

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

June 7, 2013

A meeting of the Utah State Board of Education was held on Friday, June 7, 2013 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair Debra G. Roberts conducted.

Board Members present:

Chair Debra G. Roberts	Member Michael Jensen
Vice Chair David L. Crandall	Member Jennifer A. Johnson
Member Dixie L. Allen	Member Jefferson Moss
Member Keith M. Buswell	Member James V. (Jim) Olsen (non-voting)
Member Kim R. Burningham	Member Tami W. Pyfer
Member Leslie B. Castle	Member R. Dean Rowley (non-voting)
Member Joel Coleman	Member David L. Thomas
Member Barbara W. Corry	

Board Members excused:

Member Heather Groom
Member Marlin Jensen (non-voting)
Member C. Mark Openshaw
Member Isaiah Spencer (non-voting)
Member Teresa L. Theurer (non-voting)

Executive staff present:

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

Others present:

Jay Blain, UEA; Kris Fawson, USILC; Tracey M. Watson, UEA; Matthew G. White

Executive Session

Motion was made by Member Dixie Allen and seconded by Member Michael Jensen that the Board move into Executive Session for the purpose of discussing the character,

competence and physical or mental health of individuals. A voice vote was taken, and upon unanimous consent of those present, the Board moved into Executive Session at 8:00 a.m.

Those present in Executive Session included Board Members Allen, Belnap, Burningham, Buswell, Castle, Corry, Crandall, Michael Jensen, Johnson, Moss, Olsen, Pyfer, Roberts, Rowley and Thomas, Superintendent Martell Menlove, Board Secretary Lorraine Austin, and H.R. Director David Rodemack.

Motion was made by Member David Thomas and seconded by Member Jefferson Moss that the Board come out of Executive Session.

Motion carried. The Board moved into open meeting at 8:45 a.m.

Opening Business

Chair Debra Roberts called the meeting to order at 8:45 a.m. Members Heather Groom, Marlin Jensen, Mark Openshaw, Isaiah Spencer and Teresa Theurer were excused. Member Barbara Corry led the Board in the Pledge of Allegiance.

Board Member Welcome Remarks

Member Laura Belnap welcomed the Board. She read the Dr. Seuss poem, *The Zode in the Road*, and applied the message to the many decisions the Board must make. She then offered an invocation.

Promises to Keep Highlight

Superintendent Martell Menlove reflected on the school graduations he has attended in the last month. The graduations were a reminder of for whom the Board and staff are doing their work.

Public Participation

Judi Clark, Parents for Choice in Education - voiced a concern that not all materials for the Board meeting were posted online for public viewing, particularly for some significant issues.

Deon Turley, Utah PTA - reported that the Utah PTA met in its annual leadership convention on May 16-17. Liz Zentner was elected the new state PTA president. The PTA passed two resolutions—the first on family engagement in education, and the second on education planning (Student Education Plan/Student Education Occupation Plan/Family Education Plan).

Utah Schools for the Deaf and the Blind Superintendent Appointment

Motion was made by Member David Thomas and seconded by Member Tami Pyfer that the Board appoint Mr. Joel Coleman as the Superintendent for the Utah Schools for the Deaf and the Blind, effective July 1, 2013.

Motion carried; Member Coleman abstained.

Mr. Coleman thanked the Board for its hard work and conscientious deliberation in making the decision, and noted that this is one of the most unique opportunities of his life. He expressed that he looks forward to continuing to work closely with the Board.

General Consent Calendar

Motion was made by Member Dixie Allen and seconded by Member Michael Jensen that the Board approve the General Consent Calendar.

Motion carried.

1. Minutes of May 2, 2013 Meeting

Minutes of the State Board of Education meeting held May 2, 2013 were approved.

2. Contracts

The following contracts were approved by the Board.

A. Katherine Diggins, \$34,400, 6/1/2013 to 5/31/2018, Amend., Federal

To procure services as a Trainer of Testers to train and certify assessment administrators in the use of the Basic Education Skills Test (BEST) and BEST Plus, and assess and recalibrate administrators with followup training.

B. Electronic High School, \$700,000, 7/1/2013 to 6/30/2014

To set up BASE for Electronic High School (EHS) teacher contracts for teachers that will monitor and grade EHS class sites for high school students looking to receive credit for extra classes online.

C. iAssessment dba TrueNorthLogic, \$192,500, 7/1/2013 to 6/30/2014, Amend, Federal

To purchase licensed software for program and grant management.

D. Waterford Institute, Inc., \$2,128,066, 7/1/2013 to 6/30/2014, Amend.

Pilot program for a home-based educational technology program to develop school readiness skills of preschool children (UPSTART).

E. Q90 Corporation, \$30,080, 7/1/2013 to 6/30/2016, Amend.

To provide payments for hosting and maintenance of OlderBlind.com, including some customization and training, as needed.

F. Multidimensional Software Creations, \$82,176, 3/1/2013 to 6/30/2015, Federal

To provide continuing development, enhancements, deployment, training and maintenance for USOE Transition from Early Intervention Data Information System (TEDI).

G. Tri County Independent Living Center of Utah, \$553,003, 7/1/2013 to 6/30/2014, Federal

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

H. ACT, Inc., 8/31/2013 to 8/31/2015, contract extension

One-year contract extension to administer the ACT, a national college admissions examination, as mandated in H.B. 166, 2010 Legislative Session.

- I. The National Center for the Improvement of Educational Assessment, Inc., \$65,216, 5/29/2013 to 4/14/2015, Amend.

To restate briefly the scaling and equating scope of work while incorporating by reference, as if fully set forth herein, the scaling and equating scope of work as elucidated in amendment #2, assist in the development of student learning objectives as part of USOE's teacher effectiveness efforts, and provide budgets for same.

- J. Precision Exams & Survey, LLC, \$2,088,000, 7/1/2013 to 6/30/2017

Four-year contract extension of CTE Skill Certificate Program.

- K. TeachTown, \$103,500, 7/1/13 to 6/30/14, Amend., Fed.

To develop software and activity manual for students with autism.

