UTAH STATE BOARD OF EDUCATION MEETING MINUTES

September 7, 2012

The Audit, Charter Schools, and USDB standing committees of the Board met on September 6, 2012 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. The Board also held a work/study session and met in executive session on September 6. All Board members were present with the exception of Wilford Clyde, James V. Olsen, R. Dean Rowley and David Thomas.

A regular meeting of the Utah State Board of Education was held September 7, 2012 at the State Office of Education. Chair Debra Roberts conducted.

Board Members present:

Chair Debra G. Roberts Vice Chair Dixie L. Allen Member Laura Belnap (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

Members excused: Member Wilford Clyde Member R. Dean Rowley Member David L. Thomas

Executive staff present: Larry Shumway, State Superintendent

Martell Menlove, Deputy Supt. Brenda Hales, Associate Superintendent Member Joel Coleman Member David L. Crandall Member Michael Jensen Member Carol A. Murphy Member James V. (Jim) Olsen (non-voting) Member C. Mark Openshaw Member Tami W. Pyfer Member Isaiah (Ike) Spencer (non-voting) Member Teresa L. Theurer (non-voting)

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

Others present:

Alan Shakespear, USBE Candidate; Preston Cochrane, Utah Jumpstart; David Damschen, Utah State Treasurer's Office; Will Vander Toolen, Utah Jumpstart; Logan Toone, UADD/ RFP Committee; Don Milne, Zions Bank; John Woeste, USOE; Deon Turley, Utah PTA; Tasha Wrigley, Utah Jumpstart; Jodi Jones, Utah Jumpstart; Melissa Veltri, Utah Jumpstart/ AFFCU; Christy Tribe, Junior Achievement of Utah; Marie Wright, Junior Achievement of Utah; Ryan Fuller, Wasatch Transportation; Jason Paisola, Wasatch Transportation; Pam Kennaley, Utah Jumpstart/American Express; Nina Welker, USBE Candidate; Jim Shank, Juab School District; Debi Tabor, Utah PTA/JumpStart; Jason Steenblik, Spectrum Academy; Dennis Ballard, Spectrum Academy; Peter Cannon, Davis School Board; Michael Sears, USDB

Opening Business

Chair Debra Roberts called the meeting to order at 8:15 a.m. Members David Thomas, Wilford Clyde, and Dean Rowley were excused. Chair Roberts welcomed board candidate Alan Shakespear to the meeting.

Member Laurel Brown led the Board in the Pledge of Allegiance.

Welcome Message

Member Janet Cannon welcomed Board members and gave the presentation, *Utah Public Education–to Fund or Not to Fund*. She made the point that since 1987, Utah has ranked last in the nation in per pupil spending. She indicated that according to Utah Foundation Report 708, April 2012, Utah's low funding effort can partly be attributed to this state's low property taxes and a strong effort in the 1990s to reduce property taxes further by doubling the homeowners' exemption and cutting the basic levy rate in half. The basic levy is a major portion of school property taxes, and the rate is set by the Legislature each year as part of the budget process. Additionally, in most years since the mid-1990s, the basic levy rate has been reduced as part of the state budget process.

Promises to Keep Highlight

Dr. Larry Shumway, State Superintendent of Public Instruction, discussed that in each element of the Promises to Keep mission, *all* Utah children are included. He reviewed the progress being made in serving all children, and congratulated the State Board, teachers, district superintendents, local school boards, charter schools, charter governing boards and all others who have provided the support and leadership in making this kind of progress.

Public Participation and Comment

The following individuals made public comment to the Board. [For complete details, see General Exhibit No. 12076.]

Preston Cochraine, Board Member of Utah Jumpstart Coalition - recognized several individuals from the Jumpstart Coalition at the meeting. He discussed the General Literacy course, and emphasized how important it is for students to learn finance. The primary concern of the Coalition is the possibility of the Board abandoning the course and making it an online only option. He also asked for an investigation into the rigor of the current online course.

Logan Toone, Assessment RFP Committee - shared reassurance about the integrity of the process followed by the Board's Assessment RFP Committee. He addressed the item on the agenda where the Board will discuss whether or not to remove the formative assessment component of the RFP. He gave a perspective on why it was included—that summative and interim assessments are good to show where students are in a specific time, but formative assessment has the ability, if used properly, to not only measure student achievement, but to increase it. He encouraged the Board to not only consider legislative and Board intent, but also what students need in an assessment system. As president of the state association of assessment directors, he announced that the association unanimously passed a resolution in support of maintaining the formative component of the Assessment RFP.

Tracey Watson, Utah Education Association - expressed some concerns about changes in the Board's process in reviewing recommendations from the Utah Professional Practices Advisory Commission (UPPAC). The decision to look at an educator's hearing report twice could impinge significantly on an educator's property and liberty rights. She stated that the Board has good people in place on UPPAC, and asked the Board to spend more time with the Commission and consider other alternatives. Written comments were also distributed.

Ryan Fuller, Wasatch Transportation - indicated the Board will be hearing a proposal from the Utah Schools for the Deaf and the Blind (USDB) regarding the school's transportation needs. He reported that Wasatch Transportation has been a partner with USDB for 26 years. The proposal will say that USDB will be able to operate its transportation program itself 58 percent -18906-

more efficiently than school districts, and 40 percent more cost effectively than Wasatch Transportation. He asked that as the Board members consider the proposal, they look very carefully at the numbers and the research behind the numbers. He also suggested that the law should be followed in 53A-17a-126, which specifically states that for USDB, all monies currently contracted for transportation must be paid to the school.

General Consent Calendar

Motion was made by Member Dixie Allen and seconded by Member Carol Murphy 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 August 3, 2012 were approved.

2. <u>Contracts</u>

The following contracts were approved by the Board.

A. MicroScribe Publishing, Inc., \$35,000, 7/1/12 to 6/30/13, Fed.

To provide services to support students with disabilities under the Individuals with Disabilities Education Act (IDEA).

B. Sally Dyches, \$21,666, 6/1/12 to 10/30/13, Fed,, Amendment

To provide monitoring for the Utah Program Improvement Planning System (UPIPS); review files and procedures and LEA self-assessment and annual performance reports; monitor LEAs for compliance with IDEA and USBE Special Education Rules.

C. TeachTown, \$225,000, 7/1/12 to 6/30/13, Fed.

To develop software and activity manual for students with autism.

D. Sandra Hansen, \$21,666, 6/1/12 to 9/30/13, Fed., Amendment

To provide monitoring for the Utah Program Improvement Planning System (UPIPS); review files and procedures and LEA self-assessment and annual performance reports; monitor LEAs for compliance with IDEA and USBE Special Education Rules.

E. Art Access/VSA Utah, \$30,000, 7/1/12 to 6/30/13, Fed.

To ensure integrated arts for students with disabilities; train and recruit professional artists to provide direct service to students and provide inservice training to teachers, aides, parents, and administrators.

F. Utah Parent Center, \$53,000, 7/1/12 to 6/30/15, Fed.

To provide information, outreach, and referral services statewide for transition aged youth with disabilities and their parents.

