

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

May 3, 2012

A regular meeting of the Utah State Board of Education was held May 3, 2012 at the Utah 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
Vice Chair Dixie L. Allen
Member Tim Beagley (non-voting)
Member Keith M. Buswell
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member Leslie B. Castle
Member Craig E. Coleman

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

Member Joel Coleman

Board Members excused:

Member Wilford Clyde
Member Isaiah Spencer
Member Teresa Theurer

Executive staff present:

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

Bruce Williams, Associate Superintendent
Don Uchida, Executive Director, USOR
Steven Noyce, Superintendent, USDB
Lorraine Austin, Board Secretary

Others present:

Kory Holdaway, UEA; Rebecca Okey, Weber School District; Freddie Cooper, CMAC; Tammy Spicer, Discovery Center Center; T. Jason Martinez, Houghton Mifflin Harcourt; Alisa Ellis, Renee Braddy, parent; Lydia Nuttall, parent; Nannette Barnes, Granite School District; Vicki Mori, Guadalupe School; Robyn Giovacchini, Salt Lake City School District Early Childhood Department; Sue Okroy, USOE; Christel Swasey, teacher; Cammie Nebeker, LT Erickson, Lisa Colme, Michael Sears, USDB; Stephen Taglifano, Children's Service Society; Teresa Whiting, UDOH; LeNell Heywood, citizen; Kris Kimball, parent

Opening Business

Vice Chair Dixie Allen called the meeting to order at 8:17 a.m. Members Isaiah Spencer and Teresa Theurer were excused.

Member Mark Openshaw led the Board in the Pledge of Allegiance.

Superintendent Larry Shumway introduced Bruce Williams who has been appointed as the USOE Associate Superintendent for Business and Operations.

Board Member Message

Board Member Kim Burningham distributed information about Karl G. Maeser, a prominent educator at Brigham Young University in the late 1800s, and shared a quote from him that decries the involvement of politics in educational matters. Mr. Burningham indicated he found the statement to be provocative and shares some of the sentiments.

Member Burningham offered a prayer.

Promises to Keep Highlight: Utah Core Standards

Superintendent Larry Shumway referred to information distributed about upcoming professional development on the Utah Core Standards. The training ties to elements from Promises to Keep to ensure curriculum with high standards and relevance, and provide high quality instruction in every classroom.

Last summer the State Office of Education engaged nearly 5,000 teachers and administrators in professional development for the Core, and this summer 4,000 educators will be participating in sessions throughout the state.

Since 2008, the appropriation for professional development has diminished from \$80 million to \$1 million, which has created a significant challenge for school districts. The work of the USOE is crucial as teachers prepare and retain their skills and knowledge in high quality instruction. The Utah Core Academy has been a very successful professional development program over many years. [For complete details, see General Exhibit No. 11929.]

Public Participation/Comment

The following comments from the public were made to the Board.

Alisa Ellis - thanked the Board for holding its Core Standards Forum, and expressed the importance of questions from the public being answered. She questioned the statement from the USOE website that the Core Standards don't tie Utah to any federal program grants or assessment systems, and expressed that they do legally bind Utah to the federal government. She asked the Board to get out of the Smarter Balanced Assessment Consortium (SBAC).

LeNell Heywood - questioned why the Wasatch School District loosened its FERPA (Federal Education Rights and Privacy Act) rules. She indicated her grandchildren's records, without parental consent, can be accessed by a school volunteer.

Christel Swasey, teacher - indicated that the Common Core State Standards are non-amendable by Utah. She has written a rebuttal to the Board's pamphlet on the Core Standards, and respectfully demanded that the Board answer her rebuttal. She also expressed concerns about the change in FERPA law.

Renee Braddy - expressed concern about the change made in Wasatch District to its FERPA policy, and about changes made in January to the federal FERPA policy, including the addition of items such as biometric data to personally identifiable information. She also expressed concern over the encouragement by the U.S. Department of Education for states to link student databases.

