

**UTAH STATE BOARD OF EDUCATION
MINUTES**

May 5, 2011

A work/study session of the Board was held on May 4, 2011. No action was taken.

Minutes of the meeting of the Utah State Board of Education held May 5, 2011, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:04 a.m. Chair Debra Roberts presided.

Board Members present for all or part of the meeting:

Chair Debra G. Roberts	Member David L. Crandall
Vice Chair Dixie L. Allen	Member Meghan Holbrook
Member Laurel O. Brown	Member Michael Jensen
Member Kim R. Burningham	Member Carol A. Murphy
Member Keith M. Buswell	Member James V. (Jim) Olsen
Member Daniel W. Campbell	Member C. Mark Openshaw
Member Janet A. Cannon	Member Tami W. Pyfer
Member Leslie B. Castle	Member Isaiah (Ike) Spencer
Member Craig E. Coleman	Member David L. Thomas
Member Joel Coleman	

Board Members excused:

Member Tim Beagley

Executive staff present:

Larry K. Shumway, State Superintendent
Martell Menlove, Deputy Superintendent
Don Uchida, USOR Executive Director
Brenda Hales, Associate Superintendent
Todd Hauber, Associate Superintendent
Judy Park, Associate Superintendent
Lorraine Austin, Board Secretary

Members of the press present:

Lisa Schencker, Salt Lake Tribune
Kelly Just, KSL TV

Others present:

Lydia Nuttall	Duane Kinner, Parent
Barry Walker, USSA	Robin Grow, JMS
Jay Blain, UEA	Crystal Hess, JMS
Hollie Murdock, USDB	Kim Scholtec, DATC ASL Program
Frank Wojtech, USOE	Brydon Scholtec, DATC ASL Program
Glenna Padfield, UAHPERD	Roy Cochran, Deaf community
Melanie Austin, USDB	Darlene Cochran, Deaf community
Leslie Buchanan, USDB	Kenneth Kinner, JMS
Jodi Kinner, Deaf advocate	Ilene Kinner, JMS
Trenton Marsh, Deaf advocate	Amber Sidwell, Deaf community

Chair Debra Roberts called the meeting to order at 8:04 a.m. Member Tim Beagley was excused.

The Pledge of Allegiance was led by Member James Olson.

Welcome

Member David Thomas welcomed the Board, referencing a speech given by Carly Fiorona, former CEO of Hewlett Packard, at the 2002 National School Boards Association 16th Annual Technology Learning Conference. He read a passage from the speech about a survey conducted by U.S. News and World Report, asking some of the leading teachers, inventors, and entrepreneurs in America to imagine what classrooms would look like in the year 2025, and a similar survey by Hewlett Packard given to high school students. Ms. Fiorona concluded by asking, “So my question to you, who do you think is the most important factor in this equation? The truth is, as much as technology changes in the next 25 years, technology will always only be a tool. The most important components in our classrooms will remain the same thing as they are today—teachers; teachers with a passion and imagination to use technology to unlock human potential and to train both minds and character.”

Public Participation and Comment

[For complete details, see General Exhibit No. 11493.]

Lori Jencks, Bingham High School PTSA, and Tiffany Jencks, Bingham High School PTSA Student Board - In anticipating National Teacher Appreciation Week, the Bingham High School PTSA arranged for a 10-minute service learning activity given to all students to write thoughts of thanks towards all school staff, including teachers, administrators, and other employees. The student comments were compiled into a book entitled, *This Is Bingham*. Every teacher and employee was recognized in the book with appreciative comments. Motion was made by Member David Thomas and seconded by Member Joel Coleman that the Board congratulate Bingham High PTSA for the activity and encourage others to do likewise. Motion carried unanimously.

Glenna Padfield, Utah Association of Health, Physical Education, Recreation, and Dance (UAHPERD) - the organization's State Convention will be on July 11-12, 2011 in Park City. Ms. Padfield extended an invitation to the Board to attend the session on July 12 where Dr. John Raty will be the keynote speaker. Dr. Raty is author of the book, *Spark, the Revolutionary New Science of Exercise and the Brain*. A flyer was distributed and copies of the book were provided to the Board.

Dr. James Hammond, University of Utah and David Phillips, doctoral student - shared preliminary results of their research gathered in collaboration with Salt Lake School District on the relationship between physical activity and cognition, and how that translates to classroom performance. They found that after physical activity, scores on math tests increased up to twenty percent when compared with the same students' scores when they were sedentary prior to taking the tests.

Carolyn Lasater and Leslie Buchanan, Educational Directors, USDB - shared support for USDB's model for the realization of individual potential, and discussed the need for appropriate support for children with sensory abilities in various educational settings and geographical locations. They recognized the value of USDB and districts collaborating together to provide essential services for students with sensory disabilities, and mentioned the importance of individuals who provide services to those students having the appropriate background and credentials. They also expressed strong support for USDB Superintendent Steven Noyce.