- L. Imagination Station, Inc., \$4,500,000, 7/1/2013 to 6/30/2018

Interactive computer software to address literacy early intervention. (The contract encompasses five vendors, and the total contract of all five may not exceed \$4,500,000.)

- M. Imagine Learning, Inc., \$4,500,000, 7/1/2013 to 6/30/2018

Interactive computer software to address literacy early intervention. (The contract encompasses five vendors, and the total contract of all five may not exceed \$4,500,000.)

- N. Waterford Institute, Inc., \$4,500,000, 7/1/2013 to 6/30/2018

Interactive computer software to address literacy early intervention. (The contract encompasses five vendors, and the total contract of all five may not exceed \$4,500,000.)

- O. Curriculum Associates Inc., \$4,500,000, 7/1/2013 to 6/30/2018

Interactive computer software to address literacy early intervention. (The contract encompasses five vendors, and the total contract of all five may not exceed \$4,500,000.)

P. Pearson Education, Inc., \$4,500,000, 7/1/2013 to 6/30/2018

Interactive computer software to address literacy early intervention. (The contract encompasses five vendors, and the total contract of all five may not exceed \$4,500,000.)

Q. Price Acquisitions, LLC, \$317,677.02, 5/1/2013 to 4/30/2016, Amend., Fed.

To lease office space for the Division of Rehabilitation Services located at 475 West Price River Drive, Price, Utah (change of ownership).

R. Precision Exams, LLC, \$255,500, 5/29/13 to 6/30/16, Amend., Fed.

To provide a career pathway Web tool that will give students “real-time” information on high school courses available at their local high school, postsecondary programs and pathways to certificates and degrees.

S. NCS Pearson, Inc., \$258,000, 6/10/2013 to 8/31/2015, Amend., Fed.

Amends contract to include hold back payment for works in progress for SSID extension and electronic transcript service.

T. Mary Ann Williams, \$18,000, 8/1/2013 to 7/31/2014, Amend., Fed.

To provide monitoring for the Utah Program Improvement Planning Systems (UPIPS); review files and procedures for LEA self-assessments and annual performance reports; monitor LEAs for compliance with the Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education Special Education Rules.

U. Lisa Morris, \$18,000, 8/1/2013 to 7/31/2014, Amend., Fed.

To provide monitoring for the Utah Program Improvement Planning Systems (UPIPS); review files and procedures for LEA self-assessments and annual performance reports; monitor LEAs for compliance with the Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education Special Education Rules.

V. Utah Restaurant Association, \$338,100, 9/1/2008 to 6/30/2014

To prepare high school juniors and seniors for a career in the restaurant and food service industry.

W. Brinkman-Forlini-Williams LLC, \$30,000, 7/1/2013 to 6/30/2014, Fed.

To provide coaching and leadership institutes to LEA personnel and provide materials supporting practices promoted at these institutes.

X. USOR Contract with Alliance Enterprises, Inc. for purchase of AWARE product

In May 2013, a sole source request of \$4,380,428 for purchase of the AWARE product was submitted and approved by the Board. The purchase was to implement the new Vocational Rehabilitation Case Management software system to replace the current IRIS system. The sole source was necessary because the original preferred method of purchasing the AWARE product was using the WSCA Software Statewide Cooperative Contracts, which did not allow the purchase of Cloud-based software systems.

The sole source has been challenged. In addition, the WSCA Software Statewide Cooperative Contracts requirements have been amended, and the system is now available for use to buy the AWARE product.

The method of purchasing is changing to a Purchase Order to SHI (Software House International). The four-year total warranty and maintenance, instead of 90 days initially offered, changes the amount to \$4,938,146.51.

The Board approved the Purchase Order of \$4,938,146.51 to SHI for the purchase of the AWARE software.

[For more details, see General Exhibit No. 12375.]

3. R477-403 Student Reading Proficiency and Notice to Parents

The Board approved R277-403 *Student Reading Proficiency Notice to Parents* on third and final reading. [For more details, see General Exhibit No. 12376.]

4. R277-406 K-3 Reading Improvement Program and the State Reading Goal

The Board approved R277-406 *K-3 Reading Improvement Program and the State Reading Goal* on third and final reading. [For more details, see General Exhibit No. 12377.]

5. R277-407-3 School Fees - Classes and Activities 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 more details, see General Exhibit No. 12378.]

6. R277-422-3 State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program - Requirements and Timelines for State-Supported Voted Local Levy

The Board approved R277-422-3 *State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program - Requirements and Timelines for State-Supported Voted Local Levy* on third and final reading. [For more details, see General Exhibit No. 12379.]

7. R277-436 Gang Prevention and Intervention Programs in the Schools

The Board approve continuation of R277-436 *Gang Prevention and Intervention Programs in the Schools* on third and final reading. [For more details, see General Exhibit No. 12380.]

8. R277-445-3 Classifying Small Schools as Necessarily Existent - Standards

The Board approved R277-445-3 *Classifying Small Schools as Necessarily Existent - Standards* on third and final reading. [For more details, see General Exhibit No. 12381.]

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

The Board approved R277-477 *Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program* on third and final reading. [For more details, see General Exhibit No. 12382.]

10. R277-484 Data Standards

The Board approved R277-484 *Data Standards* on third and final reading. [For more details, see General Exhibit No. 12383.]

11. R277-489 Early Intervention Programs

The Board approved R277-489 *Early Intervention Programs* on third and final reading. [For more details, see General Exhibit No. 12384.]

12. R277-490 Beverley Taylor Sorenson Elementary Arts Learning Program

The Board approved and continued R277-490 *Beverley Taylor Sorenson Elementary Arts Learning Program* on third and final reading. [For more details, see General Exhibit No. 12385.]

13. R277-498 *Grant for Math Teaching Training*

The Board approved R277-498 *Grant for Math Teaching Training* on third and final reading. [For more details, see General Exhibit No. 12386.]

14. R277-525 *Special Educator Stipends*

The Board approved continuation of R277-525 *Special Educator Stipends* on third and final reading. [For more details, see General Exhibit No. 12387.]