G. Sangam L.C. (Jason Allred), \$0, 7/1/12 to 6/30/12, Fed., Amendment

Owner and remittance changes for the lease of office space for the Division of Rehabilitation Services Logan Office located at 115 West Golf Course Road, Logan, Utah.

H. Cedar South Station, Inc., \$286,311.35, 2/1/13 to 1/31/18, Fed., Amendment

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

H. <u>Utah Statewide Independent Living Council</u>, \$215,310, 10/1/12 to 9/30/13, Fed., <u>Amendment</u>

To provide resources to the Independent Living Program in accordance with Title VII Part B and the State Plan for Independent Living.

[For complete details, see General Exhibit No. 12077.]

2. <u>R277-112 Prohibiting Discrimination in Public Schools</u>

In its August 3, 2012 meeting, the Board approved on second reading amendments to R277-112. The rule was amended to include information from the Utah State Office of Rehabilitation, 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.

The Board approved R277-112 *Prohibiting Discrimination in Public Schools*, as amended, on third and final reading. [For complete details, see General Exhibit No. 12078.]

3. <u>R277-419 Pupil Accounting</u>

In its August 3, 2012 meeting, the Board approved continuation of R277-419 on second reading. The Board also approved on second reading, amendments to the rule to delete Section 5A(1)C.

The Board approved continuation of R277-419 *Pupil Accounting*, and amendments to the rule, on third and final reading. [For complete details, see General Exhibit No. 12079.]

4. <u>R277-420 Aiding Financially Distressed School Districts</u>

In its August 3, 2012 meeting, the Board approved on second reading continuation of R277-420, and amendments to the rule. The rule was amended to clarify the Board's designee.

The Board approved continuation of R277-420 *Aiding Financially Distressed School Districts*, and amendments to the rule, on third and final reading. [For complete details, see General Exhibit No. 12080.]

5. <u>R277-423 Delivery of Flow Through Money</u>

In its August 3, 2012 meeting, the Board approved continuation of R277-423, and amendments to the rule, on second reading. The rule was amended to make the definition of "LEA" consistent with other Board rules.

The Board approved continuation of R277-423 *Delivery of Flow Through Money*, and amendments to the rule, on third and final reading. [For complete details, see General Exhibit No. 12081.]

6. <u>R277-424 Indirect Costs for State Programs</u>

In its August 3, 2012 meeting, the Board approved on second reading continuation of R277-424, consistent with the Utah Administrative Rulemaking Act five-year rule review requirement.

The Board approved continuation of R277-424 *Indirect Costs for State Programs* on third and final reading. [For complete details, see General Exhibit No. 12082.]

7. <u>R277-426 Definition of Private and Non-Profit Schools for Federal Program Services</u>

In its August 3, 2012 meeting, the Board approved on second reading continuation of R277-426, consistent with the Utah Administrative Rulemaking Act five-year rule review requirement.

The Board approved continuation of R277-426 *Definition of Private and Non-Profit Schools for Federal Program Services* on third and final reading. [For complete details, see General Exhibit No. 12083.]

8. <u>R277-454 Construction Management of School Building Projects</u>

In its August 3, 2012 meeting, the Board approved on second reading continuation of R277-454, consistent with the Utah Administrative Rulemaking Act five-year rule review requirement.

The Board approved continuation of R277-454 *Construction Management of School Building Projects*, on third and final reading. [For complete details, see General Exhibit No. 12084.]

9. Monthly Budget Report

The Monthly Budget Report for July 2012 was provided to give information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind. [For complete details, see General Exhibit No. 12085.]

10. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in July 2012 was provide for Board information. [For complete details, see General Exhibit No. 12086.]

State Superintendent Announcement

Superintendent Larry Shumway announced that he will be retiring as of January 1, 2013. He indicated it is the best thing to do for his family at this time. He expressed what a fabulous experience it has been to serve the State Board, school districts, schools, students, and the citizens of Utah. He believes in public education and believes in the role of public education as fundamental to our constitutional way of life. He has often shared how strongly he feels about citizenship as a purpose of public education. Dr. Shumway shared Robert Frost's poem, "Birches." He reiterated that it has been the great honor of his career to serve with the Board and thanked them for giving him the opportunity.

Chair Debra Roberts stated that it is with great reluctance that the Board accepts the superintendent's retirement, and expressed what a great superintendent he has been. She credited him with writing the Board's vision and mission—Promises to Keep—which will be a great legacy as it has brought the Board to fundamental educational principles. The Board and audience honored Superintendent Shumway with a standing ovation.

Superintendent Search

Chair Roberts reviewed that Article X Section 3 of the Utah Constitution gives the Board authority to appoint the state superintendent. The process for appointing a superintendent is outlined in the Board Bylaws, and the Board will be following that process. A Superintendent Search/Selection Committee has been formed with Members Tami Pyfer, Janet Cannon, Laurel Brown, David Crandall, Kim Burningham, Mark Openshaw, and Debra Roberts as members. An advertisement for the position will be released today, with applications due September 23. The hope is to have the process completed in October.

Member Teresa Theurer suggested that once the process is completed, the Board consider amending its Bylaws to add a provision that would allow the Board to appoint someone immediately with a super majority.

The board recessed to committees at 8:55 a.m. The board reconvened at 10:45 a.m.

Achievement Spotlight - Professional Outreach Programs in the Schools (POPS)

Associate Superintendent Brenda Hales introduced POPS, a consortium of ten professional arts organizations in Utah. POPS provides critical arts learning experiences to Utah students and teachers through professional outreach in the schools in all areas of the state.

The following representatives from each organization explained the work they do in the schools: Peter Christy, Ballet West; Beverly Hawkins, Utah Symphony; Paula Fowler, Utah

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Opera; Pamela McGee, Utah Festival Opera and Musical Theater; Michael Barr, Utah Shakespeare Festival; Virgil Jacobsen, Springville Museum of Art; Tracy Matthews, Utah Museum of Fine Arts; Mary Ann Lee, Tanner Children's Dance Theater; Gigi Arrington, Ririe Woodbury Dance Company; Linda Smith, Repertory Dance Theater (RDT).

The groups were applauded for the important work they do in the schools, and Chair Roberts and Superintendent Shumway honored each representative with a Certificate of Excellence.

[For complete details, see General Exhibit No. 12087.]

USBE 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 the increasing costs of this incentive and recommendations, legislative audits, and intent language included in S.B. 2 (2012 Legislative Session), it has been recommended that the Board close the USBE Early Retirement Incentive Program.

In the August 3, 2012 meeting of the Board, several options were presented for closing the program. A motion was passed to adopt Option 2, which will close the USBE Early Retirement Incentive Program as of July 1, 2012 to all employees with less than five consecutive years with the Board of Education. In the same meeting, a motion was passed that the Board reconsider its action concerning this incentive at its September meeting.

Superintendent Shumway thanked Chair Roberts for the opportunity to address the issue, as he had been unable to in the September meeting. He reviewed the options: 1) to eliminate the benefit immediately for everyone; 2) to eliminate the benefit for those with less than five years with the office; and 3) to eliminate the benefit for all employees hired on or after July 1, 2012. The recommendation of staff was the third option. Staff felt the third option was appropriate as

individuals hired after July 1 have already been told they would not qualify for the benefit. Superintendent Shumway also reported that over the time he has been in the office he has recruited employees to come to work at the USOE using the availability of the benefit as an enticement.