Freddie Cooper, Chair-elect, Coalition of Minorities Advisory Committee - indicated she is a proponent of the Utah Core Standards. She expressed her feeling that if the standards are implemented sincerely and with faith, through collaboration of the state, school districts, teachers, parents, students and community members, that all students will be able to achieve the goal of college and career readiness before high school graduation. She specifically included in her statement ethnic minority students, those in low socioeconomic circumstances, and students with disabilities.

Robyn Giovacchini, Early Childhood Specialist, Salt Lake City School District - expressed that for public school students to be ready for kindergarten and future success, the state needs to move away from early childhood guidelines and to early childhood standards. *Utah's Early Childhood Core Standards* include the knowledge, skills and behaviors that credible research indicates are most predictive of school success. The standards also provide accountability.

Janis Dubno, Senior Policy Analyst, Voices for Utah Children - expressed support for *Utah's Early Childhood Core Standards*, and reported that low-income children typically start

kindergarten with a third of the vocabulary of middle- and upper-income children. Research shows that children who start behind, stay behind. High quality preschool is proven to close the achievement gap, evidenced from the high-quality Title I preschool program in the Granite School District. A handout from Granite District—High Quality Preschool Closes the Achievement Gap and Reduces Special Education Costs for At-Risk Children—was distributed.

Rebecca Okey, Weber School District Literacy Specialist - *Utah's Early Childhood Core Standards* include the elements she looks for in early an childhood program: 1) looking at the whole child; 2) emphasizing play as a vehicle for learning; and 3) using developmentally appropriate practices. She expressed strong support for the Standards—particularly the literacy standards—which include vocabulary development, reading, and writing.

Nannette Barnes, Granite School District Preschool - spoke in support of *Utah's Early Childhood Core Standards*. She indicated that having standards for public preschools creates accountability and allows for closing the achievement gap. Preschools funded with public dollars are preparing children from varying backgrounds and skill levels to be prepared for kindergarten success. Granite School District is firmly in support of teaching with standards.

Dr. Renee Olesen, member of the Section on Early Education for the American Academy of Pediatrics - as a pediatrician, parent, and representative of the State Advisory Council on Early Care in Education, Dr. Olesen expressed strong support for parents as the first and best lifelong teachers for their children; however, the groups she represents recognize there are some children—particularly some at-risk children—who are not able to be with their parents full time prior to public school entry. They support the adoption of *Utah's Early Childhood Core Standards*. A considerable body of evidence indicates that closing the achievement gap prior to kindergarten entry will result in long-term benefits for the child and our society as a whole.

Letters of support for *Utah's Early Childhood Core Standards* from Senator Karen Morgan, United Way of Salt Lake, Canda Mortensen--Alpine School District Curriculum Director, Superintendent Martin Bates and Director Brenda Van Gorder--Granite School District, Julie Baker--Jordan School District Title I Teacher Specialist, and Prosperity 2020 were distributed.

[For complete details, see General Exhibit No. 11930.]

General Consent Calendar

It was noted that the contracts under Item B were submitted prematurely, and need to be pulled from the Consent Calendar.

Motion was made by Member Tami Pyfer and seconded by Member Janet Cannon that Item E, R277-477 *Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program* be pulled from the Consent Calendar and taken back to committee for additional discussion. Motion carried.

Motion was made by Member Janet Cannon and seconded by Member Mark Openshaw that Item F, R277-491 *School Community Councils* be removed from the Consent Calendar and taken back to committee for clarification of the change made since the April Board meeting. Motion carried.

Motion was made by Member Mark Openshaw and seconded by Member David Crandall that the Consent Calendar, with the exception of Items B, E, and F be approved. Motion carried.

1. Minutes of Previous Meeting

Minutes of the State Board of Education meeting held April 13, 2012 were approved as written.