Lydia Nuttall, Morgan County - suggested that the required senior government and citizenship class is offered too late, and recommended that the Declaration of Independence and Constitution be taught in the eighth grade.

The Board recessed into standing committees at 8:40 a.m. The Board reconvened at 11:13 a.m.

Achievement Spotlight

Associate Superintendent Brenda Hales introduced the recipient of the 2011 Schools to Watch designation—Kearns Jr. High. Schools to Watch is a national program given to schools across the country that are academically excellent, developmentally responsive to students, and socially equitable. The Kearns school motto is *Success Is Our Only Option*. Principal Candace

Barber was congratulated by Chair Debra Roberts and Superintendent Larry Shumway, and was presented with a Certificate of Excellence.

Executive Officer Report

Chief Executive Officer Larry Shumway reported on the following:

- New superintendents in Garfield, Jordan, Murray, Wayne, and Weber School Districts have been named. Carbon District will announce its new superintendent on May 11.
- Mid-year Reading Report - Superintendent Shumway pointed to a pattern that's persistent across LEAs, that the percentage of students reading below grade level is decreasing over time. A report of the data will be given to the Education Interim Committee.
- AP Achievement District Honor Roll (western region) - A letter was reviewed recognizing Davis School District for being named to the Honor Roll.
- Public Education Online - an example of the web page that will be in place to implement S.B. 65 *Statewide Online Education Program* was distributed. Board members discussed the issue of credit recovery availability and students being limited to the number of courses they can take through the program. It was suggested the issues be part of the Board's legislative agenda.

[For complete details, see General Exhibit No. 11494.]

Board Chair Report

Chair Debra Roberts reported on the following:

- NASBE/CCSSO Legislative meetings in Washington D.C. - Member Thomas reported on the meetings and visits to Utah's Congressional delegation. While reauthorization of the Elementary and Secondary Education Act probably will not happen soon, both the House and Senate are supportive of eliminating Adequate Yearly Progress (AYP) and concentrating on schools performing in the lowest five percent. Member Murphy added that there didn't seem to be any support for models outside the prescribed turnaround models. Superintendent Shumway pointed out that the general feeling was there won't be much of an increase in federal dollars. Member Thomas also reported that Congressman

Bishop and Senator Hatch committed that, if necessary, they will work to ensure Utah keeps its waiver to use computer adaptive testing for AYP.

- Governor's Commission on Education Excellence - the Board's budget concerns and the synopsis of education legislation was shared at this month's meeting.
- Furlough Days - Chair Roberts received a call from a local board member expressing deep concern over the quick change the Board made in allowance for furlough days, and indicated that most districts will be experiencing a decrease in funding. Members were reminded that districts are able to request an individual waiver.
- Wheatley Conference - a white paper from the conference was emailed to the Board. In addition, some polling questions are included in today's packet. Board members were asked to complete and return today.
- A new Board Meeting Evaluation sheet was reviewed.
- Concerns from some Board members over the full Board not hearing issues handled in committee were addressed. It was reiterated that many of the Promises to Keep action items will be handled through committees. If a Board member has a question or concern about an item in another committee, the Board member should notify that committee chair of the concern.
- Chair Roberts suggested that as Board members meet with individual legislators, they continue the message of how much pressure is put on the education system by the amount of education bills passed in the session (62).

Assessment Legislation

Member David Thomas led a discussion on the assessment legislation proposed last month.

Computer Adaptive Testing - the goal is to have the system online by 2014-15. Member Dixie Allen announced that Board Members have been invited by Sevier School District to a presentation being given to the Lt. Governor on the district's computer adaptive testing pilot. The presentation will be on May 16, 10:00 a.m. at the Sevier District office. Superintendent Shumway acknowledged that Sevier District has been one of the most innovative school districts in the state in this assessment advance.

Online Testing - Member Thomas reiterated that a 3 to 1 ratio of students to computers is the optimum number in order to most efficiently do computer adaptive testing. Therefore, after looking at what is already in place in districts, \$30 million in ongoing funds will be needed to reach that ratio. The proposed legislation sets up a matching program, beginning with a \$15 million appropriation by the legislature. For the first year, the appropriation may given partly as a one-time appropriation. There was some discussion that the legislation should emphasize what the ultimate cost will be. Superintendent Shumway suggested looking at some leveraging that could happen with the purchase of laptops for every student in a grade. Member Meghan Holbrook reported that in her experience, public/private partnerships can be an effective tool to provide refurbished computers, and that such a match could be part of the legislation. She suggested challenging the Salt Lake Chamber to get involved. Member Joel Coleman concurred, and suggested that the Chamber's Prosperity 2020 initiative would be a good fit, and should be involved early in the process.

Motion was made by Member David Thomas and seconded by Member Keith Buswell that a letter be sent from Chair Roberts and Superintendent Shumway to the Salt Lake Chamber asking for the help and participation of the Prosperity 2020 project in a technology partnership.