Superintendent Shumway referred to a spreadsheet showing other post-retirement benefits pool contribution from other state agencies. The USOE's pool contribution is not out of line with other agencies. He expressed that while it is true that the more employees who do not qualify for this benefit will reduce the costs, the office has been in a situation where over the last four years people here have been furloughed and have had no increase or minimal increases in compensation. The Board's action in September would represent a diminishment of compensation. He gave his strong recommendation that in reconsidering its action, the Board select Option #3.

Member Keith Buswell reported that last month there was some feedback that another state agency had gone with Option #2, so it seemed that a precedent had been set. David Rodemack, Human Resources Director, reported that when the state closed its OPEB in 2006, which was basically for sick leave, it kept constant anyone who had earned sick leave up to that point and closed it from earning any more benefits in the future. It does not coordinate with the USBE's options.

Motion was made by Member Dixie Allen and seconded by Member Kim Burningham that the Board change its action of September 7, 2012 and select Option #3, to close its early retirement incentive program to all new employees hired after July 1, 2012.

Motion carried, with Members Keith Buswell and Carol Murphy opposed. [For complete details, see General Exhibit No. 12088.]

State Superintendent's Report

Superintendent Larry Shumway reported on the following items.

New employees of the State Office of Education hired since June were introduced.

A letter to legislators from Prosperity 2020 supporting Utah's utilization of Common Core State Standards was reviewed. Progress on intent items from legislation passed in the 2012 legislative session in S.B. 2 *Public Education Budget Amendments* was reviewed. Job-specific, outcome-based performance measures will be reported to the Public Education Appropriations Subcommittee in December. Additionally, a cost-benefits analysis of activities in the programs within the State Office of Education will be presented in November. These reports represent a significant amount of work for staff.

Information about the "Education Drives America" Back to School Bus Tour events happening in Utah was shared. The events will take place on September 13-14.

The schedule for the Utah School Boards Association Fall Regional Meetings was reviewed and Board members were encouraged to attend.

Superintendent Shumway's *Back to School* videos were shown, in English, Spanish and volunteer versions.

The Superintendent's Annual State of Education Address will be held on October 9 at Open Classroom Charter School beginning at 7:00 p.m.

Deputy Superintendent Martell Menlove reported on requests for waivers from R277-419 *Pupil Accounting*, for districts to use two of the required 180 days for professional development.

Food Allergy Guidelines have been developed by the National School Boards Association, and were presented to the Board in a previous meeting. That information has been reviewed by staff and will be passed on to school districts.

A report from ACT of five-year trends from 2008-2012 was reviewed. Utah ranks second among states that test all their graduates.

[For complete details, see General Exhibit No. 12089.]

Board Chair's Report

Chair Debra Roberts reported on the following items.

The K-16 Alliance entities have met and agreed they don't want to lose the value of coming together in an alliance. Regional alliances need to be strengthened, and every school district needs the ability to chair the alliances. The Alliance will also narrow its subcommittees to three areas.

A draft Education Excellence Scorecard from the Governor's Education Excellence Commission was distributed. The Scorecard is designed to show how the Governor's education benchmarks are being met. [For complete details, see General Exhibit No. 12090.]

The Education Interim Committee discussed Utah Core Standards. Chair Roberts applauded USOE staff for the way they handled the discussion. Member Tami Pyfer mentioned that she has been working with Associate Superintendent Brenda Hales on compiling information that will address questions about the Core Standards.

The Board's Graduation Committee continues to move forward. The committee's recommendations will be brought to the Board before the end of the year.

Dr. Sydnee Dickson, USOE Director of Teaching and Learning, reported on a Prosperity 2020 meeting she attended yesterday about STEM (science, technology, engineering, mathematics). The Governor's Office of Economic Development (GOED) has brought together groups from public and higher education, the legislature, and business regarding a STEM initiative. An announcement was made by Prosperity 2020 that business and industry would be responsible for bringing the needed resources and expertise to STEM education, with Stan Lockhart named as the director for the program. The State Office of Education was designated as one of three groups, along with higher education and GOED, to create the plan. Board Member Keith Buswell was also in attendance.

The Teacher of the Year Banquet will be held October 5 following Board meeting.

A dinner hosted by the Board for legislative leadership, Education Interim Committee members, and legislative and board candidates will be held on October 9 prior to the State of Education Address.

A Governor's Education Summit is scheduled for October 17.

Auditor's Report

Internal Auditor Natalie Grange summarized audit reports for the Utah Personnel Development Center (UPDC), EduJobs, and Spectrum Academy.

UPDC has a new director and financial consultant and has made significant progress since last year in complying with regulations and guidelines. Responsibilities have been defined in an agreement with USOE and Provo School District. The questioned costs were reviewed. Ms. Grange expressed her opinion that there will be significant changes in their compliance.

The third of four reports was given on EduJobs, the companion to the federal recovery act to fund school-level personnel. The grant ends Sept 30, 2012. Three findings were reviewed regarding: 1) internal controls and approval of reimbursement requests at USOE, 2) documentation turned in by LEAs, and 3) documentation for two specific LEAs.

Spectrum Academy was audited and has cooperated fully and shown a willingness to make necessary changes. Some problems include insufficient segregation of duties, insufficient internal controls, and no written policies and procedures to govern purchasing. The responses and actions of Spectrum have shown the school is being proactive in correcting the problems.

An update on the Educator Ethics and Financial Training was given. Ms. Grange reported she is working on a training manual that clarifies school and activities accounts.

[For complete details, see General Exhibit No. 12091.]

Computer Adaptive Assessment Request for Proposal (RFP)

The Board-appointed Computer Adaptive Testing RFP Writing Committee completed writing the RFP and it was released through State Purchasing on August 20, 2012. The RFP includes five components: 1) summative and interim technology; 2) formative assessment; 3) English/language arts summative and interim items; 4) mathematics summative and interim items; and 5) science summative and interim items.

Chair Roberts read the following statement from USOE Purchasing Agent Michael Rigby, in consultation with Board Attorney Kristina Kindl.

As long as the RFP is still open the RFP can be changed. The formative piece can be removed through an addendum to the RFP. As with any addendum that changes the RFP to this degree, we would want to move the closing date back a week or so. If changes were made that were so substantial that the whole intent of the document had changed, then cancelling the RFP and reissuing a new document might be in order. The agency procurement officer can make that decision. -18916-

Member Laurel Brown questioned why the removal of the formative piece from the RFP is up for discussion. She stated that the committee, of which she is a member, was established by the Board and was vendor neutral in writing the proposal. Each portion is an integral part of the entire proposal. She felt that leaving the RFP as it is allows the Board to see what the marketplace is producing. She also discussed that for her it is an ethical issue and she will not participate in further discussion.

Motion was made by Member Laurel Brown and seconded by Member Keith Buswell that the Board move to the next agenda item.