2. R277-407-3 School Fees - Classes and Activities During the Regular School Day

In its April 13, 2012 meeting, the Board approved R277-407-3, as amended, on second reading. The rule was changed to incorporate amendments to 53A-12-102 under HB 62 *Provisions Regarding School Supplies*, 2012 Legislative Session. The new language provides that an elementary school or elementary school teacher may provide to a student's parent or guardian a suggested list of supplies for use during the regular school day.

The Board approved R277-407-3 *School Fees – Classes and Activities During the Regular School Day* on third and final reading. [For complete details, see General Exhibit No. 11931.]

3. R277-437-3 Student Enrollment Options – Local School Board and District Responsibilities

In its April 13, 2012 meeting, the Board approved R277-437-3, as amended, on second reading. The rule was amended to emphasize adjusted open enrollment timelines required under HB 454 *Open Enrollment Amendments*, 2012 Legislative Session. The new language provides for school districts to review and/or revise policies to provide

for an extended early enrollment period if a school district is reconfiguring grades district-wide for its elementary, middle, junior, or senior high schools, and the grade reconfiguration will be implemented in the next school year.

The Board approved R277-437-3 *Student Enrollment Options – Local School Board and District Responsibilities* on third and final reading. [For complete details, see General Exhibit No. 11932.]

4. R277-497 School Grading System

In its April 13, 2012 meeting, the Board approved R277-497, as amended, on second reading. The rule was changed to reflect a delay in the implementation of the Grading Schools system until the 2012-2013 school year, as outlined in SB 175 *School Grading Amendments*.

The Board approved R277-497 *School Grading System* on third and final reading. [For complete details, see General Exhibit No. 11933.]

5. R277-500 Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks

In its April 13, 2012 meeting, the Board approved R277-500, as amended, on second reading. The rule was amended to reflect changes in response to the Board's Educator Evaluation Committee recommendations, as well as requirements in law.

The Board approved R277-500 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks* on third and final reading. [For complete details, see General Exhibit No. 11934.]

6. R277-501 Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks

In its April 13, 2012 meeting, the Board approved repeal of R277-501 on second reading. The rule was recommended for repeal because R277-500 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks* will replace the rule effective July 1, 2012.

The Board repealed R277-501 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks* on third and final reading. [For complete details, see General Exhibit No. 11935.]

7. R277-524 Paraprofessional/Paraeducator Programs, Assignments, and Qualifications

In its April 13, 2012 meeting the Board approved R277-524, as amended, on second reading. The rule was changed to update language in response to SB 81 *Paraeducator*

Funding, 2012 Legislative Session. Changes include which Title I schools are eligible for funds to hire additional paraprofessionals, the allocation of those funds, and annual reporting requirements for schools that accept the funding.

The Board approved R277-524 *Paraprofessional/Paraeducator Programs, Assignments, and Qualifications* on third and final reading. [For complete details, see General Exhibit No. 11936.]

8. R277-612 *Foreign Exchange Students*

In its April 13, 2012 meeting, the Board approved continuation of R277-612 on second reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement.

The Board approved continuation of R277-612 *Foreign Exchange Students* on third and final reading. [For complete details, see General Exhibit No. 11937.]

9. R277-800 *Utah Schools for the Deaf and the Blind*

In its April 13, 2012 meeting, the Board approved R277-800, as amended, on second reading. The rule was changed to make it consistent with HB 230 *Utah Schools for the Deaf and the Blind Amendments*, 2012 Legislative Session. Changes included revisions to qualifications and duties of the USDB superintendent, and the addition of data collection and annual reporting on the performance and progress of current and past students who have received services from USDB.

The Board approved R277-800 *Utah Schools for the Deaf and the Blind* on third and final reading. [For complete details, see General Exhibit No. 11938.]

10. Monthly Budget Report

The Monthly Budget Report was provided to give information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. [For complete details, see General Exhibit No. 11939.]

11. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in April 2012 was provided for Board information. [For complete details, see General Exhibit No. 11940.]

