

## MINUTES

May 9, 2008

Minutes of the meeting of the State Board of Education held April 4, 2008, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:30 a.m.

Chairman Richard Sadler presided.

Members present were:

Vice Chairman Mark Cluff  
Member Dixie L. Allen  
Member Kim R. Burningham  
Member Janet A. Cannon  
Member Rosanita Cespedes  
Member Bill Colbert  
Member Thomas Gregory  
Member Greg W. Haws  
Member Michael G. Jensen  
Member Charlene Lui  
Member Randall A. Mackey  
Member Denis R. Morrill  
Member Richard Moss  
Member Debra G. Roberts

Members Laurel O. Brown, Josh Reid, Richard Sadler and Teresa L. Theurer were excused.

Also present were:

Superintendent Patti Harrington  
Deputy Superintendent Larry Shumway  
Associate Superintendent Brenda Hales  
Associate Superintendent Todd Hauber  
Associate Superintendent Judy Park  
Executive Director, USOR, Don Uchida  
Public Affairs Director, Mark Peterson  
Board Secretary Twila B. Affleck

Members of the Press:

Tiffany Erickson, Deseret Morning News  
Nicole Stricker, Salt Lake Tribune  
Beth Young, Standard Examiner  
Patrick Lee, Legislative Fiscal Analysts Office  
Briant Farnsworth, Utah Valley University, School of Education  
Linda Pierce, Utah Valley University, School of Education  
Ted H. Heap, Citizen  
Dave Moss, Vista @ Entrada  
Dave Saba, ABCTE

Utah State Office of Education staff:

Margaret Bird, School Children's Trust

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Tim Donaldson, School Children's Trust  
Marlies Burns, Executive Director, Utah State Charter Schools  
Jeannie Rowland, Charter Schools

Welcome and Student Achievement Spotlight

\_\_\_\_\_ Vice Chairman Mark Cluff called the meeting to order. He excused Chairman Richard Sadler and Members Laurel Brown, Josh Reid and Teresa L. Theurer. He indicated that Member Kim Burningham attended the Committee Meetings this morning and was attending the Utah School Boards Association Directors meeting, but would be back to the Board meeting later this afternoon.

Board Member Randall Mackey lead the Board in the Pledge of Allegiance.

Board Member Denis R. Morrill offered opening remarks first referring to the Latin American Countries where he has lived for seven and a half years, and their abominable education system that most of those countries have. As you contemplate why these countries can't get out of the hole they are in. He quoted Thomas Jefferson as to how we got out of it and how we stay out of it. "I have indeed two great measures at heart without which no republic can maintain its self in strength: 1) that of a general education to enable every man to judge for himself what will secure or endanger his freedom; and 2) that all children shall be within reach of a central school." He expressed his gratitude that we in this country make such great efforts to educate our people. He then offered a prayer.

New Charter Schools and  
Charter School Amendments

Marlies Burns, Executive Director, State Charter School Board presented the following recommendations from the State Charter School Board for approval of new schools and amendments to existing schools:

Existing school amendment recommendations:

- C.S. Lewis Academy, increase enrollment by 100
- Dual Immersion Academy, add grades 7-8 and increase enrollment by 100
- Entheos Academy, increase enrollment by 60
- Legacy Preparatory Academy, add grades 10-12 and increase enrollment by 514
- Ogden Preparatory Academy, add grades 10-12 and increase enrollment by 700
- Soldier Hollow Charter School, increase enrollment by 186
- Syracuse Arts Academy, add grades 7-9 and increase enrollment by 475
- Utah Virtual Academy, increase enrollment by 1550
- Venture Academy, add grade 9 and increase enrollment by 50

New charter school recommendations:

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American Preparatory Academy - SNA - School for the New Americas, Granite School District  
Early Light Academy at Daybreak, Jordan School District  
Excelsior Academy, Tooele School District  
Hawthorn Academy, Jordan School District  
Open High School of Utah, Statewide virtual school  
Oquirrh Mountain Charter School, Davis School District  
Vista at Entrada, Washington School District

(For complete details see General Exhibit No. 10531.)

Vice Chairman Cluff noted that we had received an appeal from the Monticello Academy Charter School, which has now been withdrawn.

