

**MINUTES OF THE  
State Board of Education  
LAW AND LICENSING COMMITTEE**

May 13, 2016 - Boardroom, State Office of Education

Members Present: Leslie Castle, Linda Hansen, Terryl Warner, Dave Thomas  
Staff Present: Angie Stallings, Ben Rasmussen, Cybil Prideaux, Nicole Call

Others Present: Lisa Cummings, William Brown, Tom Nied, Dena Lundgreen, Jennifer Lambert, Joylin Lincoln, Brad Asay, Ann White, Lilian Tsosie Jensen, Lisa Wisham, Holly Todd, Jane Ferre', Brad Taylor

Committee Business:

The meeting was called to order at 5:54pm by Committee Chair Leslie Castle.

USBE Law and Licensing Committee Minutes Review

**COMMITTEE MOTION:** The Committee voted unanimously to approve April minutes.

Leadership Learning Academy Charter Amendment Request

The Committee discussed the Leadership Learning Academy's request to open a satellite campus to be located in the Ogden City School District, beginning with the 2017-18 school year. The Committee also discussed the Leadership Learning Academy's innovative and unique teaching model of Project CHILD. Currently, Leadership Learning Academy is the only public school in Utah that offers this research-based instructional model.

**COMMITTEE MOTION:** The Committee voted unanimously to approve Leadership Learning Academy's request to open a satellite campus in the Ogden City School District in the 2017-18 school year and recommends the Board consider approving the opening of the Leadership Learning Academy satellite campus in the Ogden City School District in the 2017-18 school year.

School Counselor Performance Standards

The Committee discussed the Utah Effective School Counselor Performance Standards, which are meant to be a resource for professional school counselors and the educational leaders throughout the state to evaluate counselors and prioritize expectations for high quality instruction.

**COMMITTEE MOTION:** The Committee voted unanimously to adopt the Utah Effective School Counselor Performance Standards and recommends the Board adopt the Utah Effective School Counselor Performance Standards.

**MINUTES OF THE  
State Board of Education  
LAW AND LICENSING COMMITTEE**

May 13, 2016 - Boardroom, State Office of Education

R277-515 Utah Educator Standards (Amendment)

R277-515 has been amended based on recommendations from the UPPAC Task Force to provide clearer professional standards for educators, including defining appropriate boundaries for relationships between students and educators. R277-515 has also been amended to add provisions regarding educator use of technology, to provide clarification on reporting requirements, and add a requirement that an educator annually review the Utah Educator Professional Standards and reporting rules and sign a form acknowledging that the educator read and understands the rules.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-515, as amended on first reading, and recommends the Board approve R277-515 on second reading.

R277-516 Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members (Attachment)

The Committee discussed amendments to R277-516 recommended by the UPPAC Task Force to clarify when reporting of educator misconduct is required, and to add a provision for the Superintendent to withhold funds from an LEA if the LEA fails to meet reporting requirements under this rule.

**COMMITTEE ACTION:** The Committee voted unanimously to approve R277-516, as amended, on first reading and recommends the Board approve R277- 516, as amended, on second reading.

R277-216 Surrender of License with UPPAC Investigation Pending (New)

The Committee and full Board discussed R277-216 in April and the Board adopted R277 216 on second reading. The rule is further amended based on recommendations from the UPPAC Task Force to include additional reporting requirements when an educator chooses to voluntarily surrender the educator's license and to clarify the applicability of the rule to an educator who voluntarily surrenders the educator's license if the educator is not being investigated by UPPAC.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-216, as amended, on second reading and recommends the Board approve R277-216, as amended, on third and final reading.

**MINUTES OF THE  
State Board of Education  
LAW AND LICENSING COMMITTEE**

May 13, 2016 - Boardroom, State Office of Education

Alternate Routes to Licensure

The Committee discussed the current requirements for an applicant to receive a Utah Educator License through the Alternative Route to Licensure (ARL) program and other alternate pathways to licensure as detailed in R277-503. The Committee discussed a new potential pathway, the Academic Path to Teaching (APT) and whether the new APT pathway should be codified in R277-503.

**COMMITTEE DISCUSSION:** The Committee gave direction to staff on the APT pathway to licensure and voted unanimously to direct staff to amend R277-503 to include the APT pathway and bring the rule back to the Committee in June.

R277-707 Enhancement for Accelerated Students (Continuation and Amendment)

The Committee discussed that R277-707 is up for five-year review and will sunset in August if not continued by the Board. R277-707 outlines funding procedures for accelerated student programs. The rule has been updated to conform to the style manual and to make clarification regarding expenditures in Gifted and Talented programs.

**COMMITTEE MOTION:** The Committee approved R277-707, as continued and amended, on first reading and recommends the Board consider approving R277-707, as continued and amended on second and final reading and direct staff to file the rule with the Division of Administrative Rules.

Board Policy 2001, Board Compensation

The Committee discussed 2016 HB 445, which allows the Board to determine which Board meetings and activities qualify as a Board meeting for purposes of compensation. Board Policy 2001 clarifies which meetings qualify for Board member compensation and clarifies that Board member travel may be reimbursed in accordance with Division of Finance rules.

