those interested will contact the Board Chair.

A copy of proposed legislation on Student Leadership Skills Development was distributed with permission from the bill sponsor.

A GRAMA (Government Records Access and Management Act) request was received on the selection of the State Superintendent. Chair Roberts reported that there is a fee schedule, and she has directed that the fees for gathering and processing the information not be waived.

In response to a request from Member Castle, a signature line for the Board Chair has been added to stipulated agreements in UPPAC cases. An additional request to add a psychologist to

UPPAC will be deferred to the discussion in the spring of the Board's legislative agenda for 2014, as a membership change would require a change in state law.

Member Crandall reported that there will be a recount in his election that will take place next Monday.

The National Association of State Boards of Education (NASBE) committees and study groups for 2013 will include the Government Action Committee, Evidence-based Policymaking Study Group, Business Engagement Study Group, and Nominations Committee. Member Joel Coleman announced that he was elected to be the Senior Western States Representative to NASBE. Board members will contact Board Leadership with their interest in serving on the committees.

Draft recommendations from NASBE/CCSSO will be coming out on teacher preparation.

In light of the recent GRAMA request, it has been suggested by USOE staff that email addresses specific to board business be set up for each Board member. Staff will move forward with setting up those addresses.

Chair Roberts and Martell Menlove will present the Board's budget request to the Public Education Appropriations Subcommittee on December 11, and Board Leadership will be meeting with Senate Leadership on that day as well.

The Board's Strategic Plan was distributed. A portion of the January meeting will be set aside for review and discussion of the plan.

The Board will have a dinner meeting on January 10 with the Utah School Boards Association Board, in conjunction with the USBA Convention.

[For more details, see General Exhibit No. 12197.]

Superintendent's Report

Deputy Superintendent Menlove gave the Superintendent's report, at the direction of Superintendent Shumway.

New USOE employees Mark Mataya and Kimberley Frotho were introduced.

Superintendent Menlove reviewed a Council of Chief State School Officers (CCSSO) report on School Choice in the States, where Utah is shown among the states offering the most school choice.

John Jesse, USOE Assessment Director, reviewed ACT/AP data, the computer adaptive assessment RFP and the Utah Comprehensive Accountability System (UCAS). The ACT/AP information is in response to the request from the Board asking for more disaggregated information about performance of minorities and females. There is a gap between performance of minorities and females with respect to the total population. He noted that female course-taking patterns are different than male course taking patterns.

Mr. Jesse reported that 13 vendors applied for the Adaptive Assessment RFP, and AIR (American Institutes of Research) was chosen. He believes the process was followed accurately and precisely. The bid included summative, interim and formative pieces. He reported that an oversight committee, including USOE staff and school district representatives, is currently in contract negotiations with AIR, and hopefully, the contract will come to the Board in January.

Mr. Jesse gave an update on UCAS through the Gateway on the USOE Website. He noted that students must have two years within the system for a growth score. Mobility is an issue, since a student must be in a school for the entire year to count as part of the school accountability. Board members expressed concern that all students aren't being considered. John responded that there is a provision in the assessment rules that schools are required to test any student that is there when the tests are administered. There is a need to look further to ensure that schools with high mobility are being accurately measured.

An Attorney General Opinion was requested and has been received concerning the issue of fair market value for SITLA properties used for hunting, trapping and fishing. The Opinion states that the State, through SITLA, is charged with ensuring that the Trust receives the optimum value for the use of Trust lands for hunting, trapping and fishing.

Dr. Menlove met earlier this week with the legislative Administrative Rules Committee. In the last legislative session, an additional \$3 million was appropriated for Necessarily Existent Small Schools. The Board passed a rule that allowed for a small portion of that money to be

distributed using a formula that considered the tax effort of the district receiving the money. There was some concern by the Rules Committee that although it is a good idea, the Board overstepped its authority. Therefore, it is likely a motion will be passed to sunset that portion of the Board rule.

The Utah Foundation has completed a report, *Reaching for Educational Equity: An Evaluation of Utah's Rural Schools*. The report supports the need for more funding for rural schools.