Member Tom Gregory noted that as part of this approval process we are seeing an expansion of the Utah Virtual Academy as well as the Utah Open High School. He feels there is a need to discuss at the Board level a strategic direction for electronic schooling and decide as a Board what its vision for electronic schooling is to give the Charter School Board some guidance. He did not feel it is a good idea to have multiple electronic schools in operation. Another question is whether we want virtual schools to be able to enroll students on a part time basis while they are enrolled in another school at the same time.

Member Gregory further voiced concern with what services beyond the traditional virtual offerings are these charter school providing as part of their funding. How are they addressing the concerns with regard to proctoring tests, etc.

Member Denis Morrill, questioned if the Utah Virtual Academy was a for profit company. Ms. Burns responded that it is not a for profit corporation in Utah. They are choosing to pay for services provided by K-12 which is a for profit company. The new school is for a Utah State University partnership. It was noted that they receive the same funding as a brick and mortar school. This was also an area of concern in the legislature. However, nothing was changed in legislation.

Member Morrill also voice concern that he has a problem with virtual elementary schools especially because he felt kids need interaction with other kids. Ms. Burns responded that they do have a parent group and the kids can interact with other kids, however, it is on a computer.

Member Debra Roberts asked if there was a way to show where the students are coming from. She sensed that a lot of them are from home schools. Which is a very positive

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endeavor in giving core curriculum courses to home school children. Ms. Burns indicated she would ask for more detail in this area.

Member Dixie Allen indicated that the parent company has already been doing business with several school district in the state. They are also providing one day a week for students to attend PE programs and testing programs so the students are interacting with other students. Her daughter is involved in the Uintah Basin and feels this is a good program.

Further clarification was provided as to where the testing would take place and that it is in a secure location outside their home.

Member Tom Gregory questioned what affect these schools will have on the Utah Electronic High School, which has primary supervision from the Board. Is the Electronic High School a better or worse program, is it more expensive.

Vice Chairman Mark Cluff commented that he believes that virtual education is still new and there is a lot to be learned. As you look at technology, you need multiple and different formats so students can learn and grow. The Electronic High School in its day was the best and now we are looking at newer technologies coming on. As we bring on others we will allow different options to try out and see what is the best for our state.

Superintendent Harrington reported that we have had an unprecedented demand for the Electronic High School this year. It is directly aligned to the Board's core curriculum. As we work with virtual charter schools they must be aligned to the core. The conundrum is how to proctor the testing in an atmosphere that is a secure environment. We need multiple sites where this can occur with the current demand.

Carol Lear, commented that the Electronic High School is primarily a credit retrieval, some enrichment and a few students taking courses for one class. The charter school programs will be a comprehensive program that as they move forward they will earn a diploma.

Member Denis Morrill requested that the charter school recommendations be voted on separately.

Motion was made by Member Bill Colbert and seconded by Member Janet A. Cannon to approve CS Lewis Academy. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss, and Roberts voting in favor; Member Burningham absent.

Motion was made by Member Denis R. Morrill and seconded by Member Thomas Gregory to approve all other recommendations, with the exception of the Utah Virtual Academy and the Open High School of Utah. Motion carried with Members Allen, Cannon, Colbert,

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Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent.

Motion was made by Member Denis R. Morrill and seconded by Member Thomas Gregory to not approve Utah Virtual Academy for the large increase until they can show how they can do it with the smaller group of students.

Member Richard Moss questioned what the State Charter School Board discussion was with regard to these same concerns. Vice Chairman Cluff responded that the State Charter School Board reads the charter as well as interviews the school administration and board, and he would place a lot of credence on their recommendation.

Ms. Burns responded that there were more questions when the school was approved in the first place. The Charter Board was assured by their proven academic standards, fiscal management and ability to comply with state and federal law in all of the areas that they would be able to be a good charter school in Utah.

Member Dixie Allen commented that this is a proven school in the state of Utah. It has been in Davis and Uintah School Districts for a number of years. She felt we need to change our mind set. We have a different population of students than we have had in the past. The idea that they are interacting with a computer rather than a teacher in the classroom for some students is all they will ever be able to master. It is a proven school.