Member David Crandall expressed his appreciation for the RFP committee, but felt that during the process there was the issue of formative assessment that merited consideration by the full board. Definitions of formative assessment have changed, and he believes formative assessment in this case refers to the existing UTIPS system. His concern is that UTIPS or another formative system a vendor develops, doesn't have a permanent funding source, and that is why it is part of the RFP.

In addition, the RFP Committee was unable to meet with the Board without making the RFP public, therefore in order to have this discussion, it was decided individual pieces would be independent and could be removed. Member Crandall expressed his feeling that it is not unethical to discuss it as the Board did not have the chance to give input. He reported that he has reviewed the law and can't find any evidence the money appropriated in HB 15 *Statewide Adaptive Testing* (2012 Legislative Session) can be used for formative assessment. He also talked with the sponsor who was unaware of UTIPS, as it was not discussed during the legislative process. Member Crandall expressed his opinion that for transparency, the legislature should have been informed during the process.

Member Joel Coleman indicated he is supportive of having the discussion. To the merit of the issues, it was his understanding that the Board is positive about computer-adaptive testing because it would include summative and formative assessment, and he is supportive of including formative assessment in the RFP.

Member Keith Buswell expressed concern that because the RFP is already in the marketplace, if it is changed now it could become a negative.

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Motion to move on failed for lack of a majority, with Members Allen, Brown, Burningham, Buswell, Castle, Murphy, and Pyfer in favor, and Members Cannon, Crandall, C. Coleman, J. Coleman, Jensen, Openshaw, and Roberts opposed.

Member Tami Pyfer reflected on her experience on the committee. The Board's motion that led to the RFP asked that the committee write an RFP that would develop the Utah Assessment System. A statewide system needs to have formative assessment, because it informs teacher instruction. She felt the legislation does not disallow formative assessments. She explained that the RFP is designed in five separate parts, and vendors may bid on different sections. It was written to be flexible, and having a total package of formative, interim, and summative assessments in one system allows for continuity in taking different assessments. UTIPs was mentioned as a formative assessment, but she never got the impression that formative assessment was included to fund UTIPs. Member Brown concurred.

Member Crandall reported that he questioned USOE staff as to why a separate RFP couldn't be written for formative assessments, and received the response that no funding is available for a separate RFP to fund UTIPs. He also expressed his feeling that formative assessment is a local issue and should be left to LEAs.

Motion was made by Member Tami Pyfer and seconded by Member Carol Murphy that the Utah Computer Adaptive Assessment System RFP remain in place as currently written.

Vice Chair Dixie Allen indicated that computer adaptive testing is a growth model, and formative assessment is not created as such. It is a standards based model that helps inform instruction. She expressed her concern that there won't be a company that can provide both.

Member Mark Openshaw noted his concerns with the reviewing and scoring of the RFP, and questioned whether the best computer adaptive test system may be discounted if it doesn't have a formative piece. Member Pyfer responded that all five sections will be scored independently.

Member Leslie Castle asked Superintendent Shumway for his thoughts. Superintendent Shumway expressed that with regards to legislative intent, the law is about an assessment system, and could be open to broad interpretation. He felt that either way the Board decides would be in line with the law. Member Teresa Theurer questioned the reason to remove the formative piece. Vice Chair Allen responded that there may be push back from the assessment pilot districts because they know the model they are currently using does not have formative assessment. Member Theurer still questioned why the Board wouldn't want formative assessment when it is essential.

Member Crandall reminded the Board that any time it acts outside of legislative intent it becomes an issue with the legislature. The law does not mention an assessment system, but directs that an assessment shall be administered starting with the 2013-2014 school year. The purpose was to replace another assessment.

Member Murphy responded that when the Board undertook the RFP process, it agreed to step back from some strongly held individual beliefs of what should happen and have a neutral lead in that process, with plenty of input. She expressed disappointment with the Board and felt Board members are stepping back from their commitment to each other. The process is one on which the Board agreed, and the Board as a whole should move forward with it.

Chair Roberts explained that she will be voting against keeping the RFP as it is, as she felt an assessment, not an assessment system, was what was called for. There is value in formative assessment, but it should be a separate piece.

Motion for the RFP to remain unchanged carried, with Members Allen, Brown, Burningham, Buswell, Cannon, Castle, J. Coleman, Murphy, and Pyfer in favor, and Members C. Coleman, Crandall, Jensen, Openshaw, and Roberts opposed.

[For complete details, see General Exhibit No. 12092.]

Board Legislative Agenda

Deputy Superintendent Martell Menlove distributed and reviewed the document, *Five-Year Funding* of State Board of Education Vision and Mission - 2013 Legislative Session.

Motion was made by Member Dixie Allen and seconded by Member Laurel Brown that the Board fully fund growth, then prioritize as follows: 1) College and Career Readiness Assessment and Initiative, 2) Early Intervention Initiatives, 3) Teacher Evaluation Implementation, and 4) Core Standards Professional Development.

Motion carried unanimously.

It was clarified that for fully funding of growth, USOE staff will work with staff of the legislature and Governor's office on a consensus definition of what growth is and a consensus number. Member Kim Burningham expressed discomfort with having no number attached to growth, and asked if a number range could be added. Associate Superintendent Bruce Williams reported that the Common Data Committee will meet in mid-October and it will take until November to have a consensus number for growth. At this point, he felt a range of \$75 million to \$110 million should be fine.

Motion was made by Member Kim Burningham and seconded by Member Joel Coleman that a number range, supplied by USOE administration, be added to growth.

Motion carried unanimously.

Motion was made by Member Tami Pyfer and seconded by Member Kim Burningham that At-Risk Block Restoration (MESA) be moved to the #5 priority.

Substitute motion was made by Member Laurel Brown and seconded by Member Dixie Allen that Increase in Value of WPU be moved to the #5 priority and At-Risk Block Restoration be made the #6 priority.

Vice Chair Allen asked if the increase in the WPU could be tied to full funding of growth. Dr. Menlove indicated it could. Member Joel Coleman expressed that it doesn't seem likely that At-Risk Restoration will receive funding, and as more priorities are added, the Board's prioritization will be diluted.

Member Isaiah Spencer expressed that it says something to the minority community when MESA and at-risk programs are not a priority and they keep receiving less funding. MESA is a program that has been tracked and is successful. It started with 66 students in 1985 and now has 6600 students. He noted that the timing of the request is in line with the Governor's initiative, and questioned, "If now is not the time, when is the time?"

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

Original motion to move At-Risk Block Restoration to the #5 priority carried, with Members Allen, Brown, Burningham, Buswell, Cannon, Castle, Jensen, Pyfer, and Roberts in favor, and Members C. Coleman, J. Coleman, Crandall, Murphy, and Openshaw opposed.

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Member Burningham commented that for the last several years the Board has tried a different approach to be more realistic in its funding requests. He understands the value of that approach, but expressed that sometimes that approach causes the Board to be less idealistic in stating the needs. He suggested that the Board needs to be a stronger advocate for an increase in the value of the WPU and it should be a role of the Board.

Motion was made by Member Burningham and seconded by Member Castle that the Board move Increase in Value of WPU as its number one priority.