Member Keith Buswell recommended involving school district IT staff in the process to ensure that if donations are given they can be supported. Member Holbrook suggested sending a letter to major businesses as well, to determine what happens to their computers when their systems are upgraded. Member Burningham cautioned that \$15 million is an estimate, and the actual needs may be much higher. Member Murphy suggested that a demonstration of the Sevier District program be given to a representative of the Chamber.

Motion carried unanimously.

College and Career Readiness Assessments - The Explore/Plan/ACT (EPASS) system is being considered to replace the Utah Basic Skills Competency Test (UBSCT). Five states are currently using the system. A study of Colorado and Illinois was done to see what effect going to the EPASS system had on their college and career readiness testing and preparation, and it was found that after an initial dip in scores due to testing all students, scores continued to rise and are now parallel with the national trend upwards. The study also showed that of students that ordinarily wouldn't have taken the ACT, from 13 to 18 percent decided to attend college after

testing. Member Murphy indicated that the system is highly supported by higher education. Chair Roberts reminded the Board that the waiver on the UBSCT expires next year, so the Board must take some action to replace it.

Motion was made by Member David Thomas and seconded by Member Mark Openshaw that the Board approve moving forward on finding sponsors for and continuing discussions on Computer Adaptive Testing, Online Testing, and College and Career Readiness Assessments legislation. Motion carried unanimously.

[For complete details, see General Exhibit No. 11495.]

Board Committee Reports

STANDARDS, CURRICULUM, AND STUDENT SUCCESS COMMITTEE

Committee Chair Laurel Brown reported on the following from the Standards, Curriculum, and Student Success Committee.

Enhancement for At-Risk Students Program, R277-434

H.B. 2 2nd Substitute *Minimum School Program and Public Education Budget Amendments* (2011) and S.B. 1 *Public Education Base Budget* (2011), repealed the statutory language that established specific programs that serve at-risk students and created one new program entitled, Enhancement for At-Risk Students, which provides funding to LEAs to support the academic achievement of students who are at risk of academic failure. After feedback from LEAs, the Committee tabled the rule to be brought back in June. [For complete details, see General Exhibit No. 11496.]

Enhancement for Accelerated Students Program, R277-707

H.B. 2 2nd Substitute *Minimum School Program and Public Education Budget Amendments* (2011) and S.B. 1 *Public Education Base Budget* (2011), repealed the statutory language that established specific programs that serve accelerated students and created one new program entitled, Enhancements for Accelerated Students, which provides funding to LEAs to support the academic achievement of students who achieve at above-average levels. The program includes

Gifted and Talented, International Baccalaureate, and Advanced Placement. R277-707 includes provisions of the new program.

The Committee approved R277-707 *Enhancements for Accelerated Students Program* and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11497.]

Gang Prevention, R277-436

H.B. 2 2nd Substitute *Minimum School Program and Public Education Budget Amendments* (2011) and S.B. 1 *Public Education Base Budget* (2011), repealed the statutory language that established specific programs that serve at-risk students and created one new program entitled, Enhancements for At-Risk Students, which provides funding to LEAs to support the academic growth of students. R277-436 is amended per specific funding provisions for gang prevention.

The Committee approved R277-436 *Gang Prevention* as amended on first reading and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11498.]

Interventions for Student Success Block Grant, R277-478

H.B. 2 2nd Substitute *Minimum School Program and Public Education Budget Amendments* (2011) and S.B. 1 *Public Education Base Budget* (2011), repealed the statutory language that established specific programs. The rule was amended to align with legislation.

The Committee approved R277-478 *Interventions for Student Success Block Grant* on first reading and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11499.]

At-Risk Programs: Homeless/Disadvantaged, R277-616

H.B. 2 2nd Substitute *Minimum School Program and Public Education Budget Amendments* (2011) and S.B. 1 *Public Education Base Budget* (2011), repealed the statutory language that established specific programs that serve at-risk students and created one new program entitled, Enhancement for At-Risk Students, which provides funding to LEAs to support the academic

achievement of students who are at risk of academic failure. R277-616 was amended to align with the new program.

The Committee approved R277-616 *At-Risk Programs: Homeless/Disadvantaged* as amended, and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11500.]

School Instruction and Human Sexuality, R277-474

R277-474 *School Instruction and Human Sexuality* was amended per Board instruction in its April 8, 2011 meeting. Changes included adding a definition of maturation education and maturation instruction, including charter schools and charter governing boards, clarifying when parent permission is required, and requiring that local boards have a committee for maturation as with other sex education areas. The Committee amended Line 46, Section H, to eliminate the word, “elementary.”

The Committee approved R277-474 *School Instruction and Human Sexuality* as amended and moved that the Board approve on second reading.

Member Murphy questioned why in lines 230-235 the patron appeal process at the local level has been removed. Associate Superintendent Brenda Hales responded that the appeal process at that point is superfluous, because throughout the process there is opportunity for patrons to participate.