Member Bill Colbert spoke in opposition to the motion indicating that by increasing the numbers it provides the school more opportunities to address some of the concerns expressed by Member Morrill.

Member Janet Cannon commented that we have some new things coming onto the horizon. The Utah Electronic High School has unprecedented demands. The K-8 school is beginning and we have the new charters that are picking up home school students that we have not been able to serve before which is positive. There are a lot of new issues coming up that would be good for the State Board and the State Charter School Board to look into and address.

Motion failed with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, and Roberts voting in opposition, Member Morrill voting in favor; Member Burningham absent.

Motion was made by Member Bill Colbert and seconded by Member Richard Moss to approve the expansion of Utah Virtual Academy. Motion carried with Members Allen, Cannon,

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Colbert, Gregory, Haws, Jensen, Mackey, Moss and Roberts voting in favor; Member Morrill opposed; Member Burningham absent.

Motion was made by Member Thomas Gregory and seconded by Member Dixie L. Allen to approve Open High School of Utah. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent.

Motion was made by Member Thomas Gregory and seconded by Member Janet A. Cannon to direct staff to follow-up on the extent home schoolers are using the Utah Electronic High School as well as other virtual charter schools. Further, that the Board have a study group talk about the strategy of virtual schools in the future, including identifying the market of this concept and the accreditation issue. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent.

#### Public Participation/Comment

No requests were received.

#### Executive Officer Report

Superintendent Patti Harrington presented the following information items:

- The Utah State Office of Education hired a full time building inspector, Jenefer Youngfield.
- One-day building administrator conference in conjunction with the Governor's Office to be held in August.
- Utah Legislature established a Higher Education and Applied Technology Governance Committee. A list of members is attached to her report.
- The Governor's Conference on Early Childhood Education was well attended and well focused.
- The writing software demonstration at Pleasant Grove Jr. High School was excellent and caught the attention of Representative Sumsion and Senators Dayton and Stephenson.
- The Governor's Blue Ribbon Panel on assessment met in Sevier District in late April and heard a remarkable presentation of a full and vibrant assessment system in the district which includes computer-adaptive testing. Included was the Proposed Schedule for reporting and completion.

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- Superintendent Harrington and Member Michael Jensen visited the education program at Calvary Baptist Church which includes a preschool program.

#### Discussion Items

Dr. Harrington attended the first meeting task force on Higher Education and Applied Technology Governance Committee, and their dialogue is very much public education as well as higher education.

Writing Software visit at Alpine School District of *My Access*. Results in abilities of the students. This helps students to write better, not just correcting the papers. Vice Chairman Cluff indicated he was very supportive of this program. Key thing is that students are writing more. This may replace direct writing assessment one day.

Agenda for Governor's Blue Ribbon Panel on Assessment. Dr. Harrington indicated that the panel will be holding regional meetings across the state.

#### May study session of the Board as well as June meeting.

Vice Chairman Cluff reported that board leadership is proposing that the Board meet on May 29 for a study session to cover the Assessment Report and legislative priorities. Also, looking at spending 4 hours on Singapore math. The gentleman we want in on the Singapore math is not available on the 29<sup>th</sup> so we are proposing the day before our June meeting, June 12. He also noted that Chairman Sadler will not be in town on June 12. Superintendent Harrington shared Mr. Ban Har's schedule with the Board.

Thank you letter to Mr. Stewart at Calvary Baptist Church. Dr. Harrington identified what she and Michael Jensen were able to see at the pre-school.

#### Concurrent Enrollment Concerns

Dr. Harrington shared a letter to Interim Commissioner Buhler about her concerns on Concurrent Enrollment. We are receiving reports from our superintendents that classes are being cancelled at the last minute that were required for graduation. Classes are being denied and expected to be taken in their buildings rather than online and some of these classes are ones that will lead to an Associate Degree. We are of the belief that some campus' are requiring now that kids must take a course on their campus before they can receive their Associate degree. Right now thousands of students are graduating and receiving their bachelors degree at the same time. This is a savings of thousands of dollars for the Utah taxpayer and thousands more for the parents of that child. We have determined that there needed to be formalization of the process as identified in the letter. She has also sought time with the Board of Regents at their meeting on

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May30. She has received a response letter from Interim Commissioner Buhler wherein he indicates he prefers not going to the Regents but rather working on the problem internally.

