

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

June 3, 2011

The Charter, Communications, and Audit Standing Committees of the Board met on June 2, 2011. All Board Members were present with the exception of Daniel Campbell, Meghan Holbrook, and Isaiah Spencer.

The Utah State Board of Education held a regular meeting on June 3, 2011 at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:00 a.m. At the request of Chair Debra Roberts, Vice Chair Dixie Allen conducted.

Board Members present:

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

Executive staff present:

Larry K. Shumway, State Superintendent of Public Instruction
Martell Menlove, USOE Deputy Superintendent
Brenda Hales, USOE Associate Superintendent
Todd Hauber, USOE Associate Superintendent
Judy Park, USOE Associate Superintendent
Russ Thelin, Utah State Office of Rehabilitation
Lorraine Austin, Board Secretary

Others present:

Peter Yeager, ETS	Terry Linares, Tooele School District
Barry Walker, USSA	Patti Harrington, USSA
Sharon Gallagher-Fishbaugh, UEA	Margo Gaisford, Noah Webster Academy
Jennie Earl, Parent	Janice Rusick, Renaissance Academy
Pamela Smith, Parent	Ava Jacklin, Renaissance Academy
Linda Oda, USOE	Mark Ursic, Renaissance Academy
Jim Shank, Juab School District	

Vice Chair Dixie Allen called the meeting to order, and indicated that Members Carol Murphy and Meghan Holbrook would be joining the meeting later.

The Pledge of Allegiance was led by Member Laurel Brown.

Swearing In of New Board Member

R. Dean Rowley was sworn in by Superintendent Larry K. Shumway as an Appointed Advisory Member of the State Board of Education, representing the Utah School Boards Association.

Welcome

Member David Crandall welcomed the Board and read a letter to the editor from E. J. Smith, published a year ago at the time of high school graduation. The letter lauded students that impact the lives of individuals who deal with physical or mental disabilities—the young men and women who volunteer as peer tutors. Member Crandall added that there are many great students with good character who dedicate their time to helping those that can't help themselves.

Promises to Keep Update - Accountability

Superintendent Larry Shumway gave an overview of R277-109 *Legislative Reporting and Accountability*, which will be considered in the Data, Assessment, and Accountability Committee. From the legislature there are frequently requirements to make reports, and generally board rules are created to support the process of reporting. To improve communication and ensure a more formal process in data collection when there is a required legislative report, Dr. Shumway is proposing this rule that will require the USOE to develop specific data reporting plans, developed in consultation with (LEAs, and communicate those plans with districts and charter schools. The rule is intended to clarify this procedure and ensure that LEAs understand at the outset what is anticipated in required data collection. It is not intended to increase reporting.

Public Participation and Comment

Lydia Nuttall, parent - Ms. Nuttall followed up from her address last month on her concern as a parent regarding how few 18-year-olds vote and participate in the government process. She

suggested that the government and citizenship course required in the senior year be taught in an earlier grade. She shared some research she has done on the issue, that textbooks are being used as a first-hand source for U.S. Government courses, rather than teaching directly from the Declaration of Independence and Constitution. She asked that as the Social Studies curriculum is reviewed, the idea of teaching directly from those documents be kept in mind.

Janice Rusick, Renaissance Charter School parent - Ms. Rusick discussed her serious concerns, as a founding parent, regarding the requested amendments to the Renaissance Academy charter, and indicated there has been a lack of transparency with the current board and new administration about those amendments. She expressed concern particularly about the amendment to change the leadership structure of the school, as the current executive director only started in January under this new leadership structure. She admonished and encouraged the Board to seriously consider that a number of parents are concerned about the amendments.

Ava Jacklin, Renaissance Charter School parent - Ms. Jacklin, the school's founding board chair, reiterated the same concerns as Ms. Rusick. She acknowledged the charter has needed amending to better align it with the vision of the school. She voiced her concern that only a very small group of people knew what the amendments were.

Mark Ursic, Executive Director, Renaissance Charter School - Mr. Ursic expressed his personal goal to continue to develop high levels of parent engagement. He indicated the process to amend the charter has taken nine months, and has gone through public meetings, board meetings and work sessions, and that meeting agendas and minutes are posted. Parents have had the opportunity to participate in the dialogue regarding the amendments.

[For complete details, see General Exhibit No. 11541.]