**COMMITTEE DISCUSSION/ACTION:** The Committee voted unanimously to adopt Board Policy 2001 and recommends that the full Board adopt Board Policy 2001.

Board Records Retention

The Committee discussed a request in a recent Audit Committee meeting, that staff review the risks associated with records retention and archives issues. Direction was given to staff to look at what needs to exist in relation to a written policy for the Board on archives-related matters. Staff reported that the Board currently adheres to the policies established by Utah State Archives. Staff raised an issue about Board member

**MINUTES OF THE  
State Board of Education  
LAW AND LICENSING COMMITTEE**

May 13, 2016 - Boardroom, State Office of Education

use of private e-mail and recommendations of Utah State Archives, including three policy options for the Board's consideration.

**COMMITTEE DISCUSSION:** The Committee discussed the three policy options related to Board member's use of private e-mail and recommends that the full Board discuss the options and give direction to staff to draft a Board policy that may be adopted in June.

R277-533 *District Educator Evaluation Systems (Amendment)*

The Committee discussed 2016 H.B. 201 Student Testing Amendments, which prohibits a school district from using student scores on the SAGE end-of-level assessment for the evaluation and compensation of the school district's educators and administrators. R277-533 was amended to update the rule to eliminate all references to Student Growth Percentiles (SGP) consistent with the legislation.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-533, as amended, on first reading and recommends the Board approve R277-533, as amended on second reading.

R277-490 *Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)(Amendment)*

The Committee discussed R277-490, which was amended to update the rule consistent with 2016 H.B. 40, Agency Reporting Requirements, and to provide technical and conforming changes. One of the reports referenced in R277-490 was deleted from the rule consistent with H.B. 40.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-490 as amended, on first reading and recommends the Board approve R277-490, as amended on second reading.

R277-710 *Intergenerational Poverty Interventions in Public Schools (Amendment)*

The Committee discussed R277-710, which was amended to update the rule consistent with 2016 H.B. 40, Agency Reporting Requirements, and to provide technical and conforming changes. One of the reports referenced in R277-710 was deleted from the rule consistent with H.B. 40.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-710, as amended, on first reading and recommends the Board consider approving R277-710, as amended on second reading.

**MINUTES OF THE  
State Board of Education  
LAW AND LICENSING COMMITTEE**

May 13, 2016 - Boardroom, State Office of Education

R277-713 Concurrent Enrollment of High School Students in College Courses (Repeal/Reenact)

The Committee discussed 2016 H.B. 182, Concurrent Enrollment Education Amendments and S.B. 152, Accelerated Foreign Language Course. R277-713 is repealed and reenacted to update the rule consistent with the new legislation and to provide technical and conforming changes. The substantive changes to the rule include provisions that describe teacher eligibility for a concurrent enrollment course and clarify central administration of the program, as required by the recent legislation.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-713, as amended, repealed and reenacted, on first reading and recommends the Board approve R277-713, as amended, repealed and reenacted on second reading.

R277-923 American Indian and Alaskan Native Education State Plan Pilot Program (New)

The Committee discussed 2016 S.B. 14, American Indian and Alaskan Native Amendments, which requires the Board to enact a rule related to a new grant program for LEAs that serve large populations of American Indian and Alaskan Native students. This new rule provides criteria for evaluating grant applicants, procedures for a school district to apply to the Board to receive grant money, and procedures for the review of a grant recipient's use of grant money.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-923 on first reading, and recommends the Board approve R277-923 on second reading.

R277-752 Adult Students with Disabilities and Informed Consent (New)

The Committee discussed the purpose of R277-752, to provide a process for when a student with a significant cognitive disability, (1) reaches the age of majority (age 18), (2) there is no guardianship or power of attorney, and (3) a parent or other interested person is concerned that the student with a significant cognitive disability lacks the ability to provide informed consent to participate in educational activities. This rule provides a process so a parent, the adult student's LEA, or other interested person can be appointed as an educational representative if two professionals determine and certify that the adult student with a disability lacks the ability to provide informed consent.

The Committee reviewed R277-752 in April and directed staff to collect additional stakeholder feedback and bring the rule back to the Committee in May.

**MINUTES OF THE  
State Board of Education  
LAW AND LICENSING COMMITTEE**

May 13, 2016 - Boardroom, State Office of Education

**COMMITTEE MOTION:** The Committee voted unanimously to table R277-752.

USB E Special Education Rules Manual (updated) and R277-750

The Committee discussed R277-750, which incorporates the Special Education Rules manual (“Manual”) into the rule consistent with the Administrative Rules requirements. The Committee also discussed significant updates to the Manual as it is being updated by Board staff.

**COMMITTEE ACTION:** The Committee voted unanimously to approve the USB E Special Education Rules manual, as amended and R277-750, as amended and recommends the Board approve the updated Special Education Rules manual and R277-750, as amended on second reading.

Law and Licensing Committee Meeting adjourned at 11:10pm