Dr. Harrington reported that she and Brenda Hales met with Interim Commissioner Buhler, Gary Wixom, Lucille Stoddard last week and delivered the formal letter and expressed our concerns. We indicated we would be discussing this with the Board today. It was agreed that it would be good for both sides to get specific information, they want to speak with their campus chief academic officer.

Dr. Harrington requested the Boards advice on addressing the Concurrent Enrollment concerns of needed action.

Member Denis Morrill commented that this is absurd and needs to be resolved. This is an important piece of the education program in the state. For universities to unilaterally say they will not do it any more does not work. If the Commissioner can do it he should, and show us he has done it.

Member Janet Cannon commented that a year or so ago there were concerns about the funding of concurrent enrollment classes. She questioned if that situation reflects on this now or has that issue been resolved.

Superintendent Harrington responded that Concurrent Enrollment was so successful prior to 2006 that the old funding of \$50 per credit hour had been washed away to about \$32 per credit hour. We linked arms with Higher Education in 2006 and urged the legislature to put it into an ongoing stream at about the \$50 point. Thereafter we met with higher education to come up with some general agreement on what concurrent classes should look like. They ought to be rigorous, filled with kids that are looking for rigor and also to be in place as they stood in 2006 and 2007 and we ought to ensure the quality of the instructor in every classroom. At the public education level they are master's degree teachers. The decision to provide concurrent enrollment is not a decision colleges and universities make, it is required by the legislature. Dr. Harrington stated that what has happened is that given we did not have tuition base for concurrent enrollment, which was a bill that ran in 2007, which was approved by the legislature and vetoed by the Governor. Therefore, there is no tuition with concurrent enrollment, so now we are seeing this quiet movement to decrease the number of classes has been going on in a hand-full of places.

Associate Superintendent Brenda Hales commented that funding is a big part of the problem, but the other part is that the players have changed since Concurrent Enrollment began. The current players do not have a commitment to this as their predecessors did. With the

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funding, part of it is that in July when it goes to 60/40 what happens is that universities no longer can make contracts on the side with various districts for more than the 40%. From a university perspective some of the push back has been fear that they will lose faculty members in their general education type courses. What we can show statistically is that when kids take concurrent enrollment classes we are getting a large number of students who never intended to go to college who now have been entering the college that gave them the credit. This is a win/win for everyone.

After further discussion it was agreed that Superintendent Harrington would work with Commissioner Buhler, and bring it back to the board for further discussion by the August meeting.

Utah's Globally Competitive Workforce Steering Committee

Superintendent Harrington reported that the focus of this committee is largely on public and higher education. She shared the Kaizen schedule which indicates they want a full week of time from her as well as board members and others in the State Office.

Dr. Harrington identified what was being required for participation on the committee, especially the time commitment, as well as its vision and objectives. They are using the book, *Tough Choices, Tough Times*, however their intent is to insure that all Utahns have the skills and knowledge base to successfully compete in the twenty-first century. They are doing this through the LeanSixSigma Principle which she feels would be subcommittees of a steering committee. These subcommittees are called Kaizens.

Dr. Harrington reported that there was a press conference yesterday and they would like the name of participants by next Tuesday.

Dr. Harrington voiced concern with the amount of time required, the expeditiousness of the program to come up with what everyone needs for the twenty-first century to be done by September. The Board is currently working on the Panel on Assessment as well as ProExcel is embedded in this.

Member Denis Morrill commented that this looks like a railroad.

Carol Lear, Director, Law and Legislation cautioned that if they are going to talk about education governance this is a constitutional issue and this is rather hasty.

The Board expressed and discussed several concerns including:

- The imposing unrealistic schedule which places demands on the time of those involved.

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- The LeanSixSigma concept is not a good tool to use to understand education and children.
- The sprinting schedule has already violated a key principle in LeanSixSigma.
- There are no parents or front line educators on the Committee. Also, there are no members who represent minority populations on the Committee.
- The scheduled topics do not align with the stated objectives of the Committee.
- The State Board is already working on two key areas listed on the schedule: Governor's Blue Ribbon Panel on Assessment and Differentiated Compensation.
- The Board is already addressing Utah's achievement gap and dropout concerns.
- The Utah State constitution provides that the State Board of Education governs public education, thus, governance of public education is clearly not up for discussion.
- Utah's public education demands more resources.