15. R277-617 *Smart School Technology Program*

The Board approved and continue R277-617 *Smart School Technology Program* on third and final reading. [For more details, see General Exhibit No. 12388.]

16. R277-619 *Student Leadership Skills Development*

The Board approve R277-619 *Student Leadership Skills Development* on third and final reading. [For more details, see General Exhibit No. 12389.]

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

The Board approved R277-713 *Concurrent Enrollment of High School Students in College Courses* on third and final reading. [For more details, see General Exhibit No. 12390.]

18. State Plan for Independent Living

It is a federal requirement for the Utah State Office of Rehabilitation to submit the Independent Living State Plan to the U.S. Secretary of Education for approval. The plan must contain a description of the state's independent living program, the plans and policies to be followed in carrying out the program, and other information requested by the Secretary.

The Board approved the State Plan for Independent Living (SPIL) for fiscal years 2014-2016. [For more details, see General Exhibit No. 12391.]

19. Utah State Instructional Materials Commission Recommendations

On May 16, 2013, the Utah State Instructional Materials Commission met and approved 737 records of titles for recommendation to the State Board of Education.

The Board adopted the recommendations for instructional materials as submitted by the Utah State Instructional Materials Commission, accepted the bids received

from the publishers, and directed staff to award contracts to the publishers. [For more details, see General Exhibit No. 12392.]

20. USBA Dues

The Board approve the payment of dues for 2013-14 to the Utah School Boards Association in the amount of \$1,500. [For more details, see General Exhibit No. 12393.]

21. NASBE Bylaws Changes

The Board approved changes to the National Association of State Boards of Education (NASBE) Bylaws for vote by the Utah delegate in the upcoming NASBE Annual Meeting. [For more details, see General Exhibit No. 12394.]

22. Monthly Budget Report

The Monthly Budget Report for April 2013 was provided to give information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, Utah State Office of Rehabilitation, and Utah Schools for the Deaf and the Blind. [For more details, see General Exhibit No. 12395.]

23. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in May 2013 was provided for Board information. [For more details, see General Exhibit No. 12396.]

24. R277-487 Public School Data Confidentiality and Disclosure

The Board approved R277-487 *Public School Data Confidentiality and Disclosure* on third and final reading. [For more details, see General Exhibit No. 12397.]

25. R277-602 Special Needs Scholarships - Funding and Procedures

The Board approved R277-604 *Special Needs Scholarships - Funding and Procedures*, and continue the rule, on third and final reading. [For more details, see General Exhibit No. 12398.]

The Board recessed to standing committees at 9:05 a.m.

The Board reconvened at 11:25 a.m.

Achievement Spotlight

Deputy Superintendent Brenda Hales acknowledged Utah's Schools to Watch program participants: Cedar Middle School - Iron School District; Fort Herriman, South Hills, and Sunset Ridge Middle Schools - Jordan School District; and Mount Logan Middle School - Logan School District. The purpose of the Schools to Watch program is to accelerate middle grades reform.

The newest school designated as a Utah School to Watch is Ecker Hill Middle School, Park City School District. Vice Chair David Crandall presented a Certificate of Excellence to Ecker Hill's principal, Tracey Evans.

Sufficient Growth Percentile Determination

Superintendent Martell Menlove noted that one of the requirements in SB271S3 *School Grading Amendments*, passed in the 2013 legislative session, is for the Board to set a growth percentile whereby schools will be graded. Associate Superintendent Judy Park made a presentation showing anticipated grading results depending on the growth percentile.

Motion was made by Member Dixie Allen and seconded by Member Kim Burningham that the Board ask the Legislature to reconsider the school grading system to use the Utah Comprehensive Accountability System (UCAS) already in place, that the Board ask the Governor to place school grading on the agenda of a Special Session of the Legislature, and if the school grading system is not changed, that the Board set the sufficient growth percentile at 40 percent.

Member David Thomas moved a division of the motion to vote on each part of the motion separately.

Motion carried, with Member Pyfer opposed.

Motion to ask the Legislature to reconsider the school grading system carried, with Members Allen, Burningham, Buswell, Castle, Coleman, Corry, Crandall, Jensen, Pyfer, Roberts and Thomas in favor, and Members Johnson and Moss opposed.

Motion to ask the Governor to place school grading on the agenda of a Special Session of the Legislature carried, with Members Allen, Burningham, Buswell, Castle, Coleman, Corry,

Crandall, Jensen, Pyfer, Roberts and Thomas in favor, and Members Johnson and Moss opposed.

Member Jennifer Johnson moved that the motion to set the sufficient growth percentile at 40 percent be amended to set the sufficient growth percentile at 45 percent for high schools and 50 percent for elementary schools. Amended motion was seconded by Member Jefferson Moss.

Member Johnson explained that by setting the percentages at 45 and 50 percent, a bell curve would be achieved, with the anticipated outcome that more schools would be designated as average. Other Board members felt that a bell curve wasn't applicable, and that the anticipated designation of a majority of schools as average would not be a reflection of schools in the state.

Amended motion failed for lack of eight votes, with Members Castle, Coleman, Crandall, Jensen, Johnson, Moss and Thomas in favor, and Members Allen, Burningham, Buswell, Corry, Pyfer and Roberts opposed.

Original motion to set the sufficient growth percentile at 40 percentile carried, with Members Allen, Buswell, Burningham, Castle, Corry, Jensen, Pyfer and Roberts in favor, and Members Coleman, Crandall, Jensen, Moss and Thomas opposed.

[For more details, see General Exhibit No. 12399.]

Superintendent's Report

The following items were reported by Superintendent Martell Menlove and staff.

- H.R. Director David Rodemack introduced new employees Heather Green, Anita Watson, Daniel Ellis, and Brian Ipsen.
- Work on the Utah State Board of Education building areas damaged as a result of flooding should be completed within 3 to 4 weeks, and those employees displaced will be able to move back into their areas.
- A Council of Chief State School Officers Rural States Meeting was held in Salt Lake City last week, with 15 states represented.

