

UTAH STATE BOARD OF EDUCATION MEETING MINUTES

May 2, 2013

A regular meeting of the Utah State Board of Education was held May 2, 2013 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Vice Chair David L. Crandall conducted.

Board Members present:

Vice Chair David L. Crandall	Member Michael Jensen
Member Dixie L. Allen	Member Jennifer A. Johnson
Member Keith M. Buswell	Member Jefferson Moss
Member Kim R. Burningham	Member James V. (Jim) Olsen (non-voting)
Member Leslie B. Castle	Member C. Mark Openshaw
Member Joel Coleman	Member Tami W. Pyfer
Member Barbara W. Corry	Member R. Dean Rowley (non-voting)
Member Heather Groom	Member Isaiah (Ike) Spencer (non-voting)
Member Marlin Jensen (non-voting)	Member David L. Thomas

Board Members excused:

Chair Debra G. Roberts
Member Laura Belnap (non-voting)
Member Teresa L. Theurer (non-voting)

Executive staff present:

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

Others present:

Jessica Egan, Utahns Against Common Core; Kory Holdaway, UEA; Sharee Tso; CMAC; Jeremiah Tso; Carie Valentine, Davis County Opt Out of Common Core; Jeanie Groves, CMAC; Hollie Hendricks, parent; Misty Allen; Richard Stowell, USBA; Peggy Jo Kennett, USBA; Andrea Young, parent; Julie Barney, parent; Shauna Thibodeaux, Davis County Opt Out of Common Core; Hannah Caldwell, parent; Katelyn Blake, parent; Jennifer Trimble, parent; Sarah Meier, USBA; Charlene Lui, CMAC; Jay Blain, UEA; Tracey M. Watson, UEA; Deon Turley, Utah PTA; Lydia Nuttall, parent; Amy Olsen, parent; BJ Olsen, student; Steve Norton, Cache School District; Jan Ferre, LCPD

Opening Business

Vice Chair David Crandall called the meeting to order at 8:17 a.m. Member Jennifer Johnson led the Board in the Pledge of Allegiance. Chair Debra Roberts, and Members Teresa Theurer and Laura Belnap were excused.

Board Member Welcome Remarks

Member Michael Jensen recounted a story by Andrew Lock about never giving up. He found it applicable to what the Board does in never giving up on themselves and the students of Utah.

Promises to Keep Highlight

Superintendent Martell Menlove reported on a recent visit to Sierra Bonita Elementary School in Nebo District, where he heard the winners of a poetry contest read their poems. Dr. Menlove shared a few of the poems with the Board.

Public Participation/Comment

Charlene Lui, Coalition of Minorities Advisory Committee (CMAC) - addressed the Board regarding the proposal in the Board Bylaws for eliminating CMAC's participation on the Board. She indicated that it is important to the community that CMAC has a seat at the table, as CMAC representatives work diligently and passionately to be viable partners in the education arena. She forwarded a request from CMAC that its representation on the Board continue.

Andrea Young, parent - discussed the Common Core and suggested the adoption be slowed down to allow for a more thoughtful process.

Peggy Jo Kennett, Utah School Boards Association President - addressed the Board regarding the proposal in the Board Bylaws to exclude a member of USBA from sitting on the Board as non-voting member. She expressed that the USBA representation has helped to open the lines of communication, and eliminating the USBA non-voting seat would be a step backward in the relationship.

Kory Holdaway, Utah Education Association (UEA) - addressed the conflict in state law regarding the requirement to report individual classroom data, and the requirement to protect data

that is a part of a teacher's evaluation. He indicated that UEA is anxious to collaborate with the Board on a solution.

General Consent Calendar

Motion was made by Member Dixie Allen and seconded by Member Tami Pyfer 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 April 5, 2013 were approved.

2. Contracts

The following contracts were approved.

A. Red Rock Center for Independence, \$567,302, 07/01/2013 to 06/30/2014, Fed.

To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition service to individuals with disabilities residing in the Southern Utah Independent Living Rehabilitation District.

B. Active Re-Entry, \$576,489, 07/01/2013 to 06/30/2014, Fed.

To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition service to individuals with disabilities residing in the Eastern Utah Independent Living Rehabilitation District.

C. Utah Independent Living Center, \$596,041, 07/01/2013 to 06/30/2014, Fed.

To provide Independent Living, Assistive Technology services and Nursing Home Transition service to individuals with disabilities residing in the Wasatch Front of Utah Independent Living District.