Discussion ensued relative to the Board's participation on the Committee. Most Board members felt that the Board should participate but would like to have the timeline extended and the concerns voiced forwarded to the Governor's office.

Motion was made by Member Debra G. Roberts and seconded by Member Dixie L. Allen that the Board would allow those members of the board and state office or any other educators that would like to participate but that it has no official sanction of the state board or state office in terms of the results that come from it. Further, that a resolution be prepared for the next Board meeting stating our position and indicating that the Superintendent Harrington's time is the most valuable time spent in this state, and we are not sure it is the most valuable and efficient use of her or other educators' time. Member Allen also suggested that when the Superintendent meets with the district superintendents on Monday she encourage them to attend and possibly assigning the Boards position to that of the superintendents who are on the front lines.

Member Bill Colbert voiced concern with the motion indicating it sounds more negative than the message we want sent. He would use the words encourage rather than allow, the more we are involved the more opportunity there is to point it in a positive direction.

Member Randall Mackey voiced the same concerns. He indicated that this is the Governor taking the initiative and we need to be supportive. He would like to see us move forward and try the best we can to provide staffing. Also, to express our concern that given a lot

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of competing interest and high priorities that the Board and the staff have that we are very concerned about how this will fit into competing interests at this time. He suggested there be a way to alter the schedule where we don't have such a concentrated use of staff time in a short period of time.

Substitute motion was made by Member Randall Mackey and seconded by Member Bill Colbert that the Board will provide support but that we have many concerns about the impact on time, and the schedule.

Member Debra Roberts commented that she did not mind softening the motion, but at the same time she has been through a committee that was "railroaded," They had their topic, they knew what they wanted to push and they did. It caused major problems and accomplished nothing. We cannot walk into this with the idea of allowing official board sanction of anything that comes out of it.

Member Janet Cannon indicated she felt the same as Member Roberts that If you are a part of this then whatever comes out you are in support of it if your name is on it. She would like it to indicate our support but that we not many any official sanction of the work of the committee until the final results are published.

Member Janet Cannon asked that an amendment to the motion be that we would be supportive and participate but until such time as the work and recommendations of the committee are completed we would not be able to sanction the recommendations.

Member Randall Mackey commented he did not see a need to add the language about whether or not the Board would sanction the work of the committee. He would like it to just be that we are in support of the process moving forward, want to make sure we have involvement and participation.

Member Denis Morrill suggested that at the end of the motion we add to the extent our staff people have the time away from their jobs.

Substitute motion failed with Members Allen, Cluff, Colbert, Gregory, Jensen, Mackey and Moss voting in favor; Members Cannon, Haws, Morrill and Roberts opposed.

Original motion was simplified and restated by Member Debra G. Roberts and seconded by Member Janet A. Cannon that we are willing to participate with the understanding that there is no board sanction until we have an opportunity to react to the conclusions of the committee and that we would like the opportunity to have front line educators participate in many, if not most, of those positions.

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Member Randall Mackey spoke against the motion because we get criticized for being too negative on things. He felt this is a good idea where the Governor is heading and would like to see us give something that is constructive and consistent with a means to support his efforts.

Member Greg Haws commented he did not disagree, but there are 17 people that the Governor has asked to be on a Committee and there are 17 Board Members, so if this is talking about education then the Board should be driving it rather than trying to run as fast as we can to try to keep up with it.

Member Dixie Allen commented that the proposed schedule and the objectives do not align.

Motion carried with Members Allen, Cannon, Gregory, Haws, Jensen, Morrill, Moss, and Roberts voting in favor; Members Cluff, Colbert and Mackey opposed.

#### Joint Public Education and Higher Education Meeting

Dr. Harrington shared an early draft of the agenda. Dr. Harrington requested any further feedback on the agenda.

#### Public Education Interim Committee Meeting

Dr. Harrington provided an agenda for the May 21, 2008 Public Education Interim Committee meeting.

(For complete details see General Exhibit No. 10532.)