The Board recessed to committee meetings at 9:00 a.m.

The Board reconvened at 10:47 a.m.

Audit Report

Internal Auditor Natalie Grange reported on the *EduJobs Report #2011-21*. The USOE auditors conducted a monitoring review of EduJobs expenditures by LEAs and issued that report in November. Based on the findings and issues from that review, the auditors expanded their sample of reimbursement requests made during FY11, and have now issued the new EduJobs Report. Each LEA that had incorrect information was contacted and corrections made. The report will be forwarded to the State Auditor and Governor's Office.

Ms. Grange distributed and reviewed the memorandum, "Summary of the review of all fiscal year 2011 financial and single audits for all local education authorities (LEAs)." All 41 school districts and 79 charter schools were reviewed and received an unqualified opinion on their financial statements, which is very positive. Follow up is being done with all LEAs that had issues of concern. [For complete details, see General Exhibit No. 11941.]

Achievement Spotlight

Associate Superintendent Brenda Hales introduced four of the twelve students receiving a perfect score on the 2011 ACT test—Elizabeth Kimball, Rowland Hall; Kasper Kubica, West High School; Stefan Lehnardt, Skyline High School; and Caleb Case, Park City High School. She described them as Renaissance students who are outstanding in every area.

Board Chair Debra Roberts and Superintendent Larry Shumway congratulated the students and their parents, and presented the students with certificates of excellence.

Report on 2007 Enrollment and Retention in Institutions of Higher Education

Associate Superintendent Judy Park reported that the *2007 Enrollment and Retention in Institutions of Higher Education* report was developed by the Utah Data Alliance at the request of the Board, to get an idea about what is happening to high school graduates as they move on to higher education. Dr. Park reviewed highlights from the report.

Chair Roberts asked for information specifically showing how test scores from students in rural Utah relate to college and careers. [For complete details, see General Exhibit No. 11942.]

Board Chair Report

Chair Debra Roberts reported on the following items:

- Member David Thomas reported on meetings he and Member Laurel Brown had with Utah's congressional delegation and their staff in March. He and Member Brown asked for support for Utah's ESEA flexibility request, and for keeping the federal government out of the Core Standards.
- Appreciation was expressed to all who helped with Utah Core Standards Forum.
- Chair Roberts asked for feedback on the Promises to Keep 2012 Strategic Work Plan.
- A survey on graduation requirements will be sent to various groups in the next few weeks. A working group will be organized to review results of the survey for further discussion in August.

Superintendent Report

State Superintendent Larry Shumway reported on the following items:

- Elizabeth Ziegler, USOE Social Media Specialist, reviewed a summary of comments from the Utah Core Standards Forum held April 26. More than 200 people attended and 86 people watched the live stream. Nearly 500 total comments were given via 381 individuals. Questions are being aggregated and responses will be made available on the USOE website.
- Superintendent Shumway proposed that Utah's status in the Smarter Balanced Assessment Consortium (SBAC) be changed from a Governing Member to an Advisory Member. He recommended the change to ensure that as the Board moves forward in a procurement process to identify a provider for assessment services for Utah, the process will be fair and open, and the Board will be free to look at all providers. The move would allow Utah representatives to attend the meetings and listen to the discussions, but not participate in giving input or making decisions.

A proposed letter to SBAC from Chair Roberts, Superintendent Shumway, and Governor Herbert regarding the change in status was reviewed. The same signatures were on the original SBAC membership agreement. It was clarified that no agreement is required to be an Advisory state. Member Laurel Brown suggested that the last line

of the letter be revised so that the work of the Assessment RFP Committee is not put into question. She also questioned the need for the change in status and asked that if the change is made, a transition time be allowed for USOE employees who are doing work for SBAC. Superintendent Shumway indicated that without other major concerns from the Board, he will move ahead with sending the letter. There was no further comment and no formal action was taken by the Board

- ESEA Flexibility Request - Associate Superintendent Judy Park informed the Board that since the Board approved Utah's flexibility request, the U.S. Department of Education has sent out additional requirements and changed the form. She reviewed the key changes. The changes that would have to be made are not in application or practice, but are requirements for more information. The changes allow greater flexibility in reporting and in allocating Title I funds, and soften the requirements for AMOs.