Motion was made by Member Joel Coleman and seconded by Member David Thomas to amend Line 212, 6B(3), to read, “. . . residents of the district or parents/guardians of charter school students . . .” Amendment carried unanimously.

Motion to approve the rule as amended carried unanimously. [For complete details, see General Exhibit No. 11501.]

K-3 Reading Initiative and K-6 Reading and Math

As part of the Board’s Promises to Keep Strategic Plan, there is a goal to expand reading and math initiatives. It was reported that since no money was appropriated, there will not be an expansion of these initiatives at this time.

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Aligning Concurrent Enrollment to College and Career Readiness

Information on the concurrent enrollment program was distributed. USOE staff has worked with higher education staff to align courses to college and career readiness standards. Chair Roberts reported that higher education will be taking one class in each area and creating a positive online experience for that class, backtracking to the Common Core. The hope is to have at least the math course ready by fall. Associate Superintendent Hales reported that the USOE is heavily involved with higher education in developing a syllabus that will be common to all the colleges for those courses.

Some Board members questioned the number of students not ready for college entry level, and needing remediation. Chair Roberts responded that the number is skewed as the majority of students needing remediation are those that are returning after a break from high school.

It was noted that the documents are not easy to find on the USOE website. USOE staff will work on providing easier access to the material. [For complete details, see General Exhibit No. 11502.]

Common Core Curriculum and Assessment Update

Professional development on the Common Core will be done throughout the state during the summer, with USOE specialists providing training for 6,000 teachers. USOE staff is also working on getting some training for higher education on the Common Core.

Superintendent Shumway reported that in his meetings with district superintendents throughout the state, there has been a good deal of discussion on the Common Core. It was suggested that information be given to parents regarding the Common Core math program. He has committed to preparing information on math for schools to send home with students by the end of the school year, and again in the fall.

COMMUNICATIONS COMMITTEE

Committee Chair Tami Pyfer reported on the following from the Communications Committee (deferred from April).

Adoption of Role Statement

Motion from Committee that the Board adopt as the role statement of the Communications Committee: “The role of the Communications Committee of the Utah State Board of Education is to provide transparency through accurate information that will enhance awareness of public education through identifying critical issues, facilitating the drafting of materials and messages from the Board, and encouraging accountability through public access to data and information.”

Motion carried unanimously.

DATA, ASSESSMENT, AND ACCOUNTABILITY COMMITTEE

Committee Chair David Thomas reported on the following from the Data, Assessment, and Accountability Committee.

Requirements for Assessment Pilot Programs, R277-405

In the April 2011 meeting of the Board, R277-405 was approved on second reading by the full Board. The rule defines the K-12 Assessment Pilot and the High School Assessment Pilot Program. An amendment to this rule will now include the Pilot Assessment for large school districts for online delivery of U-PASS. Currently, 80 percent of districts are doing online testing; the remaining 20 percent are in large districts, and the rule will provide an incentive to get them online.

The Committee approved R277-405 *Requirements for Assessment Pilot Programs* as amended on first reading, and moved that the Board approve on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11503.]

Testing Procedures, R277-473

During the 2010 and 2011 Utah Legislative Sessions, legislation was passed impacting the Utah Assessment System. Board of Education rules regarding the Utah Assessment System are located in multiple rules. In its April 2011 meeting, the Board passed R277-404 *Requirements for Assessments of Student Achievement*, which redefines the Utah Assessment System, including required assessments, LEA responsibilities, and USOE responsibilities, to be compliant with Utah Code and place the rule describing the Utah Assessment System under one rule. R277-473

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Testing Procedures is amended to be consistent with R277-404. The USOE Testing Ethics Policy referred to in lines 317-318 will be updated in June.

The Committee approved R277-473 *Testing Procedures* as amended on first reading and moved that the Board approve on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11504.]

Reconsideration of R277-405 *Requirements for Assessment Pilot Programs*

Motion was made by Member Leslie Castle and seconded by Member Tami Pyfer that the Board reconsider R277-405 to consider including a statement that in order to participate in pilots, districts must be in compliance with all testing requirements. Motion to reconsider carried unanimously.

Motion was made by Member Leslie Castle and seconded by Member Janet Cannon that R277-405 *Requirements for Assessment Pilot Programs* be amended to insert the wording, "In order for LEAs to participate in the pilot, they must be in compliance with all State Board rules regarding testing and assessment," as a new R277-405-5(D) and renumber the items following. Motion carried unanimously.

Secondary School Completion and Diplomas, R277-705

In its April 2011 meeting, the Board passed R277-404 *Requirements for Assessments of Student Achievement*, to be compliant with Utah Code and place the rule describing the Utah Assessment System under one rule. R277-705 *Secondary School Completion and Diplomas* is amended to remove all references to testing which are now specified in R277-404.

The Committee approved R277-705 *Secondary School Completion and Diplomas* as amended on first reading and moved that the Board approve on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11505.]

Charter School Revolving Account Loan Recommendations

Motion from Committee that the Board approve \$150,000 for Aristotle Academy from the Charter School Revolving Account. Motion carried unanimously.