- The Legislative Education Task Force met on May 22 and requested that the Board come back with its education priorities. Superintendent Menlove will solidify the items discussed by the Board in its retreat on May 31.
- A project manager has been hired for the STEM Action Center. Dr. Menlove and Board Member Mark Openshaw are involved with the Center.
- Items for the June and July Legislative Education Interim Committee meetings were reviewed.
- Each district has submitted its district evaluation plan. Staff is in the process of reviewing the plans and are positive about them. The plans will come to the Board in August for approval. Chair Roberts suggested a letter be sent to the districts from Board Leadership praising them for their work on the plans.
- Dr. Menlove reported that he has asked the Utah Professional Practices Advisory Commission (UPPAC) staff to begin the practice of reporting criminal activity or suspicion of criminal activity to law enforcement if the activity has not already been reported. The reporting will occur at the conclusion of UPPAC's administrative process. Superintendent Menlove was asked to formalize the procedure in writing.
- Superintendent Menlove has received two bills introduced in Washington this week regarding reauthorization of the Elementary and Secondary Education Act. He will keep the Board updated on activity on the reauthorization.
- The 2013 Core Academy schedule for educator professional development was distributed, and Board members were invited to attend.

[For more details, see General Exhibit No. 12400.]

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member Dixie Allen and seconded by Member Barbara Corry that the Board accept UPPAC's recommendation in Case No. 12-1067 and suspend the educator's Level 2 Elementary Education License by default. The educator may request a reinstatement hearing following satisfaction of all conditions in the Default and completion of a criminal

background check, no sooner than five years from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

Motion carried unanimously.

Motion was made by Member Dixie Allen and seconded by Member Barbara Corry that the Board accept UPPAC's recommendation in Case No. 13-1119 and revoke the educator's Level 2 Secondary Education License. The educator's license will be permanently revoked and he may not request a reinstatement hearing.

Motion carried unanimously.

Motion was made by Member Dixie Allen and seconded by Member Barbara Corry that the Board accept UPPAC's recommendation in Case No. 04-712 and suspend the educator's Level 2 Career and Technical, Secondary, and Special Education Licenses. The educator may request a reinstatement hearing following satisfaction of all conditions in the Stipulated Agreement and completion of a criminal background check, no sooner than six months from the date of Board action. Any UPPAC recommendation for reinstatement following a hearing is subject to Board approval.

Without objection, discussion on the motion was referred to Executive Session.

Motion was made by Member Leslie Castle and seconded by Member Barbara Corry that Case No. 12-1050 be referred to Executive Session for discussion.

Motion carried unanimously.

[For more details, see General Exhibit No. 12401.]

Executive Session

Motion was made by Member Jennifer Johnson and seconded by Member Dixie Allen that the Board move into Executive Session for the purpose of discussing the character, competence and physical or mental health of individuals.

A voice vote was taken, and upon unanimous consent of the present, the Board moved into Executive Session, following lunch, at 1:12 p.m.

Motion was made by Member Dixie Allen and seconded by Member Michael Jensen that the Board come out of Executive Session.

Motion carried. The Board meeting reconvened at 3:07 p.m.

Executive Session Items

UPPAC Recommendations

Motion to accept UPPAC's recommendation in Case No. 04-712 carried.

Motion was made by Member Keith Buswell and seconded by Member Dixie Allen that the Board accept UPPAC's recommendation in Case No. 12-1050 and reinstate the educator's Level 1 Secondary Education License, with the condition that any subsequent criminal conviction or underlying issue would result in further disciplinary action up to and including revocation of the license.

Motion carried unanimously.

[For more details, see General Exhibit No. 12401.]

Appointment of USOE School Children's Trust Section Director

Motion was made by Member Jennifer Johnson and seconded by Member Joel Coleman that the Board appoint Timothy Donaldson as the Director of the USOE School Children's Trust Section.

Motion carried unanimously.

Deaf Services Advisory Council Appointment

Motion was made by Member Tami Pyfer and seconded by Member Dixie Allen that the Board appoint Chelle George to the Deaf Services Advisory Council, representing service providers in Utah County, for the term July 1, 2013 to June 30, 2016.

Motion carried unanimously.

Computer Adaptive Assessment System Update

John Jesse, USOE Assessment Director, showed a visual presentation and distributed materials regarding SAGE implementation guidelines. He also discussed the SAGE Summative

Item Development Process, and requirements of the Parent Assessment Review Committee.
[For more details, see General Exhibit No. 12402.]

Board UPPAC Review Task Force Report

Member James Olsen reported that the UPPAC Review Task Force has received a draft of the RFP to hire a research consultant, and will meet to finalize. In addition, the Task Force has continued to discuss other UPPAC issues, such as the stipulated agreement process.

Motion was made by Member Kim Burningham and seconded by Member Jennifer Johnson that the UPPAC process for determining stipulated agreements be formalized as follows: 1) the Board's representatives may negotiate a recommended agreement; 2) the Board's legal counsel will review the stipulated agreement prior to Board consideration; and 3) the stipulated agreement negotiated by UPPAC staff will not be finalized until agreed to by the Board.

Motion carried unanimously.

Board Standing Committee Reports**INSTRUCTION, ASSESSMENT AND TECHNOLOGY COMMITTEE**

Vice Chair Michael Jensen reported on the following items from the Committee.

Utah State Board of Education Special Education Rules

Due to recent amendments to the federal regulations under the Individuals with Disabilities Education Act (IDEA) and stakeholder input, the Utah State Board of Education Special Education Rules require revision to amend parental notification and consent requirements for Medicaid, amend the provision of technical assistance to LEAs, and amend the Specific Learning Disability eligibility criteria.

The committee reviewed and approved the proposed changes to the Utah State Board of Education Special Education Rules, and moved that the Board approve the Rules as amended.

Motion carried unanimously. [For more details, see General Exhibit No. 12403.]

