

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

June 9-10, 2016 - Boardroom, State Office of Education

Members Present: Leslie Castle, Linda Hansen, Terryl Warner, Dave Thomas, Stan Lockhart  
Staff Present: Angie Stallings, Cybil Prideaux, Ben Rasmussen, Bryan Quesenberry

Others Present: Amanda Penton, Jamie Lindsay, Brenda Spearman, Rabecca Cisneros, Cynthia K. Phillips, Carol Lear, Erin Preston, Joylin Lincoln, Richard Motfat, Tracey M. Watson, Sarah Wald, D. Blackwell, Brad Asay, Brad Findlan, Dee Henderson, LeMira Wheelwright, Clay Hatch, Dena Lundgreen, William Brown, Tom Nied, Chuck Foster, Lillian Tsosie-Jensen, Holly Todd, Kim Dihrer, Barbie Faust, Brian Ipson, George Ferris

Committee Business:

The meeting was called to order at 6:11pm by Committee Chair Leslie Castle.

USBE Law and Licensing Committee Minutes Review

**COMMITTEE MOTION:** The Committee voted unanimously to approve May 12, 2016 minutes.

APA Charter Improvement Plan—Salem

The Committee discussed that the State Charter School Board (SCSB), in October 2015, approved the Voluntary Charter Improvement Plan for American Preparatory Academy – Salem (formerly Liberty Academy). The proposal included: (1) terminating the charter for American Preparatory Academy – Salem; (2) granting a satellite school to Utah Charter Academies (UCA), the legal entity that governs all American Preparatory Academy schools, maintaining the same school name, number of students authorized, grades served, and facility; and (3) the process for transfer of assets and liabilities.

In October, 2015, the Board denied the request, without prejudice, and provided specific terms needed and a plan to the SCSB.

American Preparatory Academy – Salem met all of the terms and conditions of the new agreement and provided a new proposal to the SCSB at its May 2016 meeting. The SCSB voted to approve the plan and now requests that the Board approve the new terms and conditions.

**COMMITTEE MOTION:** The Committee voted unanimously to approve the State Charter School Board's request, as outlined in the Voluntary Charter School Improvement Process contract and proposal from American Preparatory Academy – Salem documentation and recommends the Board approve the request.

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Ivy Preparatory Academy's New Charter Application for 2017-2018 School Year

The SCSB heard presentations from the Ivy Preparatory Academy governing board, which is seeking to open a charter school in the 2017-2018 school year. The SCSB required some modifications to the initial application, which were made and the SCSB approved Ivy Preparatory Academy's charter application and now requests the Board to approve the application.

**COMMITTEE MOTION:** The Committee voted unanimously to approve Ivy Preparatory Academy governing board's application to open a charter school in the 2017-2018 school year as outlined in the application and recommends the Board approve the Ivy Preparatory application.

Bonneville Academy's New Charter Application for 2017-2018 School Year

The Committee discussed that the SCSB considered Bonneville Academy governing board's new charter school application in its January 2016 meeting and recommended approval to the Utah State Board of Education (USBE). The Board voted to deny Bonneville Academy's charter request in its February 2016 meeting, indicating concerns "regarding the skill, expertise, and experience needed to run the school."

Bonneville Academy amended its application, making appropriate changes to demonstrate a greater understanding of the requirements of operating a school using public funds. In May 2016, Bonneville Academy brought its amended application before the SCSB for reconsideration. Given the amendment of the original application, the SCSB again considered Bonneville Academy governing board's new charter application and requests approval from the Board.

**COMMITTEE MOTION:** The Committee voted unanimously to approve Bonneville Academy's amended application and recommends the Board approve Bonneville Academy amended application.

Utah State Board of Education Special Education Rules Manual (Updated) and R277-750 *Education Programs for Students with Disabilities* (Amendment)

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. The Board's Special Education Rules Manual (Manual) received preliminary approval by the Board in May. R277-750 also received preliminary approval by the Board in May.

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**COMMITTEE ACTION:** The Committee voted unanimously to table the discussion and adoption of the updated USBE Special Education Rules Manual, as amended, until the August Board meeting and requests that the Manual and R277-750 be placed on the Law and Licensing Committee agenda in August.

R277-511 *Academic Pathway to Teaching (New)*

In May, the Committee discussed a report on the current requirements for an applicant to receive a Utah Educator License through alternative pathways as detailed in R277-503 and elements of a new Academic Pathway to Teaching (APT) License. The Committee discussed new rule R277-511 to enact a new Academic Pathway to Teaching (APT) level 1 license.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-511, on first reading, as amended and recommends the Board approve R277-511, as amended on second and final reading and direct staff to file the rule with the Division of Administrative Rules.