#### Executive Session

Motion was made by Member Dixie L. Allen and seconded by Member Janet A. Cannon that the Board move into an executive session following lunch for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 1:10 p.m.

Motion was made by Member Greg W. Haws and seconded by Member Janet A. Cannon that the Board reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:00 p.m.

#### **Utah Professional Practices Advisory Commission Recommendations**

Motion was made by Member Thomas Gregory and seconded by Member Denis R. Morrill to accept the recommendation of the Commission and hearing panel following a hearing for consideration of reinstatement in Case No. 01-549 that the educator license be reinstated to a former teacher in the Weber School District. The license was previously suspended as a result of

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the educator obtaining and using illegal prescription drugs while an employee of Weber School District. It was noted that the hearing report was provided and reviewed in Executive Session. Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Janet A. Cannon to accept the Commissions recommendation in Case No. 04-707 and permanently revoke based upon default from the date of formal action by the State Board of Education the educator license of a former educator in Piute School District. The Educator violated standards of professional conduct by engaging in sexual relationships with students. He received a written warning in 2004 based on his sexually-inappropriate conversations with students. The educator also violated the rules by engaging in inappropriate sexual behavior with other female students and providing alcohol to students. His behavior resulted in two felony rape charges currently being adjudicated. The educator did not respond to an amended complaint sent on January 11, 2008, a stipulated agreement sent on January 22, 2008, two telephone calls requesting a response, and a final letter providing notice of the default and effects of not responding. Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Janet A. Cannon to accept the Commissions recommendation In Case No. 07-835 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Tooele School District, voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license for one year form the date of formal action by the State Board of Education. The educator's suspension results from continuing part-time employment with the Utah Schools for the Deaf and the Blind (USDB) while serving in a full-time position in Tooele School District. The initial offer of employment was contingent upon her termination of employment with USDB. The educator provided services to both employers during her contract house with Tooele School District. Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Janet A. Cannon to accept the Commission recommendation in Case No. 07-842 and accept a stipulated agreement, including conditions of the agreement whereby a former teacher at Island View Academy, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for two years from the date of formal action by the State Board of Education. The educator's suspension results from his searching for, downloading, and viewing

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sexually inappropriate materials using his school computer during class and other times. A student witnessed the educators' inappropriate computer use. Motion carried unanimously.

Motion was made by Member Greg W. Haws and seconded by Member Dixie L. Allen to accept the Commission recommendation in Case No. 08-850 and accept a stipulated agreement, including conditions of the agreement, whereby a teacher in Weber School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for one year from the date of formal action by the State Board of Education, or until such time as his court ordered probation is successfully terminated. The educator's suspension results from his entering a guilty plea to one count of disorderly conduct, a class C misdemeanor. Motion carried with Members Allen, Cannon, Colbert, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Gregory opposed; Member Burningham absent.

(For complete details see General Exhibit No. 10533.)

#### **Coalition of Minorities Advisory Committee (CMAC)**

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to appoint Debbie Corsino-Moore to represent the Hispanic Community on the Coalition of Minorities Advisory Committee. Term to expire 12/31/08. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent.

#### Utah Global Workforce Steering Committee

Motion was made by Member Dixie L. Allen and seconded by Member Bill Colbert to reconsider the motion relative to the Utah Global Workforce Steering Committee to soften the language to be more acceptable.

Motion carried with Members Allen, Cluff, Colbert, Gregory, Jensen, Mackey, Moss voting in favor; Members Cannon, Haws, Morrill and Roberts opposed; Member Burningham absent.

Motion was made by Member Randall A. Mackey and seconded by Member Dixie L. Allen that the Utah State Board of Education supports Governor Huntsman's creation of the Globally Competitive Workforce Steering Committee to study and make recommendations concerning the challenges of education and training Utah's workforce for today's global economy. The Board appreciates the opportunity of having Superintendent Patti Harrington, Chairman Richard Sadler and members of the staff of the State Office of Education serve on the

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committee. Nevertheless, the Board expresses its concern as to the time commitment of Superintendent Harrington and the staff in serving on this committee in view of the time required by Superintendent Harrington and her staff in carrying out the educational priorities of the board. Further, the Board would encourage the Governor to add additional front line educators to the work groups.