R277-404 Requirements for Assessment of Student Achievement

R277-705 Secondary School Completion and Diplomas

R277-402 Online Testing

R277-405 Requirements for Assessment Pilot Programs

R277-473 Testing Procedures

During the 2013 Legislative Session, SB 175 *Assessment of College Readiness* was passed. The legislation eliminated the statutory requirement for the Utah Basic Skills Competency Test (UBSCT) and requires the administration of career and college readiness assessments. In addition, parents and educators have requested clarification of parents' ability to exempt their children from school assessment requirements. Recommendations for changes to R277-404, R277-705, R277-402, R277-405, and R277-473 to accommodate the law were reviewed.

The Committee determined to hold action on the rules until its August meeting in order for more data to be collected. [For more details, see General Exhibit No. 12404.]

R277-526 Paraeducator to Teacher Scholarship Program

Rule R277-526 was reviewed consistent with the Utah Administrative Rulemaking Act five-year review requirement. The Committee approved continuation of R277-526 *Paraeducator to Teacher Scholarship Program* on first reading, and moved that the Board approve continuation of the rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12405.]

R277-726 Statewide Online Education Program

The Statewide Online Education Program was created by legislation in 2011 (UCA 53A-15-1201) to enable students to earn high school graduation credit through the completion of online courses offered by charter or district schools and programs created exclusively for the purpose of serving students online. Eligibility standards in statute will expand on July 1, 2013, necessitating changes to R277-726 *Statewide Online Education Program*.

The committee reviewed proposed amendments to the rule, and made additional amendments as follows:

- Line 271, Section 7-E(4) to read: “. . . requirements for private and home school students taking only online courses . . .”
- Lines 313-314, Section 7-P to read: “LEAs may participate in the Program as Providers ~~by offering schools or programs or both~~ to Utah students . . .”

The Committee approved R277-726 *Statewide Online Education Program* as amended, and continued the rule, on first reading, and moved that the Board approve and continue the amended rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12406.]

R277-750-3 Education Programs for Students with Disabilities - Standards and Procedures

Changes to the Utah State Board of Education Special Education Rules necessitate an amendment to R277-750-3 to change the revision date of the Special Education Rules.

The Committee approved the amendment to R277-750-3 *Education Programs for Students with Disabilities - Standards and Procedures* on first reading, and moved that the Board approve the rule, as amended, on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12407.]

Board Bylaws

No action was taken. This item was postponed to a future meeting. [For more details, see General Exhibit No. 12408.]

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

Committee Chair Dixie Allen reported on the following items from the Committee.

State Reading Goal - Uniform Growth Criteria

Provisions for the Board pursuant to reading plans required from all LEAs receiving K-3 Reading Improvement Program funding are made in R277-406 *K-3 Reading Improvement*

Program and the State Reading Goal. This funding is tied to the State Reading Goal, which states that all students will be reading at grade level by the end of grade three. The rule requires the Board to determine and set uniform growth goals for districts based on the number of third grade students reading at grade level.

The Committee reviewed information from staff on proposed goals, and made one change under “Additional considerations,” to read: “Only students in attendance in the district for each a full academic year . . .”

The Committee moved that the Board give preliminary approval of the uniform standards for acceptable growth goals, and direct staff to put the goals out for public comment over the summer, then bring back to the Board for final approval in August.

Motion carried unanimously. [For more details, see General Exhibit No. 12409.]

R277-412 State Capitol Visit Program

Legislation was passed in the 2013 Legislative Session, H.B. 363 *Public Education State Capitol Visit Funding*, allocating \$9,800 for field trips to the Utah State Capitol. New rule R277-412 was created to provide criteria and procedures for the Board to identify schools to participate in the field trips.

The Committee approved R277-412 *State Capitol Visit Program* on first reading, and moved that the Board approve the rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12410.]

R277-492 Utah Science Technology and Research Initiative (USTAR) Centers Program

Rule R277-492 provides standards and procedures for LEAs to develop proposals that create USTAR Centers to enhance their ability to retain mathematics and science teachers while offering more opportunities for students and more effective use of capital facilities. Minor amendments were made to the rule to change the program requirement dates.

In accordance with the Utah Administrative Rulemaking Act five-year review requirement, the Committee approved continuation of the rule, and amendments to the rule,

on first reading, and moved that the Board approve and continue the rule, as amended, on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12411.]

R277-609 Standards for School District, School and Charter School Discipline Plans

R277-613 School District and Charter School Bullying and Hazing Policies and Training

Rules R277-609 and R277-613 were amended to reflect required changes made in H.B. 134 *Parental Notification Related to Student Safety*, 2013 Legislative Session. The new law requires LEAs to notify a student's parent or legal guardian of certain incidents and threats and provides for specific records management and confidentiality. The rules were also amended to require LEA discipline plans and move all bullying and harassment language to the same rule.

The Committee approved amendments to R277-609 *Standards for School District, School and Charter School Discipline Plans* and R277-613 *School District and Charter School Bullying and Hazing Policies and Training*, and continued the rules, on first reading, and moved that the Board approve R277-609 and R277-613, as amended, and continue the rules, on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12412.]

R277-620 Suicide Prevention Programs

The Legislature passed H.B. 15 *Suicide Prevention Programs* in its 2013 session. The legislation establishes a staff position at the USOE to establish and oversee youth suicide prevention programs, in collaboration with the Department of Human Services. New rule R277-620 was written to address requirements of the legislation.

The Committee made one change to the proposed rule on line 45, Section 2(3) to read: "to direct LEAS to send notice to parents . . ."

The Committee approved R277-620 *Suicide Prevention Programs* on first reading, and moved that the Board approve the rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12413.]

Allocation of Funds to Charter Schools for Optional Enhanced or Extended-day Kindergarten Programs

Rule R277-489 *Early Intervention Program* provides an optional enhanced or extended-day kindergarten program as a method of early intervention for students at risk of academic failure. Funding is allocated to districts using a funding formula; charter schools are directed to distribute funds to charters with the greatest need for an enhanced program as determined by the State Board of Education in consultation with the State Charter School Board.

The State Charter School Board (SCSB) forwarded a recommendation that these funds should be awarded to charter schools based on a competitive application process. Applications would be reviewed by up to three members of the SCSB, the USOE Director of Charter Schools, and the USOE K-12 Literacy Coordinator.