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Motion from Committee that the Board approve \$221,000 for Endeavor Hall from the Charter School Revolving Account. Motion carried unanimously.

Motion from Committee that the Board approve \$175,000 for Entheos Academy-Magna (satellite campus) from the Charter School Revolving Account. Motion carried unanimously.

Motion from Committee that the Board approve \$138,200 for Good Foundations Academy from the Charter School Revolving Account. Motion carried unanimously.

It was reported that the request from Moab Charter School for a \$100,000 loan is not for a start-up, but is to purchase portables on a new facility site. The school is currently at its maximum capacity and cannot add students without changing facilities. At its current enrollment of 70, the maximum loan allowable as outlined in R277-480-3(D)(2)(a) is \$70,000. It was noted that 90 students are enrolled for next school year. It was also noted that the school had a \$20,000 shortfall last year, but believe they have corrected the problem.

Motion from Committee that the Board grant Moab Charter School a waiver from R277-480(D)(2)(a) to allow for an additional \$30,000 on the loan. The Committee recommended that the loan be given in a two-step process: \$70,000 initially, with the additional \$30,000 when it is verified that 90 students have been enrolled. Member Joel Coleman expressed his discomfort with granting additional money when the school has had a shortfall. Cory Kanth, USOE Charter Schools Financial Analyst, verified that USOE has been working with the school on its budget and the school has hired a new financial management company. They anticipate a surplus this year, with an even greater surplus the year following. Ms. Kanth also reported that the school has indicated it cannot do the project without the full \$100,000.

Motion to grant the waiver carried unanimously.

Motion from Committee that the Board approve \$100,000 for Moab Charter School from the Charter School Revolving Account, with \$70,000 provided in June and the additional \$30,000 provided if the school has reached an enrollment of 90 by October 1, 2011.

Substitute motion was made by Member David Crandall and seconded by Member David Thomas that the Board approve the full \$100,000 contingent upon the school showing evidence it has applications for 90 students to be enrolled next school year. Motion carried with Members Allen, Brown, Buswell, Cannon, Castle, C. Coleman, J. Coleman, Crandall, Jensen, Openshaw, Pyfer, Roberts, and Thomas in favor and Members Burningham and Murphy opposed.

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Motion from Committee that the Board approve \$300,000 for Mountainville Academy from the Charter School Revolving Account. Motion carried unanimously.

Motion from Committee that the Board approve \$182,000 for North Peak Academy from the Charter School Revolving Account. Motion carried unanimously.

Motion from Committee that the Board approve \$165,000 for Pacific Heritage Academy from the Charter School Revolving Account. Motion carried unanimously.

[For complete details, see General Exhibit No. 11506.]

Annual Community Development and Renewal Agency (CDRA) Report to the Board

Utah law requires that each redevelopment agency that adopts an urban renewal (blight-based) or economic development (job-based) project after June 30, 1993, create a Taxing Entity Committee (TEC). It has been the policy of the Board since January 2001 to receive an annual report on RDA activity and its impact on school funding from its TEC representative. The Board also receives more detailed reports on actions of the TECs when the Board representative votes on a proposed project. Member David Thomas reviewed the Executive Summary of the report with the Board. [For complete details, see General Exhibit No. 11507.]

INSTRUCTION, SUPPORT, AND TECHNOLOGY COMMITTEE

Committee Chair Janet Cannon reported on the following from the Instruction, Support, and Technology Committee.

Educator Evaluation Report

Sydnee Dickson, USOE Director of Teaching and Learning, reviewed progress on development of the Educator Evaluation Project. New standards for teachers will be in draft rule in June, and a framework for evaluation will be ready by August. [For complete details, see General Exhibit No. 11508.]

School Community Councils, R277-491

R277-491 *School Community Councils* was reviewed by the Board in its April 8, 2011 meeting. Because of concerns relating to election dates, the rule was referred back the Instruction,

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Support, and Technology Committee. Staff was directed to change the rule to allow for spring elections and further clarify the intent of legislation. Further amendments were made by the Committee as outlined on a distributed sheet, including changes regarding council membership, a definition of school employee members, and election terms. Committee Chair Cannon noted that the changes were made to be consistent with statute.

The Committee approved R277-491 *School Community Councils* as amended on first reading, by a 3-1 vote, and moved that the Board approve the rule on second reading.

Member Kim Burningham explained that he opposed the motion in Committee because, though he understands the obligation to amend the law, he feels the law is unconstitutional, as it excludes some parents from being members of a school community council. Other Board members expressed the importance of moving forward in giving direction to schools.

Motion carried with Members Allen, Buswell, Cannon, C. Coleman, J. Coleman, Crandall, Jensen, Openshaw, Roberts, and Thomas in favor, and Members Brown, Burningham, Castle, Murphy, and Pyfer opposed. [For complete details, see General Exhibit No. 11509.]