Vice Chair Allen expressed her support, because it seems to be what district superintendents need and want. She would like to make it part of growth. Member Craig Coleman indicated support for an increase as well, but felt it should be tied to eliminating some other things on the list. He suggested supplying more money to districts and letting them determine its use. Member Pyfer agreed with Member Coleman, but indicated the legislative process is not always supportive of local control. Member Coleman suggested the Board take leadership in this area.

Member Buswell expressed that part of the theme he hears is that a bigger picture of a longterm educational financial plan is needed. To get a return on our investment, we need to make the investment. He wondered whether there would be a legislator or multiple legislators that would champion taking both growth and WPU above the line as a beginning.

Substitute motion was made by Member Keith Buswell and seconded by Member Dixie Allen that Increase in Value of WPU be moved to the Legislative Expectation category, with the dollar amount as listed.

Member Joel Coleman spoke in support of the motion and questioned whether more could be done with the legislature than just sending them a list of the Board's priorities. He suggested that some negotiations might be part of the process, such as the Board offering to take the leadership role and implementing some of the things that would be done legislatively otherwise, through Board rule; then the Board would determine flexibility at the local level.

Substitute motion carried; Member David Crandall opposed.

Motion was made by Member Dixie Allen and seconded by Member Joel Coleman that the USDB Building Blocks not be considered until after the USDB Committee recommendations are reported.

Member Janet Cannon voiced her discomfort with USDB competing with the other Board priorities for their needs. Superintendent Shumway responded that the sentiment makes sense, but the challenge is that USDB funding is out of the same education fund as other priorities. It could be listed on a different sheet, but is still competing for the same dollars.

Motion carried.

Member Teresa Theurer supported having STEM moved up on the list, as the first priority of the Board is college and career readiness.

Motion was made by Member Joel Coleman and seconded by Member Craig Coleman that the board prioritize Statewide CAT Infrastructure as #1 under one-time funding.

Substitute motion was made by Member Keith Buswell and seconded by Member Mark Openshaw that the Board prioritize Statewide CAT Infrastructure as #1 under one-time funding, with STEM as #2 under one-time funding.

An amendment to the substitute motion was made by Member Kim Burningham and seconded by Member Dixie Allen that a statement be added to STEM that it is for a 4-6 grade initiative for high-quality instruction in STEM-related areas.

Superintendent Shumway suggested that at the direction of the Board, staff could put together a proposed program and budget for the \$5 million under STEM.

Member Joel Coleman stated that it would be a mistake to prioritize funding for STEM when there isn't a program behind it, and Member Craig Coleman agreed. They also questioned on what the \$5 million would be spent. Vice Chair Allen responded that science, technology and math in grades 4-6 is critical. She suggested that part of the money might be spent on certifying educators in math and science, and equipment for classrooms.

Amendment to the substitute motion carried.

Substitute motion carried; Members C. Coleman and Crandall opposed.

Motion was made by Member Dixie Allen and seconded by Member Keith Buswell that the Data Security, Fiscal Management Package, and IT Staffing Needs items be combined.

Motion carried.

[For complete details, see General Exhibit No. 12093.]

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Board Standing Committee Reports

CHARTER SCHOOLS COMMITTEE

Committee Chair Carol Murphy reported on the following items from the Committee.

Valley Academy Charter Amendment

The State Charter School Board reviewed a request from the governing board of Valley Academy to amend the school's charter, and forwarded the request to the Board for consideration. The proposed amendment would add grade 8 beginning in the 2013-2014 school year, with 50 additional students (500 total).

Motion from committee that the Board approve the requested amendment to Valley Academy's charter.

Motion carried; Member Tami Pyfer absent. [For complete details, see General Exhibit No. 12094.]

Open High School of Utah Charter Amendment

The State Charter School Board reviewed a request from the governing board of Open High School of Utah to amend the school's charter, and forwarded the request to the Board for consideration. The proposed amendment would add grades 7 and 8 in 2013-14, with no increase in overall number of students.

Member Burningham indicated that in reviewing the materials for this and other amendment requests, no response from the local districts is included. He asked whether districts are given sufficient time to respond, or if there are other reasons for their non-response. Member Murphy responded that the State Charter School Board does get some responses and they almost always address alignment issues. Some responses also address waivers of the timeline, as districts need some time to plan for enrollment changes. She also indicated that if a response is significant, it is reflected in the materials given to the Board.

Motion from committee that the Board approve the requested amendment to Open High School of Utah's charter.

Motion carried. [For complete details, see General Exhibit No. 12095.]

Aristotle Academy Charter Amendment

The State Charter School Board reviewed a request from the governing board of Aristotle Academy to amend the school's charter to modify its definition and expectation of volunteers, and forwarded the request to the Board for consideration.

Committee Chair Murphy reported that the committee made no recommendation, because the issue has been overcome by events that address preferences for the first day of school, which was two weeks ago, and also because the request was unclear. [For complete details, see General Exhibit No. 12096.]

Provo Freedom Academy Charter Amendment

The State Charter School Board reviewed a request from Provo Freedom Academy to amend to its charter, and forwarded the request to the Board for consideration. The school is approved to add grades 9–12 in the 2012, 2013, 2014, and 2015 school years and anticipated building a new facility at its current K–8 location to house the high school. Community, governmental, and legislative concerns about the building plan caused the school to look elsewhere for land. Due to current facility limitations during the interim (2012-2013), the school's 9th grade class needs to be housed at a temporary location.

The proposed amendment is to move the 9th grade class to a location in Alpine School District at 1875 South Geneva Road. The original location was in Provo School District.

In its September 6 meeting, Charter Schools Committee members expressed great concern that the students were presently in a location that has not passed fire rating. The committee forwarded a request that the governing board of Provo Freedom Academy meet in emergency session and develop a plan to relocate the students as soon as possible.

Member Murphy reported that she received an email this morning from the Freedom Academy governing board informing that the school has been released from the lease on the State Street building, which was the lease that was not approved by the fire marshal. In addition, they have spoken to the new landlord, and they will be allowed to move in next Monday. The school will contact all parents of 9th grade students and notify them of the change in location, and the governing board is working to fulfill the request on the fire reporting that is necessary. They also indicated that "they took to heart the counsel of the State Board committee and are expediting the move."

Motion from committee that the Board approve an amendment to the charter of Provo Freedom Academy, that the 9th grade class will be temporarily located at 1875 South Geneva Road.

Motion carried. [For complete details, see General Exhibit No. 12097.]

Students with Disabilities in Charter Schools

The Committee heard a report on students with disabilities in charter schools. [For complete details, see General Exhibit No. 12098.]

USDB COMMITTEE

Committee Chair Joel Coleman reported on the following items from the Committee.