The Board recessed into standing committees. The Board reconvened at 11:05 a.m.

Achievement Spotlight

The joint mission of the Utah State Office of Education and the Northwest Accreditation Commission accreditation process is to ensure excellence in education by holding schools accountable to rigorous standards and a process of continuous school improvement. Associate Superintendent Brenda Hales announced awards for five school that have reached significant accreditation milestones. Manila Jr./Sr. High School was recognized with a 50-year accreditation

award. Schools receiving 75-year awards were Box Elder High, Logan High, Morgan High, and Provo High. Board Chair Debra Roberts and Superintendent Larry Shumway commended the schools and presented them with recognition plaques.

Executive Officer Report

Larry K. Shumway, State Superintendent of Public Instruction, reported on the following:

- A team from the USOE will be participating in the Ragnar Wasatch Back 192-mile relay race on June 17.
- Superintendent visited some of the schools that received funding for technology pilots. A video highlight of the visits was shown.
- Associate Superintendent Judy Park updated the Board on the work of a group of stakeholders meeting to determine implementation of the grading schools legislation. The final design will come to the Board in October.
- An update was given on the issue of schools losing funding for students sent to Utah College of Applied Technology (UCAT) sites for classes. Superintendent is working closely with legislative leadership and the Governor's office to determine a resolution. In its May meeting, the Governor's Education Excellence Commission took a position supporting the restoration of the permissive language that would allow UCAT students to be counted in daily membership of their primary school. It was reported that some districts in rural areas are dissolving their partnerships with UCAT.
- A new Race to the Top competitive grant on early learning has been announced. The application will likely not be available until early fall. A decision on Utah's participation will not be made until the application is available.
- Equity in Action Conference will be held June 10-11, 2011 at the University of Utah.

[For complete details, see General Exhibit No. 11542.]

Board Chair Report

Chair Debra Roberts reported on the following:

- Audit Committee - Internal Auditor Natalie Grange reviewed:
 - 1) Report on Monitoring of Phase II American Recovery and Reinvestment Act State Fiscal Stabilization Funds - FY 2010 - A correction on Utah's federal report will be submitted.
 - 2) Summary of the review of all fiscal year 2010 financial and single audits for all local education authorities - of the 112 LEAs reviewed, letters were sent to 40 that did not require a response; of the remaining 72 that required a response, every LEA has responded but one. Follow up is being done to receive all necessary responses and determine the adequacy of the responses.
 - 3) Report on monitoring of non-LEA entities - 33 entities were reviewed, and there were issues with three; two had significant findings, and corrective action letters have been sent. One entity did not do a single audit, and a hold has been placed on their federal funds until they are in compliance.
 - 4) Final report from the U.S. Office of the Inspector General - USOE and the Governor's Office were visited in January 2010, with the primary focus to evaluate policy and procedures in administration of the state fiscal stabilization funds. There were a few findings and any problems are being corrected.
- Member Kim Burningham reported on a retreat of the Coalition of Minorities Advisory Committee (CMAC), that he attended. CMAC delineated their goals, determining they wanted to be more proactive. They plan to hold town meetings with local minority groups and meet more often with their constituencies, and the State Board on occasion. Chair Roberts reiterated her support for greater involvement by CMAC.
- Members Dave Thomas and Mark Openshaw reported on the Taxes Now Conference sponsored by the Utah Taxpayers Association. Good information was given regarding education bills, however, it was disheartening when a legislator commented publicly that the schools in Utah are completely failing and gave factually inaccurate information. The Board discussed the importance of responding to inaccuracies and getting good information to the public.
- Chair Roberts passed around information about a tour of trust lands in which she participated.

- Chair Roberts reported on her visit to the Dual Immersion program at Dixie Sun Elementary School in Washington School District.
- A productive K-16 Alliance meeting was held on May 10. Senator Steve Urquhart and Representative Merlynn Newbold are the new legislative representatives on the Alliance. UCAT will be added as a participant in the joint meetings of the State Board of Education and Board of Regents, and will be the host of the next meeting, tentatively scheduled for June 27. It has been determined that a smaller group will meet in the joint meeting, including Board of Education leadership and committee chairs.
- In the last meeting of the Governor's Education Excellence Commission discussion was held regarding women entering, but not completing, college. The Commission is organizing a task force to study the issue. Interested Board members should contact Chair Roberts.
- A positive meeting was held with Governor Herbert and Board leadership. In the meeting, it was confirmed that the Governor and Senator Waddoups agree that the change in wording in the K-3 reading bill was to allow local control.
- A letter from Canyons School District was distributed.
- A Board retreat will be held sometime in August.
- The date for the Social Studies Forum has been changed to September 19, 2011.

