

From: [Stallings, Angie](#)
To: mbroschi@utah.gov
Cc: [Call, Nicole](#); [Bryan Quesenberry](#); [Rasmussen, Benjamin](#); [Crandall, Dave](#); [Thomas, David](#); [Dickson, Sydnee](#); [Leslie Castle, JJ](#); [Austin, Lorraine](#)
Subject: FW: Request for Hearing.
Date: Wednesday, July 20, 2016 11:40:00 AM
Attachments: [Public Hearing Request July 2016.pdf](#)
Importance: High

Mr. Broschinsky,

Attached is a public hearing request from the Utah Education Association (UEA) requesting a public hearing on R277-511 before the full State Board of Education (Board). The Board plans to have its Law and Licensing Committee, which consists of five Board members, to hold a public hearing next week on July 26th at 4pm. We've had 6 separate requests for a public hearing on R277-511.

The reason I am reaching out to you today is to request your assistance, pursuant to R15-1-8, to resolve a dispute in interpretation on the Board's rulemaking procedure for R277-511. The UEA believes that the public hearing on R277-511 is required to be held before the full Board (or at least a quorum of the full Board) and not just the Law and Licensing Committee, a hearing officer, and an agency representative. The Board and its counsel believe that R15-1-5 only requires the Board to have the public hearing before a hearing officer and a "representative at the hearing, other than the officer, who is familiar with the rule at issue and who can respond to requests for information by those in attendance." Subsections R15-1-5(2) and (4).

In addition to the public hearing on July 26th, the Board also plans to have either the Law and Licensing Committee Chair, or the appointed hearing officer, make a verbal report to the full Board during the Board's regularly scheduled meeting on August 12th. During the August 12th meeting the Board will then make a decision about what to do with R277-511 based on written comments submitted and any additional public comment received during the hearing.

We request that you assist us by issuing a decision with the Office of Administrative Rule's (OAR) interpretation. It appears that R15-1-5 anticipates that a dispute may arise during a public hearing, and asks a petitioner to "submit a written request for a decision to the director as soon as practicable after, or after recessing, the hearing, as provided in Section R15-5-6." Normally this petition would be submitted by UEA or another group, not the Board, after the hearing, if the group disagrees with the Board's interpretation of R15-1-5 as described above. Because we would like to move this rule forward quickly, and hopefully avoid litigation, we are proactively requesting that you assist us by issuing a decision outside of your normal timelines in advance of the public hearing. We would likely post your decision on our website and read the decision during the public hearing.

Could you please respond to this message and let me know whether you think that you will be able to provide us with your decision before the public hearing is set to take place next Tuesday, July 26th?

If you have any questions, please contact me at 801-205-4420 or Bryan Quesenberry, Assistant

Attorney General for the State Board of Education, at (801) 366-0340 or (801) 538-7885.

Thank you so much!
Angie

Angela O. Stallings
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From: Lisa Nentl-Bloom [UT] [mailto:Lisa.Nentl-Bloom@myuea.org]
Sent: Wednesday, July 13, 2016 4:42 PM
To: Crandall, Dave <crandall@xmission.com>; Dickson, Sydnee <Sydnee.Dickson@schools.utah.gov>; Stallings, Angie <Angie.Stallings@schools.utah.gov>
Subject: Request for Hearing.

July 13, 2016

David Crandall, Chair, Utah State Board of Education
Dr. Sydnee Dickson, State Superintendent of Public Instruction
Angela Stallings, Associate Superintendent, Policy and Communication
Utah State Office of Education
250 E 500 S
Salt Lake City UT 84111-3272

Transmitted via email

Re: Request for Public Hearing on Proposed Rule R277-511

Chair Crandall, Superintendent Dickson and Associate Superintendent Stallings:

This is a request for a public hearing before the entire Utah State Board of Education pursuant to Utah Code 63G-3-302(2)(b). More specifically, this request is made by Lisa Nentl-Bloom, Executive Director, and on behalf of the Utah Education Association, an interested association having not fewer than 10 members. This request is made not more than 15 days after the publication date of the proposed rules. The rule for which we request a hearing is as follows:

R277-511 Academic Pathway to Teaching (APT) Level 1 License.

It is our understanding that several other groups have requested a hearing on this rule as well. We hope you will provide sufficient time for all voices to be heard at this hearing or at an additional hearing. Thank you for your consideration and attention to this request.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Nentl-Bloom".

Lisa Nentl-Bloom
Executive Director, Utah Education Association

801-266-4461, ext. 104 (office) | 651-492-8894 (cell)

Lisa.nentl-bloom@myuea.org