Expenditure of Appropriation for District Services, R277-479

Consistent with the Utah Administrative Rulemaking Act, each rule-writing agency is required to review each of its rules within five years of the rule's original effective date, or within five years of the filing of the last five-year review, whichever is later. R277-479 *Expenditure of Appropriation for District Services* is scheduled for review by no later than July 3, 2011. The rule was reviewed by the Committee and direction given to staff for changes to be brought back in the June meeting. [For complete details, see General Exhibit No. 11510.]

Prohibiting Discrimination in the Public Schools, R277-112

R277-112 *Prohibiting Discrimination in the Public Schools* has not been substantively amended since 1987. The Committee reviewed the rule and gave direction for changes to staff, to be brought back in the June meeting. [For complete details, see General Exhibit No. 11511.]

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Copyrighting Material Developed with Funds That Flow Through the Board, R277-115

R277-115 *Copyrighting Material Developed with Funds That Flow Through the Board* has not been substantively amended since 1987. The Committee reviewed the rule and gave direction for changes to staff, to be brought back in the June meeting. [For complete details, see General Exhibit No. 11512.]

It was determined that in the future, in order to streamline the process, rules that are brought forth for review will come with staff suggestions for changes.

Executive Session

Motion was made by Member Dixie Allen and seconded by Member Laurel Brown that the Board move into Executive Session for the purpose of discussing personnel issues and pending or potential litigation. The Board was polled and by unanimous consent of those present, moved into Executive Session at 3:00 p.m.

Motion was made by Member Laurel Brown and seconded by Member Carol Murphy that the Board reconvene into open meeting. Motion carried unanimously. The meeting reconvened at 4:50 p.m.

Executive Session Items

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member Carol Murphy and seconded by Member Laurel Brown that the Board adopt the recommendation of the Utah Professional Practices Advisory Committee in Case No. 00-498 to accept the stipulated agreement, including conditions of the agreement, whereby an educator in Uintah School District will voluntarily surrender her license in lieu of a hearing for purposes of suspension of her license by the State Board for one year beginning May 27, 2011. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept the recommendation of a hearing panel and the Utah Professional Practices Advisory Commission in Case No. 04-717 to reinstate the license of a former educator in Provo

School District. The hearing report was provided and reviewed in Executive Session. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept the recommendation of a hearing panel and the Utah Professional Practices Advisory Commission in Case No. 10-956 to reinstate the license of a former educator in Sevier School District. The hearing report was provided and reviewed in Executive Session. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept Superintendent Larry Shumway's revised recommendation in Case No. 10-961 to suspend the license of an educator in Washington School District for six months from the date of formal action by the State Board of Education. After six months, the educator must apply, have a reinstatement hearing, and the State Board must determine that reinstatement is warranted. The hearing report was provided and reviewed in Executive Session. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-979 to accept a stipulated agreement whereby an educator at Legacy Preparatory Academy will voluntarily surrender his educator license in lieu of a hearing, for purposes of permanent revocation of his license from the date of formal action by the State Board of Education. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-984 and permanently revoke the educator license of a former educator in Emery School District. Motion carried unanimously.

[For complete details, see General Exhibit No. 11513.]

Instructional Materials Commission

Motion was made by Member Carol Murphy and seconded by Member Janet Cannon that the Board appoint to the Instructional Materials Commission: Linda Hansen (representing lay citizens) for a term of four years; Peter Van Orden (representing secondary teachers) for a term of

four years; and Joette Hayden (representing lay citizens) for a term of four years. Motion carried unanimously.

General Consent Calendar

Motion was made by Member Carol Murphy and seconded by Member Mark Openshaw that the Board approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the meeting of the State Board of Education held April 8, 2011 were approved.

2. Contracts

The following contracts were approved by the Board:

A. Utah Afterschool Network, \$60,610. 3/1/11 to 9/14/11

To facilitate the development of a comprehensive afterschool/community school professional development system by fostering multiple pathways for training and technical assistance to ensure high quality programs that meet the needs of a diverse population.

B. CCA-Tooele Towne Center, LLC. \$42,611.20. 6/30/11 to 10/31/12

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

C. CREDO - Stanford University, \$280,978.92. 2/9/11 to 2/8/12

To expand the overall number of high-quality charter schools in the state and the number of high-quality charter schools targeting underserved student populations as defined by Utah Administrative Rule R277-470-19-A-1; increase new charter school board members' and directors' understanding of the laws and rules which frame charters school operations, as well as policies, procedures, and practices of successful charter schools; provide additional training and information to all charter schools to promote best practices in instruction and school management; and evaluate the effects of Utah's charter schools on students, student achievement, staff, and parents.

[For complete details, see General Exhibit No. 11514.]

3. Highly Impacted Schools, R277-464

H.B. 2 2nd Substitute and S.B. 1, 2011 Legislative Session, repealed the statutory language that established specific programs that serve at-risk students, and created one new program entitled, Enhancement for At-Risk Students. As a result, the Board repealed R277-464 *Highly Impacted Schools* in its entirety. [For complete details, see General Exhibit No. 11515.]