[For complete details, see General Exhibit No. 11543.]

Discussion with Senator Aaron Osmond

Senator Aaron Osmond was welcomed to the meeting and joined the Board for lunch. The Senator expressed his desire to work with the Board in a collaborative way and with open communication. Board members thanked him for his openness and reiterated their desire to work in a positive way and provide good information to the legislature. They encouraged identifying needed information as early as possible so that enough time is given for the Office of Education to prepare accurate data. Senator Osmond was thanked for his participation in the meeting.

Board Standing Committee ReportsCOMMUNICATIONS COMMITTEE

Committee Chair Tami Pyfer reported on the following items from the Committee.

Social Media Update and Training

Elizabeth Ziegler, USOE Social Media Specialist, trained the Board on using social media, and encouraged Board member contribution to the various social media venues.. An overview of what has been done to present was given.

Communications Committee Accomplishments

Information was distributed and reviewed on the progress of the Committee's work. Member Pyfer asked Board members to forward to her links of websites in which they come in contact whose layouts and organizations they like. USOE staff is gathering ideas on changes for the USOE/USBE website.

The Committee challenged Board Members to once a month have some type of presence in the media such as a guest editorials or articles on the blog. An electronic calendar will be sent to Board members to sign up for a month to contribute. [For complete details, see General Exhibit No. 11544.]

Press Conference

Board members were encouraged to attend a Board press conference on the upcoming Common Core Academies on June 13, 2011, 11:30 a.m. at the State Office of Education.

STANDARDS, CURRICULUM, AND STUDENT SUCCESS COMMITTEE

Committee Chair Laurel Brown reported on the following items from the Committee.

Distribution of Substance Abuse Prevention Account R277-460

The elimination of the federal Safe and Drug-Free Schools formula funding to states limits the amount of funding available to districts/charter schools to the state Substance Abuse

Prevention Account. An amendment to the rule was proposed to ensure that funds are used to implement the Substance Abuse Prevention Program.

The Committee passed R277-460 *Distribution of Substance Abuse Prevention Account*, as amended, on first reading, and moved that the Board approve on second reading.

Motion was made by Member David Thomas and seconded by Member Laurel Brown that the rule be further amended on line 132 of section R277-460-7 to read “. . . waiver of a requirement or deadline which a school district or charter school finds duly restrictive,” and to adjust wording throughout the rule to incorporate charter schools where appropriate.

Motion to amend carried unanimously. Motion to approve the rule as amended carried unanimously. [For complete details, see General Exhibit No. 11545.]

Student Reading Proficiency and Notice to Parents R277-403

In the 2011 legislative session, changes were made to statute 53A-1-606.6 in both the time line for assessing reading proficiency mid-term, and reporting. R277-403 was approved by the Board in its April 2011 meeting. Further amendments are needed in order to be in full compliance with legislation. Amendments reflect correct time lines for both student assessment and parent notification.

The Committee passed R277-403 *Student Reading Proficiency and Notice to Parents*, as amended, on first reading, and moved that the Board approve on second reading. It was noted that the rule requires the State Office of Education to identify one benchmark assessment in grades 1, 2, and 3.

Motion was made by Chair Debra Roberts and seconded by Member David Crandall that the rule be amended on lines 65 and 163 to change “Utah State Office of Education” to “Utah State Board of Education.” Motion to amend carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Keith Buswell that the rule be amended on lines 143-144 to read, “. . . by February 15, to ensure that the dates are consistent throughout. Motion to amend carried unanimously.

Member Tami Pyfer referred to a letter distributed earlier from Canyons School District questioning the internal inconsistency of R277-403 with other Board rules regarding LEA determination of grade levels. Associate Superintendent Judy Park responded that part of the

confusion is that there are different assessments. The LEAs are to do one assessment that's determined by the Board, but they are also to do multiple assessments that they choose.

Member Craig Coleman indicated that Canyons has also raised objections that the Board has overstepped its bounds in mandating an assessment, interpreting the language to mean the Board shall approve assessments. Superintendent Larry Shumway responded that statute requires the Board to define grade level, and in order to do so, the Board has defined grade level as a certain score on a certain assessment.