Member Denis Morrill spoke against the motion that he would have to lie to support the motion, he does not appreciate it. The only way he could support it is if it said we will go along with it, we are not happy about it because of the time it takes from our people.

Motion failed with Members Allen, Cluff, Colbert, Jensen, Mackey and Moss voting in favor; Members Cannon, Gregory, Haws, Morrill and Roberts opposed; Member Burningham absent.

#### Board Standing Committee Reports

##### **Finance Committee**

Member Greg Haws, Chairman of the Finance Committee presented the following recommendations from the Committee:

#### USOE Internal Audit Procedures, R277-116 Section 1, Definitions

In March 2008 the Board Audit Committee reviewed R277-116, USOE Internal Audit Procedures. The review included identification of outdated language. The changes to the rule provide a current revision date for the Government Auditing Standards manual and an update to definitions. (For complete details see General Exhibit No. 10534.)

The Finance Committee reviewed the amendments to R277-116 and approved the rule on first reading and moves that the State Board of Education approve R277-166, USOE Internal Audit Procedures on second reading. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent.

#### School Professional Development Days Pilot Program, R277-418 Repeal

The 2004 Legislature provided for a three year School Professional Development Pilot Program which required the Board to make rules to implement the program. The program was not expanded or continued by the 2008 Legislature, so the rule should be repealed. (For complete details see General Exhibit No. 10535.)

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The Finance Committee received a review of R277-418 and approved repealing School Professional Development Days Pilot Program on first reading. The Committee moves that the Board repeal R277-418. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent  
Pupil Accounting, R277-419

The 2004 Legislature provided for a three year School Professional Development Pilot Program. Schools approved by the Board and participating in the pilot program were permitted to use a maximum of 22 hours of the 990 hours of student instruction time for professional development days. R277-419, Pupil Accounting, was amended in 2004 to include a variance from the required 990 hours of student instruction time. In October 2007, the Board was required to submit to the Education Interim Committee preliminary findings from the pilot program and a final report and recommendations for expansion of the program. The 2008 Legislature did not expand or continue the pilot program. Consequently, the provision for a variance from hour requirements for student instruction time is being removed from the rule.

Additional minor changes are also being made to the rule:

- References to “YICSIS” are deleted as this YIC Student Information System no longer exists;
- Additional coding for the Data Clearinghouse added to identify high school completion status.

(For complete details see General Exhibit No. 10536.)

The Committee reviewed the amendments and approved R277-419 as amended on first reading and moves that the Board approve R277-419, Pupil Accounting on second reading. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent  
Student Enrollment Options, R277-437

In the 2007 Legislative session senate Bill 122, Administrative Rule Reauthorization, effectively repealed State Board rule R277-437, Student Enrollment Options as of May 1, 2007. The rule was subsequently re-written to implement the provisions of 53A-2-207 through 213 which direct the Board to develop rules for student enrollment options.

The law directs the Board to “adopt rules defining school capacities and average daily membership thresholds for use in determining whether a school must be open for enrollment of

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nonresident students.” Nonresident students are defined by rule as those attending or seeking to attend a school other than the school of residence.

In the 2008 Legislative session. House Bill 349, Open Enrollment Revisions, codified enrollment language and changed definitions for school capacity thereby requiring a repeal of much of R277-437, Student Enrollment Options.

During the 2008 Legislative session House Bill 349 was passed requiring the following changes to R277-437, Student Enrollment Options:

- Provides for an early and late enrollment period during which a student may apply for enrollment in a school that is not the student’s school of residence;
- Establishes different open enrollment thresholds below which a school is open for enrollment of nonresident students;
- Modifies standards for accepting or rejecting an application for enrollment;
- Requires local school boards to post data on the school district websites regarding school capacity and applications for enrollment of nonresident student.

(For complete details see General Exhibit No. 10537.)

Member Haws indicated that one section had been left out under R277-437-1 - Definitions to include (3) Divide the remainder of (1) and (2) above by the total student membership of the district as reported in the most recent State Superintendent’s Annual Report.

Addition to R277-437-2 - Authority and Purpose A, add at the end the Individuals with Disabilities Act (IDEA), 20 U.S.C., Chapter 33, Section 1412 as amended by Public Law 102-119, and the Elementary and Secondary Education Act of 2001 (ESEA), P.L. 107-110.