Motion was made by Member Laurel Brown and seconded by Member Carol Murphy that the Board approve the changes to Utah's ESEA Flexibility Request. Further discussion was postponed to later in the meeting.

- Deputy Superintendent Martell Menlove reported on the USOE's Student Activity and Club Account Training. There has been great interest and most districts were represented. A fifth session has been added.
- It was determined that Board Member Carol Murphy will work with USOE School Law Director Carol Lear to review recommendations regarding the Utah Professional Practices Advisory Commission from the February 2010 report, *A Review of Professional Conduct in Utah's Public Schools*. Suggested changes, including any to statute, will then be brought to a Board committee in August or September.
- An update on Title I School Improvement Grants (SIG) was given.
- Dr. Judy Park gave information regarding the selection/evaluation committee for the Assessment RFP, according to State Procurement rules. In order for the Board to have input into the vendor selection, Board members would have to be part of the evaluation committee.

[For complete details, see General Exhibit No. 11943.]

Legislative Issues and Concerns

Deputy Superintendent Menlove reported on issues for the upcoming legislative Education Interim Committee and a possible special session, and asked for feedback. Items might include SB 10 *College and Career Readiness Assessment*, the miscalculation in growth from the USOE, and distribution of the funds appropriated for the early intervention program.

There are carry forward balances that exist in FY11 and anticipated balances for FY12 that should fund the \$25 million. A problem may come in next year's legislative session because the shortfall will be solved with one-time money.

It was suggested by some Board members that SB 10 should continue to be a priority in a special legislative session and interim committee, as it was a Board priority during the last legislative session.

Dr. Menlove reported that money appropriated through HB 513 *Early Intervention Program* is to be distributed based on the number of kindergarten students who qualify for free and reduced lunch. There will be difficulty in calculating this number, as most children in kindergarten do not eat lunch. Students registering for elementary school are identified as economically disadvantaged or not, and the USOE is proposing that the economically disadvantaged descriptor be used instead of free and reduced lunch. The economically disadvantaged category is broader than free and reduced lunch and is used to calculate Title I funding.

Another issue with the funding is that historically each district has received base funding for Optional Extended-day Kindergarten (OEK) so at least one OEK class could be offered. Money for Early Intervention Programs will take the place of OEK money, and if there is no base funding, some districts will take a large loss. There is also a question of whether to calculate each charter school as a separate base. There are few laws that call for base funding, but it has been done in practice.

Dr. Menlove has been asked to come to the Education Interim Committee and Executive Appropriations Committee with some options. His recommendation for distribution of \$7.5 million of the early intervention funding would be to determine how many students qualify—using the economically disadvantaged descriptor—calculate a per-student amount, separate the number of qualified charter students from the number of district students, then work

with districts and charters to determine a base. Under that scenario some districts will receive more per student than others.

ESEA Flexibility Request

Some board members expressed concern that there has been very little time for them to review the proposed changes to the request. Others responded that the Board did review the request in detail in other meetings, and the new changes are fairly minor. Superintendent Shumway suggested adding a statement indicating that Utah will retain control of its standards as stated in his letter to Secretary Duncan and subsequent letter from the Secretary.

Motion was made by Member Debra Roberts and seconded by Member Tami Pyfer that the statement be included in the document and the letters be included in the appendix. Motion carried.

Motion from earlier in the meeting that the Board approve the amended Utah ESEA Flexibility Request carried, with Members Allen, Brown, Burningham, Buswell, Cannon, Castle, J. Coleman, Jensen, Murphy, Openshaw, Pyfer, Roberts, and Thomas in favor, and Members C. Coleman and Crandall opposed. [For complete details, see General Exhibit No. 11944.]