D. Ability First Utah, \$463,279, 07/01/2013 to 06/30/2014, Fed.

To provide Independent Living, Assistive Technology services and Nursing Home Transition service to individuals with disabilities residing in the Utah, Juab, Sanpete and Wasatch Counties.

E. OPTIONS for Independence, \$518,914, 07/01/2013 to 06/30/2014, Fed.

To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition service to individuals with disabilities residing in the Northern Utah Independent Living Rehabilitation District.

F. Digital Trike, \$60,000, 07/01/2013 to 06/30/2014, Amendment

To provide management, hosting, continued development and modification of the interactive School LAND Trust Program website.

G. Alliance Enterprises, \$4,380,428, 07/01/2013 to 06/30/2017, Fed.

To purchase and implement the new Vocational Rehab Case Management software system to replace the current IRIS system. This system has been implemented in 29 states, interfaces directly with FINET, and is the only actual production system available.

H. CCA-Tooele Towne Center, LLC, \$0, 06/30/11 to 10/31/12, Amend., Fed.

Change of lessor address for lease office space for the Division of Rehabilitation Services located at 982 North Main Street, Tooele, Utah.

I. ART Access/VSA Utah, \$30,000, 07/01/2013 to 06/30/2014, Amend. Fed.

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

J. U of U CPPA, \$0, 04/01/2013 to 06/31/2013, Amend.

To extend the date for a comprehensive statewide assessment of the rehabilitation needs of individuals with disabilities.

K. Pearson Clinical Assessment, a business of NCS Pearson, \$Requirements, 07/01/13 to 06/30/16, Amend., Fed.

To provide consumable tests to Career Exploration Services.

L. Pearson Clinical Assessment, a business of NCS Pearson, \$Requirements, 07/01/2013 to 06/30/2016, Amend., Fed.

To provide consumable tests to Career Exploration Services.

- M. Liaison for Individuals Needing Coordinated Services (LINCS), \$40,000, 07/01/2013 to 06/30/2014, Fed.

LINCS will provide parent advocacy to support students with disabilities under the Individuals with Disabilities Act.

- N. Kurt and Linda Sorenson, \$128,928, 04/01/14 to 03/31/19, Amend., Fed.

To lease office space for the Division of Rehabilitation Services office located at 520 East Topaz Blvd., Suite 107, Delta, Utah.

[For more details, see General Exhibit No. 12342.]

3. R277-104 ADA Complaint Procedure

The Board approved continuation of R277-104 *Ada Complaint Procedure* on third and final reading. [For more details, see General Exhibit No. 12343.]

4. R277-411 School District Sponsored School Seminars on Youth Protection-Related Issues

The Board approved R277-411 *School District Sponsored School Seminars on Youth Protection-Related Issues* on third and final reading. [For more details, see General Exhibit No. 12344.]

5. R277-460 Distribution of Substance Abuse Prevention Account

The Board approved continuation of R277-460 *Distribution of Substance Abuse Prevention Account* on third and final reading. [For more details, see General Exhibit No. 12345.]

6. R277-491 School Community Councils

The Board repealed R277-491 *School Community Councils*, reenacted the rule, and approved continuation of the rule on third and final reading. [For more details, see General Exhibit No. 12346.]

7. R277-614 Athletes and Students with Head Injuries

The Board approved R277-614 *Athletes and Students with Head Injuries*, and approved continuation of the rule, on third and final reading. [For more details, see General Exhibit No. 12347.]

8. Monthly Budget Report

The Monthly Budget Report for March 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. 12348.]

9. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in April 2013 was provided for Board information. [For more details, see General Exhibit No. 12349.]

The Board recessed to standing committees at 8:53 a.m.

The Board reconvened at 11:38 a.m.

Achievement Spotlight

Deputy Superintendent Brenda Hales honored Margaret Bird, retiring Director of the School Children's Trust Section at the Utah State Office of Education. Mrs. Bird has helped the state bring the money in the School Trust back into focus for its purpose—the benefit of the children of Utah. Revenue in the Trust has increased from \$19 million to \$143 million annually during Margaret's tenure. Mrs. Bird has spent the last 39 years protecting and ensuring that Utah students benefit from the Trust.

Mrs. Bird thanked Board members for their support of the Trust. Superintendent Menlove presented her with a Certificate of Excellence and lauded her for her work.