Motion to approve R277-403, as amended, on second reading carried unanimously. [For complete details, see General Exhibit No. 11546.]

Reading Improvement Program and the State Reading Goal R277-406

Legislation from the 2011 Legislative Session outlined several changes to the K-3 Reading Program. Although a number of statutes apply to the program, a rule had not been made that summarized and addressed the required elements for LEAs. R277-406 reflects those legislative changes.

The Committee approved R277-406 *Reading Improvement Program and the State Reading Goal* on first reading and moved that the Board approve on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11547.]

Enhancement for At-Risk Students Program R277-708

The Board tabled discussion on R277-708 in its May 5, 2011 meeting. H.B. 2 2nd Substitute *Minimum School Program and Budget Amendments* and S.B. 1 *Public Education Base Budget* (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, which provides funding to LEAs to support the academic achievement of students who are at risk of academic failure. R277-708 includes the provisions of the new program.

The Committee amended the rule as indicated on a distributed sheet. The Committee passed R277-708 *Enhancement for At-Risk Students Program* as amended on first reading, and moved that the Board approve on second reading.

A discrepancy was found under Section 1, Definitions (L), that the rule is inconsistent with statute in that the definition of “at-risk of academic failure” requires that a student is below proficient on the CRT or adaptive testing *and* has one of the four outlined risk factors. Statute only requires that one of the four risk factors are present. USOE staff was directed to revise the rule accordingly and bring back later in the meeting.

After review by USOE staff, a revised sheet of amendments was distributed. Motion to approve R277-708 on second reading as amended carried unanimously. [For complete details, see General Exhibit No. 11548.]

SEOP Career Pathway Development and Alignment of Secondary Courses and Counseling

The committee received an update of the Student Education Occupation Plan (SEOP) Career Development Pathway development, and alignment of secondary courses and counseling to career and post-secondary training. It was suggested that each student should have completed a career and college plan as they leave high school. Superintendent Shumway indicated he will be preparing draft legislation proposing a change from SEOP to Career and College Ready Plan.

Common Core Curriculum and Assessment

Information was distributed on the Utah Mathematics Core Standards. The information has been sent from the USOE to every local education agency with a request that the information be distributed to all students that will be in 6th and 9th grade next year. [For complete details, see General Exhibit No. 11549.]

Professional development on the Common Core will begin on June 5, and a press conference regarding the training will be held on June 13 at the State Office of Education. More than 6,000 educators will be trained.

Optional Extended Day Kindergarten

The Optional Extended Day program was eliminated during the 2011 Legislative Session, and in its place, the Early Intervention program was established. A written report of the Optional Extended Day Kindergarten program was distributed for Board information. [For complete details, see General Exhibit No. 11550.]

Literacy and Mathematics in Other Core Content Areas

The overall purpose of the Board-adopted Common Core State Standards (CCSS) is to ensure students are college and career ready. The Appendices in the CCSS specifically address the application of the standards across content. A written report regarding the application of CCSS standards to all curriculum was distributed for Board information. [For complete details, see General Exhibit No. 11551.]

DATA, ASSESSMENT, AND ACCOUNTABILITY COMMITTEE

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

Charter School Revolving Account Loan Recommendation

Motion from Committee that the Board approve a loan for Paradigm High School for \$300,000 from the Charter School Revolving Account. Motion carried unanimously. [For complete details, see General Exhibit No. 11552.]

Benchmark Reading Selection

An update to rule R277-403 was approved during the Board's May 2011 meeting. This rule outlines the procedures for the benchmark reading assessment to be given in grades 103. The rule requires that one assessment shall be determined by the Board. USOE staff researched testing options, and recommended the DIBELS assessment. The reading fluency portion is currently being used, and there is no cost for the test, which takes three minutes to perform. In 2013 it is anticipated the full DIBELS test of reading fluency, comprehension and vocabulary will be used.

Motion from Committee that the Board approve the DIBELS as the benchmark reading assessment. Motion carried unanimously. [For complete details, see General Exhibit No. 11553.]

Legislative Reporting and Accountability R277-109

Rule R277-109 is a new rule that requires the State Superintendent of Public Instruction to develop data collection plans when reporting to the legislature, State Board of Education, or other entities as required by law. LEAs shall commit to reporting information and data to the USOE in accordance with the data collection plan.