Board Committee Reports

ACCOUNTABILITY, FINANCE AND ASSESSMENT COMMITTEE

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

R277-467 *Distribution of Funds Appropriated for Library Books and Electronic Resources*

Consistent with the Utah Administrative Rulemaking Act five-year review requirement, the committee reviewed R277-467 to determine whether it should be continued. The committee also reviewed suggested amendments including current terminology and practice.

The committee approved R277-467 *Distribution of Funds Appropriated for Library Books and Electronic Resources* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11945.]

Utah Schools for the Deaf and the Blind (USDB) Quarterly Financial Condition and Budget Status Report

The first quarter financial report for the USDB was given to the committee. The school is running a surplus and has turned around its financial situation. [For complete details, see General Exhibit No. 11946.]

INSTRUCTION, SUPPORT AND TECHNOLOGY COMMITTEE

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

R277-408 Grants for Online Testing

During the 2012 Legislative Session, S.B. 97 *Grants for Online Testing*, which provides \$7,600,000 one-time funding for online testing, was enacted into law. In the April 13, 2012 meeting of the Board, R277-405 *Requirements for Assessment Pilot Programs* was amended to address this bill. R277-408 *Grants for Online Testing* replaces one section of R277-405. This new rule allows the grant process outlined in S.B. 97 to move forward.

The Committee made the following amendments to R277-408:

- Line 32, Section 3A: Insert the word “available” before “online testing grant funds.”
- Line 43, Section 3C(5): Change to read, “. . . assessments as required by 53A-1-708(4).”

The Committee approved R277-408 *Grants for Online Testing* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11947.]

R277-489 Early Intervention Program [formerly *Optional Extended-Day Kindergarten – Responsibilities Timelines, and Funding*]

The committee reviewed R277-489 as a part of the Utah Administrative Rulemaking five-year review requirement, along with amendments changing the rule to comply with H.B. 513 *Early Intervention Programs*, 2012 Legislative Session.

An updated version of the rule, with amendments, was distributed. The rule name was changed to *Early Intervention Program*. Other changes included adding a definition for adaptive learning, and amendments on technology, assessments, early intervention program, and USOE,

USBE and LEA responsibilities.

Member Cannon explained that in the 2012 Legislative Session, \$10 million in one-time funding was appropriated for the Early Intervention Program, with \$2.5 million to be used for technology and \$7.5 million for the program. R277-489 does not address the technology portion of the funds.

The Committee approved R277-489 *Early Intervention Program* on first reading, as amended, and moved that the Board approve the rule on second reading.

Deputy Superintendent Martell Menlove informed the Board that the rule does require a report from districts and charter schools that is not required in the law, and expressed support for the report as it will provide necessary data to seek additional funding.

Motion carried unanimously. [For complete details, see General Exhibit No. 11948.]

R277-482 *Charter School Timelines and Approval Processes*

The State Charter School Board requested review of the recommended changes to rule R277-482. Changes include: 1) expanding the definition of underserved student populations to include children of refugee families and English language learners, consistent with H.B. 41 *Charter School Enrollment*, 2012 Legislative Session, and requiring the school to provide documentation of the students attending under the preference allowance; and 2) consistent with S.B. 213 *Charter School Enrollment*, 2012 Legislative Session, the addition of language regarding expansions based on students participating in the Statewide Online Education Program.

Deputy Superintendent Menlove explained that under the Statewide Online Education Program, when a student leaves a school for up to two periods a day, the funding for those periods goes with the student to the LEA that is providing the online program. The provision in Section 7D of the rule addresses the issue of charter schools that would lose funding under their enrollment cap when students leave to take online courses. The rule allows that for every four students that leave for part of the day to attend a program with the Statewide Online Education Program, the school is allowed to add one additional student to its cap to maintain its original level of funding, if it makes application to do so.