Superintendent's Report

Superintendent Menlove reported the following:

There is a current situation with the building where a malfunction in a boiler set off the sprinkling system, resulting in damage to all three floors. Some staff are being housed in different areas of the building and off site.

A Rural States Conference sponsored by the Council of Chief State School Officers will be held in Salt Lake City on May 29-31, 2013.

President Obama's education budget request includes the same level of funding before sequestration for Title I, with slight cuts to IDEA funding. Much of what is in the budget is preschool funding.

USOE is close to releasing model fiscal and accountability policies for districts as a result of R277-113 requirements. District and charters are required to develop their own policies, and will be able to use the USOE models templates.

H.R. Director David Rodemack introduced new employee Diana Sutton, a Financial Analyst in the CTE Section.

Recent legislation SB 190 *Procurement Revisions* requires a rewrite of the State Procurement Act. Since the Board and agency employees are involved in procurement, there will be some impacts. Some training has been provided from State Purchasing.

SB 284 *Educational Technology Amendments* from the 2013 Legislative Session allocates \$2.4 million for allowance of identification of vendors. The law requires three members of Board to participate on the committee for the procurement process. Chair Roberts has asked those that participated last year to continue if they are able.

[For more details, see General Exhibit No. 12350.]

Board Chair's Report

The following was reported and discussed during the Chair's report.

Member Kim Burningham reviewed a letter from the Coalition of Minorities Advisory Committee (CMAC) regarding bullying, including four recommendations for action by the Board. The recommendations will be considered in a future meeting. [For more details, see General Exhibit No. 12351.]

Member Pyfer and Deputy Superintendent Hales have been working on a communication plan for the Utah Core Standards. A draft will be sent to Board members.

Board Resolutions

The Board considered proposed Resolution No. 2013-2 on standards for mathematics and English/language arts, and proposed Resolution No. 2013-3 on the security and sharing of confidential student and teacher data.

Motion was made by Member Mark Openshaw and seconded by Member Dixie Allen that the Board adopt Resolution No. 2013-02 [the resolution was renumbered from 2013-01].

Motion to amend was made by Member Jennifer Johnson and seconded by Member Mark Openshaw that the Resolution be changed as follows:

Last paragraph to read: “BE IT RESOLVED that the Utah State Board of Education calls upon members of the Utah Legislature to support the goal of career and college ready outcomes for Utah students which is better facilitated by the new standards, ~~resist the demands of public clamor calling for the loosely defined demands to “remove Utah from the common core”~~ and to collaborate with the State Board of Education . . .”

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

Motion to amend was made by Member Tami Pyfer and seconded by Member Mark Openshaw that the Resolution be amended as follows:

Last paragraph to read: “BE IT RESOLVED that the Utah State Board of Education calls upon members of the Utah Legislature to support the goal of career and college ready outcomes for Utah students, resist the demands based on erroneous information ~~of public clamor calling for the loosely defined demands~~ to ‘remove Utah from the common core’ and collaborate with the State Board of Education in supporting teachers, parents and students during the transition to these new Utah Core Standards.”

Motion to amend the amendment was made by Member Jennifer Johnson and seconded by Member Tami Pyfer that the last paragraph of Resolution be further changed to read:

“BE IT RESOLVED that the Utah State Board of Education calls upon members of the Utah Legislature to: 1) support the goal of career and college ready outcomes for Utah students, 2) to resist the demands based on erroneous information ~~of public clamor calling for the loosely defined demands~~ to ‘remove Utah from the common core,’ and 3) to collaborate with the State Board of Education in supporting teachers, parents and students during the transition to these new Utah Core Standards.”

Motion to amend the amendment carried.

Motion to amend carried.

Motion to amend was made by Member Joel Coleman and seconded by Member Heather Groom that the last paragraph be amended to replace “members of the Utah legislature” with “the Governor of Utah and the members of the Utah Senate and Utah House of Representatives.”

Motion to amend carried.

Motion to adopt Resolution No. 2013-02, as amended, carried unanimously.

Motion was made by Member Joel Coleman and seconded by Member Mark Openshaw that the Board adopt Resolution No. 2013-03 [changed from No. 2013-2].