The Committee approved the process for allocation of funds for Optional Enhanced or Extended-day Kindergarten Programs to charter schools, and moved that the Board approve the process.

Motion carried unanimously. [For more details, see General Exhibit No. 12414.]

Smart School Technology Program Participating Schools

In the 2013 Legislative Session, SB 248 *Smart School Technology Act* was passed (53A-1-709). The legislation amended a three-year pilot project known as the Smart School Technology Program, which encouraged the deployment of whole-school technology in public schools. Board Rule R277-617 *Smart School Technology Program* governs how schools will be selected for the Smart School project.

The Board is required to select schools for participation based on number of applicants, cost of developing/implementing the program in the applicant schools, school needs, funds available, and other relevant information.

Deputy Superintendent Brenda Hales explained that the law requires that the participant schools must be selected prior to July 1; however, the RFP process for selecting the participating vendors, for which the Governor's Office of Economic Development is responsible, will not be completed prior to that date; therefore the price per pupil is unknown.

To comply with the law, the Board is asked to approve schools that have the potential to receive the money. Once the price per pupil is known, the specific schools that fit the criteria can be selected.

An application for participation in the program was sent to schools in May, and the 13 applications received were reviewed by staff and presented to the Committee with recommendations for participation in the program. Some schools were eliminated because they could not assure matching funds.

The Committee moved that the Board approve Wasatch Peaks Academy, Utah Career Path High School, Helper Jr. High, Myton Elementary, Beehive Academy, Rocky Mountain Middle School and Freedom Preparatory Academy for participation in the Smart School Technology Program.

Member Crandall expressed reluctance to exclude schools that haven't indicated they can find a match, when the match amount isn't known. He felt there is also some question whether an in-kind match is allowable.

Substitute motion was made by Member David Crandall and seconded by Member Michael Jensen that none of the schools applying be excluded until after the RFP process is completed, which would add the following schools to the approved list: Corner Canyon High School, Century Elementary, Gunnison Valley High School, Neil Armstrong Academy, Cook Elementary, and a school to be determined in Nebo School District.

Substitute motion carried unanimously. [For more details, see General Exhibit No. 12415.]

Bullying Prevention Recommendations from the Coalition of Minorities Advisory Committee

In its May 2, 2013 meeting, the Board received a letter from the Coalition of Minorities Advisory Committee (CMAC) with recommendations on bullying prevention for Board consideration.

The Committee reviewed the recommendations and brought them to the Board for further discussion and action. Some members expressed concern that bullying not be seen as

an issue that only affects minorities. Member Burningham responded that he has attended the CMAC meetings and feels the recommendations are meant to apply to all students.

Motion was made by Member Kim Burningham and seconded by Member Dixie Allen that Board request technical assistance from the Region VIII Equity Assistance Center to present an overview of the best practices with the most salient outcomes that address prevention and intervention of bullying.

Member Thomas expressed discomfort in partnering with the federal government.

Motion carried, with Members Allen, Burningham, Castle, Coleman, Johnson, Moss, Pyfer and Roberts in favor, and Members Buswell, Crandall, Corry, Jensen and Thomas opposed.

Motion was made by Member Kim Burningham and seconded by Member Dixie Allen that the Board allow CMAC to host a “Dialogue on Bullying” in partnership with the U.S. Department of Justice Community Relations Office.

Motion carried, with Members Allen, Burningham, Castle, Coleman, Corry, Moss, Pyfer and Roberts in favor, and Members Buswell, Crandall, Jensen, Johnson and Thomas and opposed.

Motion was made by Member Kim Burningham and seconded by Member Dixie Allen that the Board support an “Equity Walk” cultural relevancy workshop hosted by CMAC.

Motion carried unanimously.

[For more details, see General Exhibit No. 12416.]

Utah Core Math Concepts

In 2010, the Board adopted a new mathematics core. Members of the public have recently raised concerns regarding rigor in the new core, particularly in the treatment of fractions.

Two handouts, *Critical Areas in the Utah Core State Standards Addressing Fractions*, and *Numbers and Operations—Fractions* were reviewed by the Committee. [For more details, see General Exhibit No. 12417.]

Handwriting in the Utah Core Standards

The Utah Core Standards for English/Language Arts do not currently include language regarding the teaching of handwriting (manuscript and cursive) in elementary school. A committee was assembled to consider the research and determine whether it was in the best interest of Utah's students to amend the Utah Core Standards to include explicit teaching of handwriting in grades K-5.

The committee presented handwriting standards for addition to the Utah Core Standards to the Board in its April 5, 2013 meeting. The Board gave preliminary approval to the standards, and directed that the standards go out for public comment.

The standards have been available for public review and comment since April, and the summarized comments were reviewed by the Committee. The feedback was overwhelmingly positive in favor of adding the handwriting standards.

The committee moved that the Board give final approval to the handwriting standards to be added to the Utah Core Standards for English/Language Arts.

Motion carried unanimously. [For more details, see General Exhibit No. 12418.]

ACCOUNTABILITY AND FINANCE COMMITTEE

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

Box Elder County Redevelopment Agency Plymouth Economic Development Project Area

The Redevelopment Agency of Box Elder County requested that the Taxing Entity Committee (TEC) approve the budget of the Plymouth Economic Development Project Area Plan Budget. The Project Area Plan Budget was approved, with Box Elder District voting in favor. The Board's representative abstained from voting as she had not received direction from the Board prior to the meeting. [For more details, see General Exhibit No. 12419.]

USOE, USDB, USOR FY 2014 Budgets

Based on appropriations from the 2013 Legislative Session, staff developed fiscal year 2013-14 budgets for the entities under the Board—the Utah State Office of Education, Utah Schools for the Deaf and the Blind, and Utah State Office of Rehabilitation.

The Committee moved that the Board approve the budgets for USOE, USDB, and USOR for fiscal year 2014, beginning July 1, 2013.

Motion carried; Member Joel Coleman abstained. [For more details, see General Exhibit No. 12420.]

R277-606 Grants to Purchase or Retrofit Clean School Buses

All objectives of R277-606 have been met, and grants to purchase 27 new school buses and retrofit over 1,200 school buses have been fully utilized. Therefore, the rule is now unnecessary.