USDB FY 2014 Operating Budget with Building Blocks

During the 2012 legislative session, the legislature appropriated \$28,882,200 to the Utah Schools for the Deaf and the Blind (USDB). USDB intends to submit as its base budget request the same operating budget as in fiscal year 2013. In addition to the base operating budget request of \$28,882,200, USDB also intends to submit the following four budget building blocks:

- 1) Pupil Transportation \$1,800,000 ongoing; \$2,000,000 one-time
- 2) Educator Steps and Lanes \$215,315+
- 3) USDB Staff Professional Development Days \$126,764
- 4) Additional USDB Outreach Educators \$403,925

USDB staff are proposing that the school provide its own transportation, and they believe, through discussions with State Motor Pool, they will be able to do so. Their analysis shows that if they receive a one-time appropriation of \$2 million, they will be able to purchase vehicles and will be able to operate at a much lower cost than if they go through a private company.

Representatives from Wasatch Transportation, the school's current transportation provider, presented information to the committee indicating that the analysis was not going to

hold up over time. Committee Chair Coleman mentioned that Wasatch Transportation has served the school well for many years.

After discussing the issue, the Committee determined to forward the transportation building block to the Board with a recommendation to approve the request, with the understanding that the Governor's Office will be closely analyzing the request and ferreting out the reliability of the numbers.

The committee approved the USDB Building Blocks request for FY 2014 and moved that the Board approve the request as presented.

It was clarified that the building blocks are in order of USDB preference.

Member James Olsen questioned what will happen if USDB's calculations on transportation are incorrect and the program costs more than anticipated. Committee Chair Coleman responded that the committee discussed that possibility, but as it didn't have information to the contrary, approved the request.

Deputy Superintendent Menlove reported that the representative from Wasatch Transportation that spoke during the public comment period this morning referred to a section of Utah Code that indicates the actual costs of transportation for USDB should be taken from the total transportation budget statewide. There is the potential to transfer some additional funds out of the statewide transportation budget to USDB. That said, it becomes even more incumbent that the transportation item in USDB's budget be thoroughly examined to make sure it is the most economical, equitable, and efficient service that is appropriate for that population of students. He supported the Board in moving forward with the building block, but with some caveats that the Board will continue to look at the numbers and get some additional opinions and reviews of the numbers to see if there are places where it can be done more efficiently. There may be some solutions other than the one presented.

Member Teresa Theurer made the point that the transportation change is a big risk, and if it doesn't work out, the contract might not be available with the current provider. Superintendent Shumway recommended that the Board have its internal audit staff review the work that has been done to arrive at the transportation figure and make sure it is correct.

Member Janet Cannon noted that USDB has been responsible in addressing its issues with transportation, and they deserve credit for trying to address their needs responsibly.

Motion failed for lack of a majority, with Members Allen, Brown, Cannon, C. Coleman, Jensen, Pyfer and Roberts in favor, and Members Burningham, Buswell, Castle, J. Coleman, Crandall, Murphy and Openshaw opposed.

Motion was made by Member Tami Pyfer and seconded by Member Kim Burningham that the Board refer the USDB transportation building block to USOE staff for further review and analysis, and approve the other three building blocks.

Member Allen responded with her feeling that USDB staff have worked hard on this proposal and it seems negligent for the Board not to support them. Member Joel Coleman expressed frustration with the procedure, and indicated that to give proper oversight, more time and information is needed.

Motion carried.

[For complete details, see General Exhibit No. 12099.]

USDB Advisory Council Training

The committee received an update on training for the USDB Advisory Council.

ACCOUNTABILITY, FINANCE AND ASSESSMENT COMMITTEE

Committee Vice Chair Kim Burningham reported on the following items from the Committee.

Taxing Entity Committee (TEC) to the Redevelopment Agency of Park City Lower Park Avenue Redevelopment Project Area

Information was presented regarding the Redevelopment Agency of Park City's desire to extend the expiration date for the receipt of tax increment revenues from its existing Lower Park Avenue Redevelopment Project Area, which is currently scheduled to expire at the end of 2015. The RDA proposed a 15-year extension of the project area tax increment collection and continuation of the existing provision wherein the taxing entities receive 40 percent of the tax increment revenue and the RDA receives the remaining 60 percent.

The committee authorized Cathy Dudley, the Board's representative to the TEC, to vote against the extension. [For complete details, see General Exhibit No. 12100.]

Taxing Entity Committee (TEC) to the Redevelopment Agency of Weber County Economic Development GSL Project Area Plan

Information was presented regarding the Great Salt Lake Minerals (GSL) Project Area Plan, and Weber County's request for an amendment that would extend the Plan's budget period until 2016. By extending two more years, GSL indicated they will recapture essentially the same incentive as if the project had not been stalled due to the economy and environmental issues.

The committee authorized Cathy Dudley, the Board's representative to the TEC, to vote in the affirmative, or use her discretion if Weber School District votes otherwise. [For complete details, see General Exhibit No. 12101.]

Outcomes of Taxing Entity Committee Meetings

Information was reported about the outcomes of meetings of the Redevelopment Agency of Syracuse City Economic Development Project Area and the Redevelopment Agency of Eagle Mountain City Economic Development Area. [For complete details, see General Exhibit No. 12102.]

<u>R277-422 State Supported Voted Levy, Board Local Levy and</u> Reading Improvement Program

In the August 3, 2012 meeting of the Board, R277-422 was discussed by the Instruction, Support and Technology Committee. The rule was referred to the Accountability, Finance and Assessment Committee for further review.

It was proposed that the rule be amended to remove outdated language, to remove language currently in statute, and to update terminology, and that the rule be continued.

The committee approved on first reading R277-422 *State Supported Voted Levy, Board Local Levy and Reading Improvement Program*, as amended, and continuation of the rule, and moved that the Board approve R277-422, as amended, and continue the rule, on second reading.

Motion carried. [For complete details, see General Exhibit No. 12103.]

R277-487 Public School Data Confidentiality and Disclosure

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

R277-484-9 Data Standards - Disclosure of Data for Research

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

Provisions were considered in 53A-13-301(3) *Application of state and federal law to the administration and operation of public schools – student information confidentiality standards – Local school board and charter governing board policies*, currently addressed in R277-487; reviewed in 53A-1-607(2) *Scoring – Reports of results*, which requires that district, school and class U-PASS results be reported to local schools boards/charter school governing boards at a regular meeting; and reviewed in 53A-8a-410(4) *Report of educator ratings*, which directs that educator evaluations are confidential.

It was proposed that Section 9 be removed from R277-484 and Section 8 from R277-502, and that those two sections be inserted in R277-487 so that all provisions about appropriately protecting and disclosing student and educator evaluation data will be in one Board rule.

The committee suggested additional changes, and asked that the rules go through further examination and discussion and come back next month. [For complete details, see General Exhibit No. 12104.]

2012 Criterion-Referenced Test Results Report

The committee received a report of 2012 CRT test results. Utah school districts and charter schools are required each year to assess all students in grades 3-12 who are enrolled in language arts, math and science courses which offer a Criterion-Referenced Test (CRT). The CRT is designed to measure the proficiency of students in specific language arts, math or science courses. The CRT scores are used in calculating the Utah Comprehensive Accountability Reports. Parents, students and teachers are provided with the individual CRT results prior to the

end of the school year.

John Jesse, USOE Assessment Director, presented the report electronically. The report can be accessed on the USOE Website through the Data Gateway at <u>http://schools.utah.gov.</u>

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

Committee Vice Chair Craig Coleman reported on the following items from the Committee.