Motion to amend was made by Member Jennifer Johnson and seconded by Member Joel Coleman that the Resolution be changed as follows:

Paragraph 9 to read: “NOW THEREFORE BE IT RESOLVED, that the Utah State Board of Education requests the support of the citizens of Utah to insist on the proper care and vigilance in the effort to secure and protect the sensitive personal data of students and teachers in Utah’s K-12 public education system, especially in seeking ~~including efforts to secure~~ the resources and legislation necessary to strongly secure and protect the aforementioned data;”

Paragraph 10 to read: “ . . . to pass and/or revise such laws as are necessary to strongly secure and protect the sensitive personal data of students and teachers . . . ”

Motion to amend carried.

Motion to amend was made by Member Jennifer Johnson and seconded by Member Mark Openshaw that the last paragraph be further amended to read:

“RESOLVED, that the Utah State Board of Education calls upon the members of the Utah legislature to pass and/or revise such laws as are necessary to strongly secure and protect the sensitive personal data of students and teachers and to work jointly with the Utah State Board of Education to appropriately define the delicate balance of that privacy with the proper transparency and availability of aggregated, non-identifiable data necessary to provide accountability and oversight of Utah’s K-12 public education system.”

Motion to amend carried.

Motion to adopt Resolution No. 2013-03 carried.

Motion was made by Member Heather Groom and seconded by Member Mark Openshaw that the appropriate groups to be copied be added to the resolutions at the discretion of Superintendent Menlove.

Amendment to the motion was made by Member Jennifer Johnson and seconded by Member Mark Openshaw that the groups at least include the Governor and State Legislature. Without objection, that change was made.

Member Coleman also suggested including delegates of both political parties. Without objection, that change was made.

Motion carried.

[For more details, see General Exhibit No. 12352.]

ESEA Waiver Consideration

Superintendent Menlove reported that he has received a request from the Governor's Office that the Board consider amending its ESEA waiver request to check Option B, which states that the "State has adopted college- and career-ready standards in at least reading/ language arts and mathematics that have been approved and certified by a State network of institutions of higher education . . ."

Materials on the waiver were reviewed. The Board has currently approved Option A, which states that "the State has adopted college- and career-ready standards in at least reading/language arts and mathematics that are common to a significant number of States . . ." Currently, the Common Core is the only set of standards that is common to a significant number of states. Correspondence between former Superintendent Larry Shumway and U.S. Secretary of Education Arne Duncan, indicating that Utah has control of its standards, was also reviewed.

It was noted that the State Board of Regents has sent a Memorandum of Understanding indicating that if students successfully attain the standards, they will be college and career ready. Deputy Superintendent Hales mentioned that if the Board changes to Option B, any time a change is made in the standards, it will have to be approved by the Board of Regents.

Member Joel Coleman spoke in support of the Governor's request, as the standards would still remain in place. Member Jennifer Johnson questioned whether checking Option B would constitute a transfer of Board constitutional responsibilities.

Motion was made by Member Tami Pyfer and seconded by Member Mark Openshaw that the Board amend its ESEA Waiver application by checking Option B.

Some members were uncomfortable voting for the change without hearing directly from the Governor's office and the Board's legal counsel.

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

[For more details, see General Exhibit No. 12353.]

Executive Session

Motion was made by Member Keith Buswell and seconded by Member Dixie Allen that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of individuals. A voice vote was taken, and upon unanimous consent of those present, the Board moved into Executive Session, following lunch, at 1:48 p.m.

The following were present in Executive Session: Board Members Allen, Burningham, Buswell, Castle, Coleman, Corry, Crandall, Groom, J. Jensen, M. Jensen, Johnson, Moss, Olsen, Openshaw, Pyfer, Rowley, Spencer and Thomas; Martell Menlove, Brenda Hales, Kristina Kindl, Lorraine Austin, Carol Lear and Heidi Alder.

Motion was made by Member Dixie Allen and seconded by Member Mark Openshaw that the Board move back into open session.

Motion carried. The Board reconvened into open session at 2:10 p.m.

Computer Adaptive Assessment System

Associate Superintendent Judy Park reviewed distributed materials, focusing on technology that is required to administer the assessment and technology standards. The goal of the standards is to get to a one-to-one device ratio and ensure that all schools have the wireless access they need.

Schools are currently prepared to implement SAGE tests in the spring, and a majority of schools are prepared to administer the interim assessments in fall and winter.

[For more details, see General Exhibit No. 12354.]