Dr. Menlove discussed reorganization of the USOE. Brenda Hales has been appointed as Deputy Superintendent, and currently, another associate superintendent will not be hired to take the position that was vacated. Dr. Menlove will continue to take the lead on legislative issues.

Salt Lake City and Ogden City School Districts have been named as finalists in the federal Race to the Top competition.

It was reported that there have been changes in the Utah High School Activities Association (UHSAA) classifications. Member Mark Openshaw represents the Board on the UHSAA board. Member Openshaw spoke of the UHSAA decisions recently made regarding Timpview and East High Schools, and indicated he supports those decisions and feels they were made in the best interest of students.

[For more details, see General Exhibit No. 12198.]

Board Legislative Agenda Update

Deputy Superintendent Menlove reviewed membership of the House Education Committees and draft schedules of legislative meetings of the Board, USOE, and other education entities during the upcoming legislative session.

Member Castle suggested that Board members have a discussion about whether they will take positions on legislation during the Board Legislative meetings, or if the meetings will be chiefly for gathering information. Member Crandall reported that he has received positive feedback from legislators regarding the opportunity to talk to the Board about their bills. Perhaps taking positions on bills may not be as effective as deciding how to work with the sponsors.

Superintendent Menlove mentioned that when the district superintendents and USBA meet on Fridays during the session, the groups want to know where the State Board stands on legislation. Taking positions does puts the Board in a position to take leadership on some issues.

A list of specific legislation that has been filed was reviewed.

Dr. Menlove has had opportunities to discuss the Board's proposed STEM Initiative. He has explained that as 8th grade students develop their high school course of study, they are choosing not to engage in a rigorous course of study in STEM preparation courses. The Board is focusing on the need for additional work in the pre-high school years for students to be engaged hands on in some type of STEM activities or vocations and receive additional or better instruction in science, engineering and math areas. Dr. Menlove is meeting with Stan Lockhart next week regarding the Prosperity 2020 STEM Initiative to determine whether the Board's initiative could be combined with that initiative.

A handout on revenue estimates was reviewed. Up to a \$500 million revenue shift is possible depending on what happens in Congress in the next three weeks regarding the fiscal budget cliff.

The agenda for a meeting of the Education Appropriations Subcommittee next week was reviewed. The USOE will be making several reports, including the Board's budget priorities.

Three possible bills that would affect the School Land Trust program have been submitted by USOE School Children's Trust staff. The first would be a simplification of the School Community Councils process; the second looks at School Land Trust funding distribution, particularly for charter schools; the third piece provides for more parental involvement in decisions regarding distribution of the funds.

Superintendent Menlove asked the Board to support the concepts in the proposed legislation. Member Joel Coleman expressed concern with the parental involvement recommendation, and requested more discussion at a future meeting.

[For more details, see General Exhibit No. 12198.]

Board Leadership Election

Vice Chair Dixie Allen conducted the elections for Board Chair and Vice Chair for 2013. Candidates David Crandall, Tami Pyfer and Debra Roberts each gave a short statement.

As per state law, newly-elected members Barbara Corry, Jennifer Johnson and Jefferson Moss took the place of outgoing members Laurel Brown, Janet Cannon and Carol Murphy for the vote. Ballots were distributed to those individuals voting in the election. In accordance with Board Bylaws, Vice Chair Dixie Allen and Board Secretary Lorraine Austin verified the vote totals.

Member Debra Roberts was elected Board Chair, and Member David Crandall, Board Vice Chair, for 2013.

Motion was made by Member Mark Openshaw and seconded by Member Kim Burningham that the Board discuss a proposal at the next board meeting to add a third member to its Board Leadership Committee.

Motion carried, with Members Cannon and Thomas opposed.

Board Committee Meetings**ACCOUNTABILITY, FINANCE AND ASSESSMENT COMMITTEE**

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

Outcomes of Taxing Entity Committee Meetings

The committee received a report, in accordance with statute, regarding outcomes of Taxing Entity Committee meetings of the Redevelopment Agency of Taylorsville and the Redevelopment Agency of North Salt Lake. [For more details, see General Exhibit No. 12199.]