Smart School Technology Schools

During the 2012 Legislative Session, S.B. 248 *Smart School Technology Act*, was passed (UCA 53A-1-709 *Smart School Technology Program*). The law created a three-year pilot project known as the Smart School Technology Program, to encourage the deployment of whole-school technology in public schools. New Board rule R277-617 *Smart School Technology Program* was written in accordance with requirements in the Act. The rule governs how schools will be selected for the Smart School project.

In accordance with the statute, a committee composed of the Governor's Office of Economic Development and State Board of Education members helped create a Request for Proposal (RFP) for the program. As outlined in 53A-1-709, the board of Business and Economic Development administered the RFP process, and selected iSchools as the provider. The iSchools program can accommodate 1700 students.

The State Board is required by statute to select at least three schools, including one urban and one rural school, for participation in the program. The schools chosen must also include one elementary, one middle, and one high school. USOE staff identified Gunnison Valley Elementary School—South Sanpete School District; Dixon Middle School—Provo School District; and North Sevier High School—Sevier School District as schools that fit the criteria, and forwarded those names to the Board for consideration.

Motion from committee that the Board approve Gunnison Valley Elementary School, Dixon Middle School, and North Sevier High School as participants in the Smart School Technology Program.

Motion carried.

Update on Earth Systems Core

The committee received a draft of the updated *Core Standards for Earth Science* and reviewed the proposed changes, including the name change to Earth Science. The update seeks to address several educator requests to clarify the lab-based nature of the course to support hands-on learning opportunities, provide increased specificity to explain intent and Utah community connections, and identify intended learning outcomes connections for teachers and students.

Motion from committee that the *Core Standards for Earth Science* be sent out for public comment, and that Diana Suddreth, USOE Teaching and Learning Coordinator, and Sarah Young, USOE Science Specialist, be thanked for their work.

Motion carried. [For complete details, see General Exhibit No. 12105.]

R277-733 Adult Education Programs

Consistent with Utah Administrative Rulemaking Act five-year rule review, R277-733 was presented to the committee for continuation. Staff reviewed the rule and determined that it continues to be necessary because it describes curriculum, program standards, allocation formulas, and adult education program operations and procedures for adult education students both in and out of state custody.

The committee approved continuation of R277-733 *Adult Education Programs* on first reading, and moved that the Board approve continuation of the rule on second reading.

Motion carried. [For complete details, see General Exhibit No. 12106.]

Youth Suicide Prevention Training

H.B. 501 *Youth Suicide Prevention* (2012 Legislative Session), requires the State Board of Education to provide suicide prevention training for licensed employees. The bill also requires the Board to develop or adopt sample materials to be used by school districts or charter schools regarding suicide prevention. Staff at the State Office of Education have worked with key stakeholders, including the Utah Division of Substance Abuse and Mental Health, NAMI Utah, Utah Chapter of American Foundation of Suicide Prevention, and school district personnel and leadership, to develop a training video that will be available on the Web to all LEAs and licensed

employees.

The training video was shown to the committee. The video contains information about identifying behaviors that suggest a student may be at risk; steps that teachers and other personnel can take to ensure that students get help; resources for educators; and Utah educators' perspectives.

The committee expressed appreciation to the coalition that helped develop the training materials.

Standards, Curriculum, and Assessments Update

The following report was given to the committee: 1) A group has been organized to look at cursive writing; 2) a group has been organized to review standards related to math honors and propose ways of adding them to the Core; 3) a time line for changes to social studies is being developed; 4) data is being collected on the Core Standards.

In addition, the requirements for elementary teachers to pass a math test in the next relicensure cycle were reviewed.

INSTRUCTION, SUPPORT AND TECHNOLOGY COMMITTEE Committee Chair Janet Cannon reported on the following items from the Committee.

R277-108 Annual Assurance of Compliance by Local School Boards

Consistent with the Utah Administrative Rulemaking five-year review requirement, R277-108 *Annual Assurance of Compliance by Local School Boards* was presented to the committee for continuation. The rule continues to be necessary because it provides a list that identifies state laws and rules requiring local school board action and required compliance dates. It is anticipated the rule will be extensively amended and come back at a future meeting.

The committee made one amendment to Section 5A(4), to replace the wording with, "compliance with 53A-3-426 in that it does not endorse or provide preferential treatment for any education employee association."

The committee approved on first reading, R277-108 *Annual Assurance of Compliance by Local School Boards*, as amended, and continuation of the rule, and moved that the Board

approve R277-108, as amended, and continue the rule, on second reading.

Motion carried. [For complete details, see General Exhibit No. 12107.]

R277-509 Licensure of Student Teachers and Interns

Rule R277-509 provides licensing standards and procedures for student teachers and interns. Amendments were presented that provide necessary language on background checks for student teachers and interns and minor terminology changes.

The committee tabled the rule in order to receive clarification on the role of the Board, USOE, and UPPAC in the license approval process. The rule will come back next month for amendment.

Motion was made by Member Janet Cannon and seconded by Member David Crandall that the Board approve continuation of R277-509 *Licensure of Student Teachers and Interns* on first and second reading. It was clarified that the rule is being continued without the proposed amendments.

Motion carried. [For complete details, see General Exhibit No. 12108.]

R277-517 Board and UPPAC Disciplinary Definitions and Actions

In its August 3, 2012 meeting, the Board directed USOE staff to develop a rule outlining possible Utah Professional Practices Advisory Commission (UPPAC) and Board actions on UPPAC recommendations. The new rule includes definitions that are now consistent between UPPAC and the Board; an explanation of UPPAC actions and recommendations, and Board actions; and language assuring compliance with public educator standards.

The committee reviewed the rule and referred it back to staff for further work. The rule will come back to the committee in October. Dr. Menlove extended an invitation for Board Members to give feedback to staff regarding this rule. [For complete details, see General Exhibit No. 12109.]

R277-522 Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers

Consistent with the Utah Administrative Rulemaking Act five-year review requirement, R277-522 was presented the committee for continuation. The rule continues to be necessary

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because it outlines required entry years professional support for Level 1 teachers during the first three years of teaching that includes mentoring, testing, assessment/evaluation, and developing a professional portfolio.

The committee approved continuation of R277-522 *Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers* on first reading, and moved that the Board approve continuation of R277-522 on second reading.

Motion carried. [For complete details, see General Exhibit No. 12110.] The rule requires significant changes that will come to the Board in the future.

<u>R277-531 Public Educator Evaluation Requirements (PEER)</u> <u>R277-532 Required Local Board Policies for Evaluation of Non-Licensed</u>

(Classified) Employees

During the Public Comment period of the August 3, 2012 Board meeting, Mr. Geoff Leonard, J.D., representing the Utah School Employees Association (USEA), expressed concerns about classified employee language included in the August 2012 draft of R277-531 *Public Educator Evaluation Requirements (PEER)*. Although the Board approved R277-531 on third and final reading, the Board also passed a motion that the rule come back for further study and potential amendment.