4. International Baccalaureate Programs, R277-710

H. B. 2 2nd Substitute and S.B. 1, 2011 Legislative Session, repealed the statutory language that established specific programs that serve gifted students and created one new program entitled, Enhancement for Accelerated Students. Elements of International Baccalaureate Programs will be addressed in a new consolidated rule. As a result, the Board repealed R277-710 *International Baccalaureate Program* in its entirety. [For complete details, see General Exhibit No. 11516.]

5. Educational Programs for Gifted and Talented Students, R277-711

H. B. 2 2nd Substitute and S.B. 1, 2011 Legislative Session, repealed the statutory language that established specific programs that serve gifted students and created one new program entitled, Enhancement for Accelerated. As a result, the Board repealed R277-711 *Educational Programs for Gifted and Talented Students* in its entirety. [For complete details, see General Exhibit No. 11517.]

6. Advanced Placement Programs, R277-712

H.B. 2 2nd Substitute and S.B. 1, 2011 Legislative Session, repealed the statutory language that established specific programs that serve gifted students and created one new program entitled, Enhancement for Accelerated Students. Elements of Advanced Placement Programs will be addressed in a new consolidated rule. As a result, the Board repealed R277-712 *Advanced Placement Programs* in its entirety. [For complete details, see General Exhibit No. 11518.]

7. English Language Learner Family Literacy Centers Program, R277-715

H. B. 2 2nd Substitute and S.B.1, 2011 Legislative Session, repealed the statutory language that established specific programs that serve at-risk students and created one new program entitled, Enhancement for At-Risk Students. As a result, the Board repealed R277-715 *English Language Learner Family Literacy Centers Program* in its entirety. [For complete details, see General Exhibit No. 11519.]

8. Mathematics, Engineering, Science Achievement (MESA), R277-717

H.B. 2 2nd Substitute and S.B.1, 2011 Legislative Session, repealed the statutory language that established specific programs that serve at-risk students, and created one new program entitled, Enhancement for At-Risk Students. As a result, the Board repealed R277-717 *Mathematics, Engineering, Science Achievement (Mesa)* in its entirety. [For complete details, see General Exhibit No. 11520.]

9. Flow Through Funding for Students at Risk, R277-760

H.B. 2 2nd Substitute and S.B. 1, 2011 Legislative Session, repealed the statutory language that established specific programs that serve at-risk students and created one new program entitled, Enhancement for At-Risk Students. As a result, the Board repealed R277-760 *Flow Through Funding for Students at Risk* in its entirety. [For complete details, see General Exhibit No. 11521.]

10. Student Proficiency and Notice to Parents, R277-403

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-403, as a result of legislation passed in the 2011 Legislative Session that changed the K-3 Reading Assessment Program. There were no substantive changes since that time. The Board approved R277-403 *Student Proficiency and Notice to Parents* on third and final reading. [For complete details, see General Exhibit No. 11522.]

11. Requirements for Assessment of Student Achievement, R277-404

In its April 8, 2011 meeting, the Board approved on second reading new rule R277-404. The rule redefines the Utah Assessment System including required assessments, LEA responsibilities and USOE responsibilities so that it complies with Utah Code, and places the rule describing the Utah comprehensive assessment system under one rule. There were no substantive changes since that time. The Board approved R277-404 *Requirements for Assessment of Student Achievement* on third and final reading. [For complete details, see General Exhibit No. 11523.]

12. Classroom Supplies Appropriation, Distribution of Funds, R277-459-3

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-459-3, to remove unnecessary language in determining teacher counts for distribution of funds for classroom supplies. There were no substantive changes since that time. The Board approved R277-459-3 *Classroom Supplies Appropriation, Distribution of Funds* on third and final reading. [For complete details, see General Exhibit No. 11524.]

13. Patriotic, Civic and Character Education, R277-475

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-475, to reflect changes as a result of H.B. 269, 1st Substitute, and H.B. 220, 2011 Legislative Session. There were no substantive changes since that time. The Board approved R277-475 *Patriotic, Civic and Character Education* on third and final reading. [For complete details, see General Exhibit No. 11525.]

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

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-477, to reflect changes in statute made in the 2011 Legislative Session, as well as updates to reflect current practice. There were no substantive changes since that time. The Board approved R277-477 *Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program* on third and final reading. [For complete details, see General Exhibit No. 11526.]

15. Charter School Revolving Account, R277-480

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-480 *Charter Schools School Building Subaccount*. The rule was amended to provide changes consistent with H.B. 83, 2011 Legislative Session, which separated the Charter School Building Subaccount from the School Building Subaccount and created a new Charter School Revolving Account to assist charter schools with loans for building and renovation needs. The title of the rule was changed to *Charter School Revolving Account*. There were no substantive changes since that time. The Board approved R277-480 *Charter School Revolving Account* on third and final reading. [For complete details, see General Exhibit No. 11527.]