ESEA Flexibility Waiver Discussion

Christine Kearl, Governor's Education Director, was welcomed to meeting. She discussed the importance to the Governor of the Board amending the ESEA Waiver application to check Option B. He sees an advantage to guaranteeing that Utah students are college and career ready when graduating from high school. Also, the Common Core is becoming increasingly political. The Governor would also support not checking either option. Ms. Kearl strongly reiterated the Governor's request for support of the change

Member David Thomas outlined two concerns with the proposed change: 1) Even if the Board changes to Option B, the move against the Core isn't going to stop, because the standards will still be the Utah Core Standards, which are largely the Common Core standards; 2) if Option B is checked, the Board might be improperly delegating its constitutional authority of control and supervision to Higher Education.

Ms. Kearl suggested that checking Option B would strengthen the collaboration between public and higher education.

Assistant Attorney General Kristina Kindl was invited to give her opinion on the matter. She reported her initial thoughts, given the short time to study the issue. Under the framework set up in the Utah Constitution, one of the core functions of the Board goes to the curriculum standards. The State Supreme Court has been clear that authority in that realm is plenary. In checking Option B, she felt that approval would be needed by institutions of higher education, and in her opinion, that would constitute delegating authority, which could be scrutinized. To require someone else to approve the standards does raise legal concerns for her. She expressed her feeling that the Board has not deferred authority by checking Option A.

Board Committee Reports**ACCOUNTABILITY AND FINANCE COMMITTEE**

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

Outcomes of Taxing Entity Committee Meeting

A report of the meeting of the Taxing Entity Committee for the Redevelopment Agency of Salina City was given to the Committee. The budget for the Tipperary Industrial Park

Economic Development Project Area was approved, with the Board's representative voting in the affirmative. [For more details, see General Exhibit No. 12355.]

Loan Recommendation from the Charter School Building Revolving Subaccount Committee

The Committee approved a recommendation from the Charter School Building Revolving Subaccount Committee to grant a loan of \$175,000 to Utah Career Path High, and moved that the Board approve the loan.

Motion carried unanimously. [For more details, see General Exhibit No. 12356.]

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

The Committee reviewed proposed amendments to R277-407-3 to make it consistent with H.B. 345 *Expanding Access for Sixth Graders to Secondary Education* from the 2013 Legislative Session. Language was added to provide for sixth grade students to be charged school fees if the student attends a school that includes any of grades 7-12.

The Committee approved amendments to R277-407-3 on first reading, and moved that the Board approve the rule, as amended, on second reading.

Motion carried; Member Burningham opposed. [For more details, see General Exhibit No. 12357.]

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

The Committee reviewed proposed amendments to R277-422 to make it consistent with requirements in H.B. 49 *Voted and Board Levy Programs Amendments*, passed in the 2013 Legislative Session. The legislation directs the State Board of Education to increase the state guarantee under these programs to a level which would allocate to school districts any prior year carryover balances in the appropriations under the Voted and Board Local Levy Programs.

The Committee approved amendments to R277-422 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. 12358.]

R277-445 Classifying Small Schools as Necessarily Existent

The Committee reviewed proposed amendments to R277-445 to make it consistent with H.B. 173 *Necessarily Existent Small Schools Funding*, passed in the 2013 Legislative Session. The legislation allows the Board to allocate to school districts any prior year carryover balances in the appropriations under the Necessarily Existent Small Schools Program using a formula adopted by the State Board that considers the tax effort of a local school board.

The Committee approved amendments to R277-445 on first reading, and moved that the Board approve the rule on second reading.

Motion carried. [For more details, see General Exhibit No. 12359.]

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

The Committee considered proposed amendments to R277-477 to make it consistent with H.B. 306 *School LAND Trust Program Amendments*, passed in the 2013 Legislative Session. The number of students in charter schools has increased significantly in the 13 years since creation of the program. If charter school enrollment continues to grow, the current formula will result in charter schools receiving an ever-decreasing per student distribution relative to students in district schools. H.B. 306 requires charter schools to receive the statewide average to avoid the growing discrepancy. Amendments also include establishment of a council to prepare the plan for the School LAND Trust program.

The Committee made additional amendments outlined on a distributed sheet.

The Committee approved repealing R277-477, re-enacting the rule, as amended, and continuing the rule on first reading, and moved that the Board repeal and reenact the rule, as amended, and continue the rule, on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12360.]