Following discussion, staff determined that a new rule specifically addressing evaluation of non-licensed (classified) employees would be most effective. Since the only substantive changes to R277-531 provide language for classified employee evaluations, it was proposed that the language about classified employees be removed from R277-531 and provided in R277-532.

The committee received further recommendations from Mr. Leonard. The committee referred the rule back to staff to consider Board and USEA input, and bring back to the committee in October. [For complete details, see General Exhibit No. 12111.]

Board Legislative Agenda - continued

Deputy Superintendent Menlove distributed and reviewed Draft #2 funding sheet adjusted according to the Board's earlier actions.

Motion was made by Member Janet Cannon and seconded by Member Laurel Brown that the USDB building blocks approved by the Board be added as a separate category between Legislative Expectation and Ongoing [Funding].

Motion carried.

Motion was made by Member Dixie Allen and seconded by Member Michael Jensen that the Board approve the 2013-14 (FY14) column as listed, and take further time to look at the fiveyear strategic plan.

Substitute motion was made by Member Joel Coleman and seconded by Member Craig Coleman that #5 At-Risk Block Restoration be switched with #8 1 to 1 Device Initiative.

Substitute motion failed, with Members Brown, Cannon, C. Coleman, J. Coleman, Crandall, and Jensen in favor, and Members Allen, Buswell, Burningham, Castle, Murphy, Pyfer, and Roberts in favor; Member Openshaw absent for the vote.

Original motion passed, with Member Joel Coleman opposed.

Motion was made by Member Carol Murphy and seconded by Member Leslie Castle that the Board add to the budget request a statement that funding consideration needs to include a look for additional revenue for public education.

Member Joel Coleman questioned whether the statement means a recommendation to find tax increases. Member Murphy restated the motion that it is additional revenue for public education.

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

[For complete details, see General Exhibit No. 12112.]

Utah Professional Practices Advisory Commission - Attorney General Analysis -

In its August 3, 2012 meeting, the Board requested that an analysis be sought from the Board's attorney regarding Board access to files of the Utah Professional Practices Advisory Commission cases. Assistant Attorney General Kristina Kindl responded to the Board in a letter on this matter.

Ms. Kindl reminded the Board that her letter of response has attorney-client privilege, but

if the Board discusses it in the meeting, that privilege will be waived. It was determined that Board members will send further questions on this matter to Board Leadership for forwarding to the Attorney General for response.

Executive Session

Motion was made by Member Dixie Allen and seconded by Member Laurel Brown that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

The Board was polled, and upon unanimous consent of those present, moved into Executive Session at 4:00 p.m. Member Janet Cannon left the meeting prior to Executive Session.

Motion was made by Member Dixie Allen and seconded by Member Laurel Brown that the Board reconvene into open meeting.

Motion carried. The meeting reconvened at 4:30 p.m.

Executive Session Items

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Keith Buswell and seconded by Member Dixie Allen that in Case No. 10-973 the Board accept the recommendation of UPPAC and reinstate the Level 2 Career and Technical Education and Secondary Education license of the educator.

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

Motion was made by Member Carol Murphy and seconded by Member Laurel Brown that the Board approve suspension of the Level 2 Secondary Education License in Case No. 11-1047. The educator may apply to the Utah Professional Practices Advisory Commission for a reinstatement hearing no sooner than two years from the date of Board action. The educator must complete any stipulations imposed by UPPAC. Following a suspension hearing, the Board must approve any future UPPAC recommendation for reinstatement. Substitute motion was made by Member Mark Openshaw and seconded by Member Dixie Allen that in Case No. 11-1047 the Board accept the recommendation of UPPAC and suspend the Level 2 Secondary Education License, and that the individual be allowed to apply no sooner than June 1, 2013 for license reinstatement, and that the license be suspended no less than one year from the date of Board action. If a reinstatement hearing is granted, the individual must have a hearing and the Board must determine that reinstatement of the license is warranted.

Substitute motion failed for lack of majority, with Members Allen, Burningham, C. Coleman, Crandall, Jensen, Openshaw and Roberts in favor, and Members Brown, Buswell, Castle, J. Coleman, Murphy, and Pyfer opposed.

Original motion failed for lack of a majority, with Members Brown, Burningham, Buswell, Castle, J. Coleman, Murphy and Pyfer in favor, and Members Allen, C. Coleman, Jensen, Openshaw, and Roberts opposed.

Motion was made by Member Carol Murphy and seconded by Member Tami Pyfer that in Case No. 12-1057 the Board accept the recommendation of UPPAC and approve a stipulated agreement for suspension of the Level 2 Secondary Educator License of the individual. The educator may apply to UPPAC for a reinstatement hearing no sooner than two years from the date of action by the Board. The educator must comply with any stipulations outlined in the stipulated agreement prior to the hearing request. The Board must approve any future UPPAC recommendation for reinstatement.

Motion carried.

Motion was made by Member Carol Murphy and seconded by Member Craig Coleman that in Case No. 12-1064 the Board accept the recommendation of UPPAC and approve a stipulated agreement in which the individual voluntarily surrenders his Level 2 Elementary Education license in lieu of a hearing, and permanently revoke the license.

Motion carried.

Motion was made by Member Laurel Brown and seconded by Member Michael Jensen that in Case No. 12-1070 the Board accept the recommendation of UPPAC and approve a stipulated agreement in which the individual surrenders his Level 2 Elementary Education and Administrative/Supervisory license in lieu of a hearing for purposes of suspension of the license from the date of action by the Board. The individual may apply to UPPAC for a reinstatement hearing no sooner than one year from the date of action by the Board. If a reinstatement hearing is granted, the individual must have a hearing and the Board must determine that reinstatement of the license is warranted.

Motion carried.

Motion was made by Member Carol Murphy and seconded by Member Tami Pyfer that in Case No. 11-1047 the Board approve suspension of the individual's Level 2 Secondary Education license. The educator may apply for a reinstatement hearing with UPPAC no sooner than 18 months from the date of the Board action. The educator must complete any stipulations imposed by UPPAC. Following the suspension hearing, the Board must approve any future UPPAC recommendations for reinstatement.

Motion carried.

Motion was made by Member Carol Murphy and seconded by Member Tami Pyfer that in Case No. 10-973 the case be referred back to UPPAC, and that the Board work on a list of questions it wants clarified as part of the referral.

Motion carried.

[For complete details, see General Exhibit No. 12113.]

Utah Statewide Independent Living Council Appointments

Motion was made by Member Tami Pyfer and seconded by Member Michael Jensen that the Board appoint Lester Reusch, Wendy Gore, Tamera Dalton, Louis Fazio, Jr., Lee Bias, and Barbra Lefler as members of the Utah Statewide Independent Living Council, for terms of appointment October 1, 2012 to October 30, 2015.

Motion carried.

State Rehabilitation Council Appointments

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board appoint Susan Loving to the State Rehabilitation Council as the special education representative from the State Office of Education, SEA, for a term ending September 30, 2014.

Motion carried.

Utah State Board of Education

Adjournment

Motion was made by Member Dixie Allen and seconded by Member Michael Jensen that the meeting adjourn. The meeting adjourned at 4:43 p.m.

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