A number of partnering entities provided support for the clean school bus effort. The State of Utah was recently recognized by the Environmental Protection Agency and the American School Bus Council as a School Bus Champion in creating one of the greenest school bus fleets in America.

The Committee approved the repeal of R277-606 *Grants to Purchase or Retrofit Clean School Buses* on first reading, and moved that the Board approve the repeal of the rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12421.]

R277-425 Budgeting, Accounting, and Auditing for Utah Local Education Agencies (LEAs)

Rule R277-425 outlines specific uniform budgeting, accounting, and auditing procedures for LEAs pursuant to Generally Accepted Accounting Principles (GAAP) and Generally Accepted Auditing Standards (GAAS), including specific requirements for LEAs as GAAP and GAAS relates to budgeting, financial accounting, indirect costs, financial audits, statistical audits and compliance, and performance audits for schools. LEAs submitting public financial information are now required to meet new financial reporting requirements, necessitating amendment of the rule.

The Committee reviewed the rule and made additional amendments as outlined on a distributed sheet. Some changes were made to accommodate LEAs, such as charter schools, that are not yet in operation.

The Committee approved amendments to R277-425 *Budgeting, Accounting, and Auditing for Utah Local Education Agencies (LEAs)*, and continued the rule, on first reading, and moved that the Board approve and continue the rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12422.]

Associate Superintendent Bruce Williams and his staff were thanked for their work on the budgets.

Exceptions to Contracts Requiring Board Approval

No action was taken. This item was referred to the August Board meeting.

Pupil Transportation Drug and Alcohol Testing Policies and Procedures

No action was taken. This item was referred to the August Board meeting. [For more details, see General Exhibit No. 12423.]

Charter School Building Revolving Subaccount Committee Loan Recommendations

The Committee reviewed recommendations for loans to charter schools submitted by the Charter School Building Revolving Subaccount Committee. The Charter Schools Committee moved that the Board approve the following loans:

- Ascent Academy - \$297,500
- Kairos Academy - \$200,000
- Maria Montessori Academy - \$163,400
- Mountain West Montessori Academy - \$297,600
- Scholar Academy - \$300,000

Motion carried unanimously. [For more details, see General Exhibit No. 12424.]

USB E Retirement Incentive Program Changes

The Committee reviewed proposed changes to the Utah State Board of Education Retirement Incentive Program to bring it into compliance with statute. Changes are necessary

due to H.B. 194 *State Employee Benefits Amendments*, passed in the 2013 Legislative Session. The law ends the accrual of sick leave under Program II and introduces a new Defined Contribution/401(k) match program.

The Committee moved that the Board approve the changes as outlined to the USBE Retirement Incentive Program.

Motion carried unanimously. [For more details, see General Exhibit No. 12425.]

COMMUNICATIONS COMMITTEE

Committee Chair Tami Pyfer reported on the following items from the Committee.

Utah Media Partners/NEXT Magazine

The Board was recently approached by Utah Media Partners concerning a joint effort to provide Utah's high school seniors with a publication entitled, Utah Business NEXT, Your Life After High School. Utah Media Partners publishes multiple magazines for governmental entities in Utah, and is seeking endorsement from the Board and assistance from the USOE in distribution of the magazine. The group is also requesting that the Board not partner with anyone else on this type of publication for three to five years.

The Committee moved that the Board give approval for the USOE to further investigate a partnership with Utah Media Partners/NEXT Magazine.

Board members expressed concerns about an outside entity determining the content of the publication, opening the door for similar requests, access to an App that is being proposed, advertisement, and the length of the commitment. A suggestion was made that if approved, an annual review of the partnership would be needed. It was also asked whether the Board of Regents is supportive.

Member Pyfer responded that the partnership would include a review of the content, which would be Utah specific. Staff also mentioned that the publication is considered to be a college and career readiness publication, and provides an additional resource for students to find information. The organization works directly with the Governor's Office of Economic

Development, and has indicated it will be approaching the Board of Regents. The Board's role would be chiefly for distribution.

Amendment to the motion was made by Member Barbara Corry, that information from staff regarding the possible partnership be brought back to the Board.

Member Pyfer indicated that timing could be a problem because the publication needs to go out early in the fall.

Amendment to the motion carried.

Motion carried.

Superintendent Menlove will discuss the request with district superintendents and charter school directors to determine their support.

[For more details, see General Exhibit No. 12426.]

Resolution on Testing and Assessment

Utah State Board of Education Resolution 2013-04 "establishing the official position of the Utah State Board of Education regarding the proper role of testing and assessment in the Utah public schools" was reviewed by the Committee, and additional changes were made. The updated version was distributed.

The Committee moved that the Board adopt Utah State Board of Education Resolution 2013-04.

Motion carried unanimously. [For more details, see General Exhibit No. 12427.]

Communications Plan on Utah Core Standards

The Committee reviewed a Communications Plan on Utah Core Standards that has been developed by several Board members and USOE Public Relations and Curriculum staff.

The Committee moved that the Board approve the Communications Plan, and request that Superintendent Menlove report back to the Board on a plan to allocate the necessary resources to implement the Communications Plan.

Motion carried unanimously. [For more details, see General Exhibit No. 12428.]

CHARTER SCHOOLS COMMITTEE

Committee member Barbara Corry reported on the following items from the Committee.

Promontory School of Expeditionary Learning Charter Amendment Request

The Committee moved that the Board accept the recommendation of the State Charter School Board and approve the request from Promontory School of Expeditionary Learning for a waiver from R277-419 *Pupil Accounting* and amendment to the school's charter to reduce the number of days for kindergarten students from 180 to 157.

Motion carried unanimously. [For more details, see General Exhibit No. 12429.]

Ranches Academy Charter Amendment Request

The Committee moved that the Board accept the recommendation of the State Charter School Board and approve a request from Ranches Academy to amend its charter to reduce the number of board membership classes from four to three and the size of the governing board from nine to seven; to eliminate the School Council; and to revise the authority for the governing board to reflect current practice.