A sheet of amendments from the committee was distributed and reviewed. Member Brown questioned whether the time lines listed in Section 4(H) are feasible in the summer given that the Board does not meet in July. It was suggested the Board may have to call a special meeting if needed.

Member David Thomas noted that the changes made in blue on the amendment sheet were not made by the committee.

Motion was made by Member Thomas, and seconded by Member Carol Murphy, that the Board approve those amendments identified in blue on the amendments sheet in Section 3 and Section 4(F), with an addition in 4(F) to read: “An LEA may appeal to the Board in writing the Superintendent’s decision . . .” Motion to amend carried unanimously.

Motion was made by Member David Thomas, and seconded by Member Mark Openshaw, that the Board approve an amendment to Section 4(F) to add to the end of the sentence, “within ten calendar days,” eliminate 4(G), and renumber the remaining items. Motion carried unanimously.

The Committee approved R277-109 *Legislative Reporting and Accountability* on first reading, and moved that the Board approve the rule, as amended, on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11554.]

Taxing Entity Committee Amendment to the Existing South Ogden City Northwest
Redevelopment Project Area Budget

As per Board process, the Committee reviewed the South Ogden City Northwest Redevelopment Project amendment request. The amendment seeks to allow the Redevelopment Agency to redirect existing tax increment collections within the project area and allow the RDA to acquire, demolish, and relocate a smaller and older used car dealership facility to another location within the city to accommodate a new car dealership. In addition, one of the objectives

of this action is to reduce the term of the project to less than 15 years and allow all of the property taxes generated by the project area to once again flow to all taxing entities earlier than was anticipated in 2003.

The Committee voted to keep the discussion at the Committee level.

The Committee voted to maintain Mr. Larry Newton as the Board's representative to this taxing entity. Mr. Newton recommended that the Board not support the amendment due to potential unfair competition. It was reported that Weber School District does support the amendment, because with the change the RDA will end two years earlier.

The Committee voted 3-2 to support Mr. Newton's recommendation and allow him latitude to make the decision. [For complete details, see General Exhibit No. 11555.]

Taxing Entity Committee Amendment to the Existing Holladay City Cottonwood Mall Urban Renewal Area Budget

As per Board process, the Committee reviewed the Cottonwood Mall Urban Renewal Area budget amendment request. The amendment would change the trigger time period to any time between 2011 and 2017. No other change is contemplated in the budget amendment.

The Committee voted to keep the discussion at the Committee level.

The Committee voted to maintain Mr. Larry Newton as the Board's representative to this taxing entity. Mr. Newton recommended that the Board not support the amendment, due to unfair competitive advantage. It was reported that Granite School District is in favor of the amendment, because it would increase their property tax yield by \$600,000 per year during the project, and \$4 million after.

The Committee voted 3-2 to support Mr. Newton and allow him latitude to make the decision. [For complete details, see General Exhibit No. 11556.]

FY2012 Budget Impact Analysis

The 2012 Legislative General Session introduced several significant changes to the overall funding formulas and priorities of public education funding. Funding changes range from the bifurcation of the WPU to the elimination of WPU counts for students attending Applied Technology Colleges, from the consolidation of categorical programs to the creation of wholly

new programs. In all this change, the legislature provided an additional \$50 million in state funds to public education. However, not all school districts and charter schools will realize an increase in funding for FY2012, while others will receive significant increases, due to the level of participation in the various funding formulas of the Minimum School Program.

An analysis of the Minimum School Program funding was reviewed by the Committee and Board. They discussed how changes in the formulas sometimes have unintended consequences, and suggested that, as much as possible, the repercussions of budget decisions be determined prior to decisions being made. Superintendent Shumway noted that there is complexity to education funding formulas, and that is what allows for equity. [For complete details, see General Exhibit No. 11557.]

Assessment Legislation Update

Committee Chair Thomas updated the Board on the three pieces of assessment legislation discussed by the Board in its April and May meetings. Senator Margaret Dayton has been approached to sponsor the College and Career Readiness bill, and Representative Greg Hughes has been approached to sponsor the Computer Adaptive Testing bill. A sponsor is still being sought for the Online Testing legislation.

INSTRUCTION, SUPPORT, AND TECHNOLOGY COMMITTEE

Committee Chair Janet Cannon reported on the following items from the Committee.