R277-113 LEA Fiscal Policies and Accountability

The committee discussed R277-113 in its November 2, 2012 meeting. Concerns were raised regarding costs for a required RFP process for the independent audit, costs and staff for a

required finance or audit committee and required training, and the definition of school-sponsored.

The rule sets expectations for local boards to establish fiscal policies and procedures manuals over cash receipting, cash disbursements, fund raising, and donations and gifts, and to form an audit committee. It also establishes a definition of school-sponsored activities and requires LEAs to follow State Procurement law.

The committee reviewed an updated version of the rule and referred the rule back to committee for action in the January Board meeting. Any suggestions for changes should be directed to Internal Auditor Natalie Grange. [For more details, see General Exhibit No. 12200.]

Board Data Requests

If there are certain data points for which the Board wants detailed information, the Instruction Committee has been designated to give direction to those requests. One suggestion is to look at comparisons of graduation rates between states and gather information from those states with the highest rates. Board members desiring specific data pieces were directed to contact the committee chair/staff with those requests.

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

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

Canyons School District Pilot Program

The Canyons School District is reconfiguring its secondary school model in the 2013-2014 school year. The middle schools will include 6th grade students, while 9th grade students will become part of high schools. At the November meeting of the Board, Canyons District presented an initial proposal to the committee to reconfigure the 7th grade CTE Introduction Course to be taught in 6th grade.

Motion was forwarded from the committee that the Board grant the Canyons District a waiver from R277-700-5 and CTE Program Accountability Guidelines in order to conduct the

pilot program as defined, to add a 6th grade Career and Technical Education course (moving the CTE introduction course from 7th to 6th grade) beginning in the 2013-14 school year and continuing to 2015. In addition, the district will evaluate the pilot's efficacy and provide a report to the Board in either June or August of 2014. The pilot program will add 6th grade to the middle school.

Motion carried unanimously.

Navajo Nation Data Sharing MOU

Leadership from the Diné Department of Education of the Navajo Nation has requested that the Utah State Office of Education enter into a Memorandum of Understanding (MOU) for the sharing of student assessment data of Navajo students attending Utah public schools.

Current federal FERPA regulations allow the USOE to share personally identifiable student data with "authorized representatives," which includes the Navajo Nation. Dr. Calvin White, Department of Diné Education, Navajo Nation, presented the MOU to the committee.

The MOU was referred back to committee for action in January.

Title I Accountability under ESEA Flexibility and Title I Systems of Support

Due to time constraints, this item was referred back to the committee in January.

INSTRUCTION, SUPPORT AND TECHNOLOGY COMMITTEE

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

R277-517 Board and UPPAC Disciplinary Definitions and Actions

At the October 2012 Board meeting, R277-517 was approved by the Board on first and second reading. Since that time, concerns have been raised regarding inconsistency between R277-517 Board and UPPAC Disciplinary Definitions and Actions and R277-514 Board Procedures: Sanctions for Educator Misconduct.

R277-517-4F currently provides that if the Board does not accept a UPPAC recommendation, the Board shall prepare written findings and conclusions based on the record and provide them to the educator. R277-517-4F was amended to give the Board more options—provided in R277-514-4C—if the Board does not accept a UPPAC recommendation.

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

Motion carried. [For more details, see General Exhibit No. 12201.]

Morgan District Request for Waiver from R277-419 *Pupil Accounting*

Rule R277-419-8B states that in order to qualify for full MSP funding, if a school is closed for any reason, the instructional time missed must be made up. Full MSP funding is considered to be 990 hours of instruction **and** 180 school days each school year.

Both Morgan and San Juan School Districts have closed some schools this year for emergency/weather conditions. Because of heavy snowfall, roads in Morgan District were closed, preventing teachers and students access to schools. Also, San Juan District recently experienced a fire in one of its schools and cancelled school for at least two days.

The Board has received a request from Morgan District asking for waiver of one day of required attendance for Morgan Elementary School and Mountain Green Elementary School. Morgan District Superintendent Kenneth Adams spoke to the request.