R277-531 *Public Educator Evaluation Requirements (PEER) (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 evaluation of the school district's educators and administrators. R277-531 is amended to update the rule consistent with the new legislation, add a new definition for Effective Educator Standards that incorporates standard for Teaching, Educational Leadership, and School Counselors, and to provide technical and conforming changes.

**COMMITTEE DISCUSSION:** The Committee voted unanimously to approve R277-531, as amended, on first reading and recommends the Board approve R277-531, as amended, on second reading.

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

In May R277-923 received preliminary approval by the Board. Following the Board meeting, a substantive problem within the rule was discovered. R277-923-4(1) provides that the Superintendent shall award one grant to an LEA to serve "two program sites." Some LEAs do not have two program sites so the language is changed from "two program sites" to "one or more program sites" and was returned to the Law and Licensing Committee for consideration.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-923 on second reading and recommends R277-923 on third and final reading.

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R277-712 Competency-based Grant Programs (New)

The Committee discussed 2016 S.B. 143, Competency-based Learning Amendments, which requires the Board to make rules that establish an advisory committee, provide grant application procedures and timelines, and describe the criteria for awarding planning grants. R277-712 is enacted to comply with the new legislation.

**COMMITTEE ACTION:** The Committee voted unanimously to approve R277-712 on first reading, as amended and recommends the Board approve R277-712 on second reading, as amended.

R277-606 Dropout Recovery Program (Amendment)

The Committee discussed R277-606, which was amended to incorporate changes as a result of 2016 H.B. 443, Dropout Prevention and Recovery Program. The majority of the changes to the rule are updates related to the new legislation, terminology and technical changes, and unnecessary procedures are also removed from the rule.

**COMMITTEE ACTION:** The Committee voted unanimously to approve R277-606, as amended, on first reading and recommends the Board approve R277-606, as amended on second reading.

Interstate Compact on Education Opportunity for Military Children

The Committee discussed how Utah adopted the Interstate Compact on Educational Opportunity for Military Children in 2010. The Compact aims to provide a smooth educational transition for the children of “active duty” military personnel who are transferred to different assignments. Members of the Utah Veterans and Military Affairs Commission have expressed concern that the compact should be extended beyond the definitions encompassed by the statute, to allow protection to a wider group of military families.

**COMMITTEE ACTION:** The Committee voted unanimously to support the Veterans and Military Affairs Commission recommendation that the Legislature amend compact language to include the children of reserve members and civilian Department of Defense employees and recommends the Board approve the recommendation to allow protection to a wider group of military families.

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Board Policy 1003, Reporting of Pornography on Office Computers

The Committee discussed 2016 H.B. 155, Reporting of Child Pornography amended Utah Code Ann. § 76-10-1204.5, which enacted new reporting requirements for computer technicians who uncover child pornography in the course of their work. Board Policy 1003 is prepared to clarify reporting requirements of Board staff in conjunction with the statute, as well as for Board staff who may uncover pornography on office computers.

**COMMITTEE MOTION:** The Committee voted unanimously to approve Board Policy 1003 and recommends the Board approve Board Policy 1003.

R277-530 Utah Effective Teaching and Educational Leadership Standards (Amendment and Continuation)

R277-530 is amended to include the recently approved Utah Educational School Counselor Performance Standards. A new definition is proposed for Educator Standards that incorporates teachers, administrators, and school counselors. The rule is also amended to provide technical and conforming changes. R277-530 is also due for its five-year review and continuation no later than October 11, 2016.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-530, as amended and continued, on first reading and recommends the Board approve R277-530, as amended and continued, on second reading.

R277-922 Digital Teaching and Learning Grant Program (New)

The purpose of this new rule is to establish an application and grant review committee and process and to give direction to LEAs participating in the Digital Teaching and Learning Program (Program). Since the rule was adopted by the Board in April, staff identified additional changes were needed. The amendments provide that an LEA's potential allocation of program money be based on October 1 headcounts in lieu of ADM plus growth, and incorporates two recommendations of the Board's Digital Teaching and Learning Advisory Committee to prohibit the use of Program funds for indirect costs and clarify who is required to attend a change leadership management training.

**COMMITTEE MOTION:** The Committee voted unanimously to approve R277-922 on second reading and recommends the Board approve R277-922 on third and final reading.

Law and Licensing Committee Meeting adjourned at 10:09pm