The Committee passed R277-482 *Charter School Timelines and Approval Process*, 4-1, on first reading, as amended, and moved that the Board approve the rule on second reading. Member Carol Murphy reported that she voted against the rule because she had questions that

weren't satisfactorily answered.

Motion carried; Member Carol Murphy opposed. [For complete details, see General Exhibit No. 11949.]

R277-470 Charter Schools – General Provisions

The State Charter School Board requested review of recommended changes in R277-470, including the addition of language for the new state charter school start-up and implementation grants, and the charter school mentoring program.

The committee passed R277-470 *Charter School - General Provisions* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11950.]

R277-617 Educator Peer Assistance and Review Pilot Program (PAR Program)

During the 2012 Legislative Session, \$300,000 one-time funding was awarded to the Board through H.B. 115 *Peer Assistance and Review Pilot Program Procedures*, to fund the Peer Assistance and Review Pilot Program (PAR). The law requires the Board to make rules specifying: 1) procedures for applying for and awarding grants under this part; 2) criteria for awarding grants; and 3) reporting requirements for grantees.

New rule R277-617 provides criteria and procedures for participation in the PAR Program. The program is based on a national teacher mentoring program that ties mentoring to evaluation and provides a review panel of parents, teachers, and administrators.

The committee amended the title of the rule to *Educator Peer Assistance and Review Pilot Program (PAR Program)*. The committee approved R277-617 *Educator Assistance and Review Pilot Program (PAR Program)* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11951.]

R277-491 School Community Councils

R277-491 was approved on second reading in the Board's April 13, 2012 meeting. The rule was amended to reflect changes in the law from the 2012 Legislative Session and recommendations from the Legislative Audit, *A Review of School Community Council Election*

Practices, released in January 2012.

Since the April meeting, an additional change has been recommended to make the rule consistent with law. Section 4C was amended to read: “The school principal shall provide the following information to the school community: . . . “

The committee approved R277-491 *School Community Councils*, as amended, and moved that the Board approve the rule on third and final reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11952.]

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

The committee directed that R277-477 come back to the committee for further discussion at a later meeting. [For complete details, see General Exhibit No. 11953.]

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

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

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

The committee reviewed R277-713 consistent with the Utah Administrative Rulemaking Act five-year review requirement. The committee also reviewed amendments to the rule in response to S.B. 284 *Concurrent Enrollment Amendments*, 2012 Legislative Session, and made additional amendments outlined on a distributed sheet. Amendments included a definition of technology-intensive concurrent enrollment courses (TICE), and changes to program delivery and fees.

The committee approved R277-713 *Concurrent Enrollment of High School Student in College Courses* on first reading, as amended, and moved that the Board approve the rule on second reading.

Motion was made by Member Carol Murphy and seconded by Member Keith Buswell that the rule be amended as follows:

- Line 155, Section 5(C)(c) - change to “Courses delivered exclusively through technology . . .”
- Line 205, Section 6D(1)(a) - change to “a technology-intensive concurrent (TICE)

course”.

Motion to amend carried unanimously.

Original motion to approve the R277-713 on second reading, as amended, carried unanimously. [For complete details, see General Exhibit No. 11954.]

R277-475 Patriotic, Civic and Character Education

Rule R277-475 was discussed in the Board’s April 13, 2012 meeting, and was returned to committee for further discussion concerning changes as a result of S.B. 223 *Pledge of Allegiance Amendments*, 2012 Legislative Session.

The committee made amendments outlined on a distributed sheet. An additional amendment was made on Line 27, Section 3(B) to reword as “. . . to provide direction for patriotic education . . .”

The committee approved R277-475 on first reading, as amended, and moved that the Board approve the rule on second reading.

It was suggested that the amendment on Line 124, Section 6(B) be reworded to clarify that a school may require an annual written request if a parent chooses to excuse his/her child from reciting the Pledge.

Direction was given that the rule be sent back to committee in June for the additional clarification. [For complete details, see General Exhibit No. 11955.]