R277-484 Data Standards

The Committee considered proposed amendments to R277-484 including allowing for a specific window of time to correct technical errors and check for data quality before moving forward with a final data set for budgeting, setting timelines and requirements for LEAs altering

their student information systems, and correcting certain report deadlines for consistency with state law.

It was noted that the title of “State Director of School Finance and Statistics” will be changed to “Director of School Finance” throughout the rule. Also, “Business Services” will be changed to “Business and Operations” throughout.

The Committee approved amendments to R277-484 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. 12361.]

R277-525 *Special Educator Stipends*

The Committee approved continuation of R277-525 *Special Educator Stipends* on first reading, consistent with the Utah Administrative Rulemaking Act five-year review requirement, and moved that the Board approve continuation of the rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12362.]

Board Financial Information

The Committee reviewed information from staff regarding providing improved financial information to the Board. Beginning in August, the new reports will be provided in the Board agenda. [For more details, see General Exhibit No. 12363.]

The Committee also discussed the possibility of determining a threshold for contracts that must be submitted for Board approval. This item will come back at the next meeting for further discussion and action.

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

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

R277-403 *Student Reading Proficiency*

Rule R277-403 includes provisions for the Board pursuant to assessing student reading competency at the beginning, in the middle, and at the end of each year and requires parents to be notified of assessment results if their student is not reading at grade level. It also provides for the

Board to contract with an educational technology provider for a diagnostic assessment system for students in kindergarten through grade three.

The Committee considered amendments to R277-403, including changing terminology and providing clarification regarding parental notification. The Committee made additional amendments on a distributed sheet.

The Committee approved amendments to R277-403 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. 12364.]

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

Rule R277-406 includes provisions for the Board pursuant to reading plans required from all LEAs receiving K-3 Reading Improvement Program funding. 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 Committee reviewed proposed amendments to the rule, including a requirement that the Board determine and set uniform growth goals for districts based on the number of third grade students reading at grade level, and additions to the reporting requirements and improvement plans.

The Committee approved amendments to R277-406, and continued 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. 12365.]

R277-489 Early Intervention Program

Rule R277-489 includes provisions for the Board to provide an optional enhanced or extended-day kindergarten program as a method of early intervention for students at risk of academic failure. The rule also provides for a Request for Proposals (RFP) process to select one or more technology providers to provide adaptive learning technology and assessment in reading and math for students in Kindergarten and grade one.

The Committee reviewed proposed amendments to R277-489 regarding the RFP process, availability of computer-based adaptive technology, and priority for participation in the program.

The Committee approved amendments to R277-489 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. 12366.]

R277-490 *Beverley Taylor Sorenson Elementary Arts Learning Program*

Rule R277-490 provides standards and procedures for implementation of the Beverley Taylor Sorenson Elementary Arts Learning Program model in public schools. The Committee reviewed proposed amendments to R277-490 to reflect legislative changes to 53A-17a-162, as well as changes to the funding structure.

The Committee approved amendments to R277-490, and continued the rule, on first reading, and moved that the Board approve the rule, as amended, and continue the rule, on second reading.

Motion carried; Member Johnson absent. [For more details, see General Exhibit No. 12367.]

R277-617 *Smart School Technology Program*

Rule R277-617 provides criteria and procedures for the Board to select schools to participate in the Smart School Technology Program. The Committee considered proposed amendments to the rule to provide criteria and procedures for the Board to select schools to participate in the program.

The Committee approved amendments to R277-617, and continued the rule, on first reading, and moved that the Board approve the rule, as amended, and continue the rule, on second reading.

Motion carried; Member Burningham opposed. [For more details, see General Exhibit No. 12368.]

R277-619 Student Leadership Skills Development

The Utah Legislature passed S.B. 122 *Student Leadership Skills Development* in the 2013 Legislative Session. The legislation creates a competitive fund to support a Student Leadership Skills Development pilot program. Elementary schools may request up to \$10,000, and must match their requests with their own funds. New rule R277-619 was written to provide for an effective and transparent application and award process.

The Committee approved R277-619 *Student Leadership Skills Development* on first reading, and moved that the Board approve the rule on second reading.

Motion carried unanimously. [For more details, see General Exhibit No. 12369.]

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

The Committee reviewed proposed amendments to R277-713 that reflect modifications related to charging partial tuition for concurrent enrollment courses, as outlined in S.B. 162 *Concurrent Enrollment Amendments*, 2013 Legislative Session. The legislation eliminates a provision allowing a student to pay a reduced partial tuition rate for each subsequent course the student takes after the student pays the partial tuition for the first concurrent enrollment course, and eliminates a provision allowing the waiver of partial tuition when a student elects not to receive higher education credit.