Prohibiting Discrimination in the Public Schools R277-112

Rule R277-112 is being amended to update federal requirements and terminology. The Committee approved R277-112 *Prohibiting Discrimination in the Public Schools*, 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. 11558.]

Expenditure of Appropriation for District Services R277-479

Rule R277-479 was provided to the Instruction, Support, and Technology Committee on May 5, 2011, for the required five-year review. The Committee determined that the majority of the rule was no longer necessary and directed staff to prepare the rule with amendments for

consideration in the June 2011 Board meeting. Upon further discussion by USOE staff, it was determined that no language in the rule continues to be necessary.

The Committee approved the repeal of R277-479 *Expenditure of Appropriation for District Services* on first reading and moved that the Board approve the repeal of the rule in its entirety on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11559.]

Utah Effective Teaching and Educational Leadership Standards R277-530

In order to improve the quality of instruction in Utah schools as outlined in Promises to Keep, standards have been written that will reflect the expectations for teachers and educational leaders. New rule R277-530 outlines the new Effective Teaching and Educational Leadership Standards, along with anticipated use of these standards. Rules with other phases, including implementation, will be introduced in future meetings.

The Committee passed R277-530 *Utah Effective Teaching and Educational Leadership Standards* on first reading and moved that the Board approve on second reading.

Motion was made by Chair Debra Roberts and seconded Member David Thomas that the rule be amended as follows:

- Section 5, line 90 to read: “. . . all of Utah’s students as one of four essential promises. . . ”
- Section 3(B), line 53 will read: “. . . implementation of the Utah Common Core Standards.”

Motion to amend carried unanimously.

Motion was made by Member Joel Coleman and seconded by Member Michael Jensen that the wording throughout all the Board’s and USOE’s documentation be changed to be consistent with the term, “Utah Common Core Standards.” Motion carried unanimously.

Motion to approve R277-530 on second reading, as amended, carried unanimously. [For complete details, see General Exhibit No. 11560.]

Public Education Online Programs R277-726

In the 2011 Legislative Session, S.B. 65 *Statewide Online Education Program* was passed. The legislation creates a new program designed to enable eligible students to earn high school graduation credit through completion of publicly funded online courses. New rule R277-726 *Public Education Online Programs* provides requirements for program implementation.

A sheet was distributed and reviewed with amendments from the Committee. The Committee passed the rule, as amended, on first reading, and directed that the rule come back to the Committee in August for further discussion. Unresolved issues include suspension of students, funding flow for open-entry, open exit students, eligibility of online providers, fee differentiation, and the role currently held by the Electronic High School that gives students opportunities to make up credit, enhance and embellish their education, and receive remediation.

A concern was raised about waiting until the August Board meeting for further action given that students will need to register for online courses in August. USOE staff was directed to prepare an interim rule to put the main framework in place. Board Leadership will determine whether a special meeting to consider the interim rule is necessary. [For complete details, see General Exhibit No. 11561.]

CHARTER SCHOOLS COMMITTEE

Committee Chair Carol Murphy reported on the following items from the Committee.

Renaissance Academy Amendment Request

The State Charter School Board recommended that Renaissance Academy be granted an amendment to its charter to change multiple sections, including its mission statement, purposes, instructional method, governing board, and parental appeal process.

The Committee received and considered information during the committee meeting from parents unhappy about the change process and proposed amendments.

Motion from Committee that the Board approve the amendments to Renaissance Academy's charter. Motion carried unanimously. [For complete details, see General Exhibit No. 11562.]

Noah Webster Academy Amendment Request

The State Charter School Board recommended that Noah Webster Academy be granted an amendment to its charter to change its governing board structure, purposes, instructional program, and school goals.

Motion from Committee that the Board approve the amendments to Noah Webster Academy's charter. Motion carried unanimously. [For complete details, see General Exhibit No. 11563.]

Karl G. Maeser Preparatory Academy Amendment Request

The State Charter School Board recommends that Karl G. Maeser Preparatory Academy be granted an amendment to its charter to change its governing board election process and add parents to its board.

Motion from Committee that the Board approve amendments to Karl G. Maeser Academy's charter. Motion carried unanimously. [For complete details, see General Exhibit No. 11564.]