Motion carried unanimously. [For more details, see General Exhibit No. 12430.]

Spectrum Academy Charter Amendment Request

The Committee moved that the Board accept the recommendation of the State Charter School Board and approve a request from Spectrum Academy to modify its charter agreement to change its location from Murray School District to Alpine School District, add grades K-6 (to ultimately serve students in grades K-12), as well as expand its student enrollment by 200 students beginning with the 2014-2015 school year.

Motion carried unanimously. [For more details, see General Exhibit No. 12431.]

Guadalupe School Charter Amendment Request

The Committee moved that the Board accept the recommendation of the State Charter School Board and approve Guadalupe School's request to modify its charter agreement to expand its student enrollment by 105 students beginning with the 2014-2015 school year.

Motion carried unanimously. [For more details, see General Exhibit No. 12432.]

R277-410-3 Accreditation of Schools – Accreditation of Public Schools

In 2010, the State Charter School Board (SCSB) directed that all charter schools be accredited through the State Board of Education's approved accreditation program while it worked on a set of charter school specific performance standards. In its April 2013 meeting, the SCSB finalized its performance standards, and as such, elementary charter schools are no longer required to be accredited.

Amendments were made to R277-410-3 to remove the requirement for all charter schools to be a member of and accredited by AdvancED Northwest.

The Committee approved R277-410-3 *Accreditation of Schools–Accreditation of Public Schools*, as amended, on first reading, and moved that the Board approve the amended rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12433.]

R277-470 Charter Schools - General Provisions

A State Charter School Board Mentoring Program was created by the Legislature in its 2012 Legislative Session. The State Charter School Board has recommended changes to the program outlined in R277-470.

The Committee reviewed the proposed amendments to the rule and made an additional amendment to remove the dollar amounts on lines 155 and 156, Section 6-C(4).

The Committee approved R277-470 *Charter Schools - General Provisions*, as amended, and continued the rule, on first reading, and moved that the Board approve and continue the rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12434.]

R277-481 Charter School Oversight, Monitoring and Appeals

In 2010, following a legislative audit on charter school oversight and monitoring, the State Charter School Board (SCSB) directed that all charter schools be accredited through the State Board of Education's approved accreditation program while it worked on a set of charter school specific performance standards. In its April 2013 meeting, the SCSB finalized its performance standards; therefore, R277-481 has been amended to remove the requirement for elementary charter schools to be accredited. The rule was also amended to add new language requiring local school boards and institutions of higher education chartering entities to audit and investigate claims of fraud or misuse of public assets or funds.

The Committee approved R277-481 *Charter School Oversight, Monitoring and Appeals*, as amended, and continued the rule, on first reading, and moved that the Board approve and continue the amended rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12435.]

R277-482 Charter School Timelines and Approval Processes

The Committee reviewed proposed amendments to R277-482 including minor changes to the current timeline for approval of new charter schools and school expansions to ensure that the USOE can meet its student projection obligation to the Common Data Committee.

The Committee approved R277-482 *Charter School Timelines and Approval Processes*, as amended, and continued the rule, on first reading, and moved that the Board approve and continue the amended rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12436.]

Charter Amendment Agreements

In the February 2013 State Board of Education meeting, a revised chart detailing State Board of Education and State Charter School Board responsibilities for changes to charters was discussed and referred to a future meeting for action. Further Committee discussion suggested that the responsibilities should be outlined in rule.

The Committee moved that the Board direct staff to prepare a rule outlining State Board of Education and State Charter School Board responsibilities for changes to charters.

Motion carried unanimously. [For more details, see General Exhibit No. 12437.]

Board Chair's Report

The following items were reported under Chair Debra Roberts' report.

- There will be a turnover of approximately 25 percent in the district superintendents this year. New districts superintendents include Larry Bergeson, Washington District; Shannon Dulaney, Iron District; Scott Rogers, Tooele District; Kent Larsen, South Sanpete District; Cade Douglas, Sevier District; Ember Conley, Park City District; Douglas Jacobs, Morgan District; and Rick Robins, Juab District. Kane District is still in the hiring process.
- Member David Thomas shared a slide presentation on the Common Core for use by the Board. [For more details, see General Exhibit No. 12438.]
- The Governor has appointed Bruce Davis as a new State Charter School Board member. Mr. Davis's name was submitted by the Board.
- The Governor's Education Excellence Commission is suggesting that a study on education issues be done to include a large number of stakeholders.
- A request has been made for the Board to review Promises to Keep. It will be put on an agenda in the fall.
- Dates and facilities are being checked for a small group of Board members to meet with legislators to answer questions on the Common Core. It has also been suggested that Board members schedule meetings with small groups of legislators to discuss the Core.
- Member Kim Burningham was asked to represent Utah as a voting delegate in the upcoming meeting of the National Association of State Boards of Education (NASBE).
- A process will be developed for choosing parents for the Parent Assessment Review Committee. Chair Roberts will get more information to the Board on the process and time commitment.

- Board members were reminded that any backup material for the Board meeting agenda is due to the Board secretary on the Monday the week before Board meeting. If backup is not submitted, the item may be pulled.
- There is a possibility that the Board may meet in July. Chair Roberts will determine some dates and get feedback from the Board. The Instruction, Assessment and Technology Committee will meet in July to work on the Bylaws.
- Chair Roberts shared ideas that have been suggested by Board members for sharing best practices from district and charter schools, including creating a WIKI forum and partnering with others to do deeper research into what creates improvements. Board members expressed interest in pursuing.
- Dates of upcoming events were noted: June 18 - Board Leadership; June 19 - Education Interim Committee; June 24 - Gov. Education Excellence Commission; June 26 - Legislative Education Task Force; July 17 - Education Interim Committee; August 1 - possible work/study meeting and social; August 2 - Board meeting.

Adjournment

Motion was made by Member Jennifer Johnson and seconded by Member Joel Coleman that the meeting adjourn.

Motion carried. The meeting adjourned at 5:45 p.m.

Lorraine Austin, Board Secretary
Minutes approved August 2, 2013