16. Data Standards, R277-484

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-484. The rule was amended in order to keep pace with the changing demands for more timely, complete, and accurate student, school, and educator data by aligning with the new capabilities of Utah Transcript and Record Exchange (UTREx). There were no substantive changes since that time. The Board approved R277-484 *Data Standards* on third and final reading. [For complete details, see General Exhibit No. 11528.]

17. Beverley Taylor Sorenson Elementary Arts Learning Program, R277-490

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-490, to reflect changes as a result of S.B. 217, 2011 Legislative Session. There were no substantive changes since that time. The Board approved R277-490 *Beverley Taylor Sorenson Elementary Arts Learning Program* on third and final reading. [For complete details, see General Exhibit No. 11529.]

18. Required Policies for Electronic Devices in Public Schools, R277-495

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-495, to provide language that references R277-609 and R277-613. These rules include new language from S.B. 304, 2011 Legislative Session. There were no substantive changes since that time. The Board approved R277-495 *Required Policies for Electronic Devices in Public Schools* on third and final reading. [For complete details, see General Exhibit No. 11530.]

19. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks, R277-500

In its April 8, 2011 meeting, the Board approved on second reading new rule R277-500. The rule contains language and procedures that reflect practices and renewal procedures that will become effective July 1, 2012. There were no substantive changes since that time. The Board approved R277-500 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks* on third and final reading. [For complete details, see General Exhibit No. 11531.]

20. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks, Rule Effective Date, R277-501-9

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-501-9, to add a section that provides language to sunset R277-501 in its entirety beginning July 1, 2012. There were no substantive changes since that time. The Board approved R277-501-9 *Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks, Rule Effective Date* on third and final reading. [For complete details, see General Exhibit No. 11532.]

21. Standards for School Districts, School and Charter School Discipline Plans R277-609

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-609, to provide new or amended definitions and language to ensure that the Board rule is consistent with and responsive to S.B. 304, 2011 Legislative Session. There were no substantive changes since that time. The Board approved R277-609

Standards for School Districts, School and Charter School Discipline Plans on third and final reading. [For complete details, see General Exhibit No. 11533.]

22. School District and Charter School Bullying and Hazing Policies and Training, R277-613

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-613, to provide new or amended definitions and language to ensure that the Board rule is consistent with and responsive to S.B. 304, 2011 Legislative Session. There were no substantive changes since that time. The Board approved R277-613 *School District and Charter School Bullying and Hazing Policies and Training* on third and final reading. [For complete details, see General Exhibit No. 11534.]

23. Public Education Regional Service Centers, R277-706

In its April 8, 2011 meeting, the Board approved on second reading new rule R277-706. The rule provides definitions and procedures for LEAs to enter into interlocal agreements to form regional service centers eligible for funding under H.B. 92, 2011 Legislative Session. There were no substantive changes since that time. The Board approved R277-706 *Public Education Regional Service Centers* on third and final reading. [For complete details, see General Exhibit No. 11535.]

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

In its April 8, 2011 meeting, the Board approved on second reading amendments to R277-713, to reflect changes as a result of H.B. 288, 2011 Legislative Session. There were no substantive changes since that time. The Board approved R277-713 *Concurrent Enrollment of High School Students in College Courses* on third and final reading. [For complete details, see General Exhibit No. 11536.]

25. Visually Handicapped Trust Fund Expenditures

The Division of Services for the Blind and Visually Impaired Advisory Council, at its March 31, 2011 meeting, announced that the committee selected by the Executive Director of the State Office of Rehabilitation approved grants totaling \$5,737.30 to be paid out of the Visually Handicapped Trust Fund interest. The Board approved the expenditures of the Visually Handicapped Trust Fund as presented. [For complete details, see General Exhibit No. 11537.]

26. Monthly Budget Report

The Monthly Budget Report provided information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of

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Rehabilitation and the Utah Schools for the Deaf and the Blind. [For complete details, see General Exhibit No. 11538.]

27. Ratification

The Board ratified the appointment of Marlencia (Marci) Jackson, a VR/IL Counselor Supervisor, appointed by Treva Roanhorse of the Navajo Nation, to serve as the Title 121 representative on the State Rehabilitation Council.

28. Rehabilitation Council Notice of Vacancy

The State Rehabilitation Council has vacancies for the following representatives: Special Education, Consumer (2), Business, Industry and Labor, and Utah Parent Center.

29. List of Applicants for Licenses

The Board approved the list of applicants for initial and renewal licenses. [For complete details, see General Exhibit No. 11539.]

30. Claims Report

The Board approved the Claims Report for March 2011 in the amount of \$231,820,881.98. [For complete details, see General Exhibit No. 11540.]

Adjournment

Motion was made by Member Joel Coleman and seconded by Member Mark Openshaw that the meeting adjourn. The meeting adjourned at 4:55 p.m.

Lorraine Austin, Secretary to the Board
Approved June 3, 2011