Merit College Preparatory Academy Amendment Request

The State Charter School Board recommended that Merit College Preparatory Academy be granted an amendment to its charter to add grades 7-8 with no additional students beginning in the 2011-2012 school year.

The school's governing board agrees they have much more work to do to bring their faculty into compliance, and the difficulty in hiring enough teachers endorsed in the correct areas was discussed at length by the State Charter School Board and the Charter Schools Committee. The school has agreed to come back by no later than October 2011 to the State Charter School Board with both a listing of the licensure of their teachers and where those teachers are teaching in the daily scheduled of the school.

Motion from the Committee that the Board approve the amendments to Merit College Preparatory Academy's charter. Motion carried unanimously. [For complete details, see General Exhibit No. 11565.]

No action was taken by the Committee on R277-470 *Charter Schools*. The Committee will work with the State Charter School Board on proposed changes. [For complete details, see General Exhibit No. 11566.]

State Charter School Board Bylaws Amendments

No action was taken by the Committee on amendments to the Bylaws. The Committee will work with the State Charter School Board on proposed changes. [For complete details, see General Exhibit No. 11567.]

Executive Session

Motion was made by Member Carol Murphy and seconded by Member David Crandall that the Board recess into Executive Session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present, moved into Executive Session at 3:48 p.m.

Motion was made by Member Mark Openshaw and seconded by Member Janet Cannon that the Board reconvene into open meeting. Motion carried unanimously. The meeting reconvened at 4:24 p.m.

Executive Session Action Items

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Carol Murphy and seconded by Member Laurel Brown that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 07-835 and reinstate the educator license of a former teacher in Tooele School District. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Laurel Brown that the Board accept the recommendation of the Utah Professional Practices Advisory Committee in Case No. 10-980 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Weber School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension 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 Laurel Brown

that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-987 and accept a stipulated agreement, including the conditions of the agreement, whereby a former educator in Ogden School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension beginning December 15, 2010. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Laurel Brown that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 11-992 and accept a stipulated agreement, including conditions of the agreement, whereby a former educator in Box Elder School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension from the date of formal action by the State Board of Education. Motion carried unanimously.

[For complete details, see General Exhibit No. 11568.]

Coalition of Minorities Advisory Committee (CMAC) Appointments

Motion was made by Member Kim Burningham and seconded by Member Michael Jensen that the following two individuals be appointed as members of CMAC with terms expiring December 31, 2012: Eugenia Groves as an American Indian representative; Deborah Corsino-Moore as a Hispanic representative. Motion carried unanimously.

Charter School Revolving Account Committee Appointments

Motion was made by Member Janet Cannon and seconded by Member Keith Buswell that the Board accept the recommendation of Superintendent Larry Shumway to reappoint Richard Tolley to the Charter School Revolving Account Committee, and appoint Gavin Hutchinson to the Committee, effective July 1, 2011. Motion carried unanimously.

General Consent Calendar

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

1. Minutes of Previous Meeting

Minutes of the meeting of the State Board of Education held May 5, 2011 were approved.

2. Contracts

The following contracts were approved by the Board:

A. Digital Trike, \$60,000. 7/1/11 to 6/30/12. Amendment

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

B. iAssessment dba TruNorthLogic. \$187,500. 4/1/11 to 6/30/12. Amendment

Licensed software for program and grant management.

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

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

D. Tri County Independent Living Center of Utah. \$488,096. 7/1/11 to 6/30/12

To provide Independent Living, Assistive Technology services and Nursing Home Transition services to individuals with severe disabilities residing in Morgan, Davis, and Weber Counties.

E. Active Re-Entry, \$509,036. 7/1/11 to 6/30/12

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

F. Ability First Utah, \$490,937. 7/1/11 to 6/30/12

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

G. Utah Independent Living Center. \$494,989. 7/01/11 to 6/30/12

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

H. OPTIONS for Independence. \$465,761. 7/1/11 to 6/30/12

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

I. Red Rock Center for Independence. \$492,351. 7/1/11 to 6/30/12

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

J. Measured Progress. \$21,576,407.00. 5/2/11 to 7/15/16. Amendment

To exercise USOE's option to extend the contract through July 15, 2016 and to shift production of printing and distribution of all criterion-referenced tests (CRTs) to this contract as specified in the original CBT RFP and resulting contract.