R277-488 Critical Languages Program

The committee reviewed R277-488 consistent with the Utah Administrative Rulemaking Act five-year review requirement, and also reviewed amendments to adjust the funding formula due to the growth of the Dual Language Program. Greater clarity was also provided in the rule to the type of programs supported and the type of support provided by the State Office of Education.

The committee made the following additional amendments:

- Line 83, Section 3A - change dates to “. . . available each April 1 to the USOE no later than May 1.”

Superintendent Shumway expressed concern that time lines be set so that the Board will know the needs for this program before its prioritization and submission of the budget request.

Brenda indicated the intention is to poll the districts now to determine if other schools are interested in participating in the program.

- Line 146, Section 4B - change dates to “. . . available annually by April 14 to the USOE by May 14.
- Lines 181 and 184, Section 4E(1) - change wording to “. . . Portuguese, or Spanish . . .”
- Line 223, Section 5F - change date to “. . . notified by the USOE by June 1.”

The committee approved R277-488 *Critical Languages Program* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11956.]

Early Childhood Core Standards

The Early Childhood Standards were first presented to the Board in its January 2012 meeting, and approval was given to post the standards online for public comment. A website containing the standards and an electronic comment form was set up for more than thirty days, and the address was put forth for public comment via communication with LEA heads, curriculum directors, newspapers, and other groups with an interest in early childhood education, including the Utah PTA, Health Department, Office of Child Care, and childcare providers. Each comment was considered and changes to the standards were made where appropriate.

Motion was made from the committee that the Board approve *Utah's Early Childhood Core Standards*. Motion carried unanimously. [For complete details, see General Exhibit No. 11957.]

Standards, Curriculum, and Assessments Update

The Committee discussed responses from the Utah Core Standards Forum held on April 26, and expressed appreciation to staff for their work on the Forum.

Executive Session

Motion was made by Member Mark Openshaw 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 2:30 p.m.

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

The meeting reconvened at 3:57 p.m.

Executive Session Action Items

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member Carol Murphy and seconded by Member Laurel Brown that the Board accept the recommendation of UPPAC in Case No. 11-1043 to suspend the Level 1 Special Education license of the former educator in Salt Lake City School District. Motion carried.

Motion was made by Member Carol Murphy and seconded by Member Michael Jensen that the Board accept the recommendation of UPPAC in Case No. 11-1046 to revoke by default the Level 2 Career and Technical Education license of the former educator in Canyons School District. Motion carried.

Motion was made by Member Carol Murphy and seconded by Member Laurel Brown that the Board accept the recommendation of UPPAC in Case No. 12-1062 and suspend the Level 2 Elementary Education license of the educator. Motion carried.

[For complete details, see General Exhibit No. 11958.]

Deaf Services Advisory Council Appointment

Motion was made by Member Keith Buswell and seconded by Member Mark Openshaw that the Board appoint Kimberly Gullikson as a member of the Division of Services to the Deaf and Hard of Hearing Advisory Council for a term to expire June 30, 2015. Motion carried.

State Charter School Board Nomination

In UCA 53A-1a-501.5 the State Board of Education is given responsibility to nominate to the Governor two individuals to be members of the State Charter School Board. Tim Beagley, one of the State Board's nominees to the Charter School Board, has a term ending June 30, 2012. In accordance with the statute, the Board must forward at least two names for each Board-nominated position.

Motion was made by Member Laurel Brown and seconded by Member Mark Openshaw that

the Board submit the names of Tim Beagley and Janet Cannon to the Governor for consideration to fill one of the Board-nominated positions on the State Charter School Board, for a term beginning July 1, 2012 and ending June 30, 2016. Motion carried.

Adjournment

Motion was made by Member Carol Murphy and seconded by Member Mark Openshaw that the meeting adjourn. The meeting adjourned at 4:02 p.m.

Lorraine Austin, Secretary to the Board
Approved June 1, 2012