The Committee approved amendments to R277-713 *Concurrent Enrollment of High School Students in College Courses* 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. 12370.]

INSTRUCTION, ASSESSMENT AND TECHNOLOGY COMMITTEE

Committee Chair Mark Openshaw reported on the following items from the Committee.

R277-602 Special Needs Scholarships—Funding and Procedures

Rule R277-602 provides standards and procedures for participation of schools and students in the Special Needs Scholarship Program. The Committee reviewed proposed amendments to the rule to provide for quarterly payments to eligible schools, development of

procedures for verification of funding issues with private schools, required background checks for school personnel, and protection of student records.

The Committee made additional amendment outlined on a distributed sheet.

The Committee approved amendments to R277-602 *Special Needs Scholarships–Funding and Procedures*, and continued 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. 12371.]

R277-487 Public School Data Confidentiality and Disclosure

Rule R277-487 was discussed by the Committee in September, October and November 2012, and the rule received final approval of the Board in December 2012. During the process, a section on educator evaluation data that had been inserted into the rule was removed because 2013 legislation with clarification language was anticipated. Clarifying language was not provided in the 2013 Legislative Session, consequently, the section on educator evaluation data needed to be included in the rule.

The Committee reviewed proposed amendments, and made additional amendments as outlined on a distributed revised rule. Section R277-487-5 was voted upon in the Committee by section, with the following results: Section 5A was approved with a 3-2 vote; Section 5B was approved with a 3-2 vote; Section 5C was approved; Section 5D was amended as outlined and approved; Section 5E was approved.

The Committee approved on first reading R277-487 *Public School Data Confidentiality and Disclosure*, as amended, on a 4-1 vote, and moved that the Board approve the rule, as amended, on second reading.

Member Openshaw expressed that with this rule, there are a number of sections of Utah Code to which the Board is trying to be in compliance, and the challenge is to balance both the release and protection of data.

Motion was made by Member Mark Openshaw and seconded by Member Michael Jensen that Section 6-A(2), lines 201-202, be amended to read: “Aggregate and non-identifiable student assessment data are available through the USOE Website. Individual student information is ~~are~~ protected.”

Motion carried.

Some Board members expressed concern that school administrators may have a difficult time determining what information may be released and to whom.

Motion was made by Member Kim Burningham and seconded by Member Mark Openshaw that Section 2-B(2), line 71, be amended to read: “. . . professional education staff and a student's parents ~~parents of students~~;

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

Motion to approve R277-487, as amended, carried, with Members Allen, Burningham, Buswell, Castle, Groom, Jensen, Openshaw and Pyfer in favor, and Members Coleman, Corry, Crandall, Jensen, Moss and Thomas opposed. [For more details, see General Exhibit No. 12372.]

Superintendent Menlove reported that, in consultation with Board Leadership, a decision was made that once the rule passed, he would send it to the Attorney General for an opinion on whether the rule complies with Utah law.

Educator Evaluation Update

In May 2011, a proposed timeline of the Educator Effectiveness Project was presented to Board members in support of Promises to Keep and high-quality instruction. USOE staff provided updated information on the project to the Committee.

State Board of Education Bylaws

The Committee reviewed proposed changes to the Board Bylaws. The review will continue in the next meeting. [For more details, see General Exhibit No. 12372.]

Audit Report

Internal Auditor Natalie Grange reported on Audit Report No. 2012-09A, *Audit of SEPS Learning Center Compliance with Carson Smith Scholarship Requirements, School Years 2011-2012 and 2012-2013*, and the corrective action plan for the school. Allegations were received

that the scholarship funds or payments for individual students were being received by SEPS for students who were not attending the school, and that the required parent verification forms were not being signed by parents prior to the checks being deposited by the school. Findings and recommendations are outlined in the Audit Report.

The school has not yet responded to the audit. Under the direction of the Board Audit Committee, the information in the audit was reported to the Attorney General's office. [For more details, see General Exhibit No. 12373.]

Adjournment

Motion was made by Member Michael Jensen and seconded by Member Heather Groom that the meeting adjourn.

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

Lorraine Austin, Secretary to the Board
Minutes approved June 7, 2013