K. Waterford Institute, Inc. \$1,808,100. 3/1/11 to 6/30/12

Pilot program for a home-based education technology program to develop school readiness skills of preschool children (UPSTART).

[For complete details, see General Exhibit No. 11569.]

2. Requirements for Assessment Pilot Programs R277-405

In its May 5, 2011 meeting, the Board approved amendments to R277-405 on second reading, to include the Pilot Assessment for large school districts for online delivery of U-PASS. There were no substantive changes since that time. The Board approved R277-405 *Requirements for Assessment Pilot Programs* on third and final reading. [For complete details, see General Exhibit No. 11570.]

3. Gang Prevention and Intervention Programs in the Schools R277-436

In its May 5, 2011 meeting, the Board approved amendments to R277-436 on second reading. The rule was amended per specific funding provisions for gang prevention and to align with new Board rule R277-434 *Enhancements for At-Risk Students Program*. There were no substantive changes since that time. The Board approved R277-436 *Gang Prevention* on third and final reading. [For complete details, see General Exhibit No. 11571.]

4. Testing Procedures R277-473

In its May 5, 2011 meeting, the Board approved amendments to R277-473 on second reading, to make the rule consistent with R277-404 *Requirements for Assessments of Student Achievement*. There were no substantive changes since that time. The Board

approved R277-47305 *Testing Procedures* on third and final reading. [For complete details, see General Exhibit No. 11572.]

5. School Instruction and Human Sexuality R277-474

In its May 5, 2011 meeting, the Board approved amendments to R277-474, to add language that addresses Maturation Education. There were no substantive changes since that time. The Board approved R277-474 *School Instruction and Human Sexuality* on third and final reading. [For complete details, see General Exhibit No. 11573.]

6. Block Grant Funding R277-478

In its May 5, 2011 meeting, the Board approved R277-478 on second reading. The rule was amended to make it consistent with changes in statutory language that established specific programs that serve at-risk students and created one new program entitled, Enhancement for At-Risk Students. There were no substantive changes since that time. The Board approved R277-478 *Interventions for Student Success Block Grant* on third and final reading. [For complete details, see General Exhibit No. 11574.]

7. School Community Councils R277-491

In its May 5, 2011 meeting, the Board approved amendments to R277-491 on second reading, to allow for spring elections. There were no substantive changes since that time. The Board approved R277-491 *School Community Councils* on third and final reading. [For complete details, see General Exhibit No. 11575.]

8. Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students R277-616

In its May 5, 2011 meeting, the Board approved R277-616 on second reading. The rule was amended to make it consistent with changes in statutory language that established specific programs that serve at-risk students and created one new program entitled, Enhancement for At-Risk Students. There were no substantive changes since that time. The Board approved R277-616 *Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students* on third and final reading. [For complete details, see General Exhibit No. 11576.]

9. Secondary School Completion and Diplomas R277-705

In its May 5, 2011 meeting the Board approved amendments to R277-705 on second reading, to remove all references to testing. There were no substantive changes since that time. The Board approved R277-705 *Secondary School Completion and*

Diplomas on third and final reading. [For complete details, see General Exhibit No. 11577.]

10. Enhancement for Accelerated Students Program R277-707

In its May 5, 2011 meeting the Board approved new rule R277-707 on second reading. The rule includes the provisions of the new Enhancement for Accelerated Students program. There were no substantive changes since that time. The Board approved R277-707 *Enhancement for Accelerated Students Program* on third and final reading. [For complete details, see General Exhibit No. 11578.]

11. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. [For complete details, see General Exhibit No. 11579.]

12. Utah State Instructional Materials Commission Recommendations

On May 19, 2011, the Utah State Instructional Materials Commission met and approved 1,486 records of titles for recommendation to the State Board of Education. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. The Board adopted the recommendations of the Utah State Instructional Materials Commission. [For complete details, see General Exhibit No. 11580.]

13. List of Applicants for Licenses

The Board approved the List of Applicants for initial and renewal licenses. [For complete details, see General Exhibit No. 11581.]

14. Claims Report

The Board approved the Claims Report for April 2011 in the amount of \$235,884,948.70. [For complete details, see General Exhibit No. 11582.]

Adjourn

Motion was made Member Laurel Brown and seconded by Member Mark Openshaw that the meeting adjourn. The meeting adjourned at 4:27 p.m.

Lorraine Austin, Secretary to the Board
Approved August 5, 2011