The committee forwarded a motion that the Board approve a waiver from the 180-day requirement in R277-419 for Morgan Elementary and Mountain Green Elementary Schools, as long as the schools comply with the 990-hour requirement.

Motion carried unanimously.

No request for a waiver has been received from San Juan District.

Summary of UPPAC Recommendations

Member Laurel Brown compiled a summary of Board actions taken on Utah Professional Practices Advisory Commission (UPPAC) recommendations from February 4, 2011 through October 5, 2012. The summary includes causes for discipline, recommendations for action from UPPAC, and the action taken by the Board.

The committee reviewed Member Brown's recommendations for Board action on UPPAC included in the summary. In addition, Member Cannon added the following recommendations: 1) have the Board receive something similar to a charter board recommendation sheet on each case, including who served on the UPPAC committee, how each person voted, and an explanation if an individual voting differently than the majority; 2) have a State Board member sit in on UPPAC hearings as a non-voting member.

Member Joel Coleman, with support from Members C. Coleman and Openshaw, suggested that Board Leadership appoint a special board committee to consider the recommendations and other suggestions and bring back to the Board for action. Board members will notify Chair Debra Roberts of their interest in participating on the committee.

[For more details, see General Exhibit No. 12202.]

Educator Effectiveness Project

The Educator Effectiveness Project is described in Utah Code 53A-8a and Board rule R277-531, and contains the major goal of improved instruction in Utah schools. The committee received an update on the project. Information on Educator Evaluation Pilot Totals and Educator Effectiveness Pilot Schedule Summary was distributed to the Board. [For more details, see General Exhibit No. 12203.]

Utah Core Standards

Member Tami Pyfer distributed *A Complete Resource Guide on Utah's Core Standards*. As Communications Committee Chair, she asked Board members to evaluate where the information will be the most valuable with the legislators that voted in their board district, and use the

Resource Guide to answer questions they may have on the Core. The Board applauded Member Pyfer and Associate Superintendent Brenda Hales for their work on the booklet. [For more details, see General Exhibit No. 12204.]

UPPAC Process

Chair Roberts recommended that to facilitate the action on UPPAC cases under the Board's current two-month process, in the month where the Board will take action on cases, motions to accept the UPPAC recommendations will be taken prior to moving into Executive Session. Then only those cases where more discussion is requested will be talked about in Executive Session.

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 individuals, and pending or reasonably imminent litigation.

A voice vote was taken, and upon consent of those present, the Board moved into Executive Session at 4:05 p.m.; Member Leslie Castle absent for the vote.

Those present in Executive Session included Board Members Allen, Belnap, Brown, Burningham, Buswell, Cannon, Castle, C. Coleman, J. Coleman, Crandall, Jensen, Olsen, Openshaw, Pyfer, Roberts, Rowley, Spencer and Thomas, and Larry Shumway, Martell Menlove, Lorraine Austin, Jennifer Johnson, Jefferson Moss, Barbara Corry, Carol Lear, Heidi Alder, and Kristina Kindl.

Motion was made by Member Keith Buswell and seconded by Member Michael Jensen that the Board reconvene into open session.

Motion carried. The Board moved back into open session at 5:20 p.m.

Executive Session Action Items

Deaf Services Advisory Council Appointment

Motion was made by Member Kim Burningham and seconded by Member Janet Cannon that the Board appoint Michelle Tanner to the Deaf Services Advisory Council, representing professionals of education of deaf children, for a term ending June 30, 2015.

Motion carried.

Coalition of Minorities Advisory Committee Appointments

Motion was made by Member Kim Burningham and seconded by Member Joel Coleman that the Board appoint Eugenia Groves and Clayton Long to the Coalition of Minorities Advisory Committee, representing American Indians, for a term ending December 2014.

Motion carried.

Adjournment

Motion was made Member David Crandall and seconded by Member Mark Openshaw that the meeting adjourn. The meeting adjourned at 5:30 p.m.

Lorraine Austin, Secretary to the Board

Minutes approved January 10, 2013