Add to R277-437-3 Line 84 53A-2-2065. And to line 102, R277-437-1I.

The Committee reviewed the amendments to R277-437 and approved the rule on first reading and moves that the Board approve R277-437, Student Enrollment Options on second reading and that the old rule be deleted and replaced with the new rule. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent.

#### Data Standards Amendments, R277-484

The State Auditor’s Office (Report 07-28 #6, January 18, 2008) found that:

- the USOE does not have policies and procedures for evaluating Independent Accountants’ report of student membership;
- currently, adjustments are not made to ADM because the sample sizes used are not statistical sample sizes (sic) that would provide a basis to project the error to the population and adjust the total ADM;

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and recommended that the USOE develop and the Board approve:

- criteria to apply when reviewing the auditors report;
- an acceptable error rate; and
- procedures for adjusting the membership data should the error rate fall outside of the defined acceptable rate of error.

The Committee deferred action on this rule until the June meeting.

#### Grants to Purchase or Retrofit Clean School Buses, R277-606

Due to interests expressed by parents and others, Representative Christine A. Johnson sponsored HB 146, School Bus Standards, which originally carried a misdemeanor and a \$100 fine for school bus drivers who idled school buses. The USOE, was, at the time, already working with Utah Clean Cities to develop curriculum and standards for idling reduction for Utah school bus drivers. Once Rep. Johnson was made aware of the curriculum and forthcoming standards, the bill was substituted with the current language.

The Utah State Office of Education reported that the office will work with the Air Quality Board to implement an idling reduction program for all school bus drivers in the state and adopt idling reduction standards in the Utah Standards for Utah School Buses and Operations, 2008 edition. Further, the office will work with the Air Quality Board to use the appropriated \$100,000 to provide matching funds for grants awarded by the federal government or private sources to local school districts for the purchase or retrofit of clean school buses.

R277-606, Grants to Purchase or Retrofit Clean School Buses was reviewed by the Committee and approved on first reading. Motion from the Committee that the Board approve R277-606, Grants to Purchase or Retrofit Clean School Buses on second reading. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent.

(For complete details see General Exhibit No. 10538.)

#### Early Retirement Incentive Policy

The Early Retirement Incentive Policy has been in place since 1982. It has three provisions; 1) Pay out of up to 50% of Sick Leave, 2) Stipend payment for up to five years of 7.6% of annual salary, and 3) Paid Health, Dental and Basic Life Insurance for up to five years. In 1992 changes were made to the policy that allowed the employee to continue benefits of the

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program until the employee becomes eligible for unreduced social security benefits. This allows the employee to continue benefits past age 65 when the employee becomes eligible for Medicare. By practice the agency has terminated the medical coverage when the employee became eligible for Medicare.

The language regarding the post-retirement health, dental and life insurance should be changed to read, "Employees who retire early under the incentive program will continue to be enrolled in the employee dental program and the State's Group Medical and Life Insurance programs until the employee becomes eligible for Medicare benefits or for five consecutive years following retirement, which ever occurs first." There are several other minor suggested changes in the proposed document which include changing the name to Utah State Board of Education Early Retirement Policy and deleting Voluntary Early and Incentive from Section 4-1.

(For complete details see General Exhibit No. 19539.)

The Committee reviewed the proposed changes to the Early Retirement Incentive Policy and moves that the Board approve the policy as amended. Motion carried with Members Allen, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Burningham absent.

#### Policy Development for School Trust Lands

During the April Finance Committee meeting, the committee requested staff to develop a Board Resolution starting with a commendation for the SITLA Board, program excellence, the Advisory Committee and the USOE Trust LANDS staff. Staff were also instructed to prepare a report detailing onsite Trust LANDS visits and compare Permanent Fund investments from the last 20 years with stock market returns.

The Committee received a report on the Trust LANDS findings from school visits; a report on the School Permanent Funds investment returns as managed by the State Treasurer; and reviewed proposed language for a resolution as a policy statement for the School trust lands.

(For complete details see General Exhibit No. 10540.)

The Committee also reviewed and revised with minor changes a Resolution on the School Trust Lands. (For complete details see General Exhibit No. 10541.)

Motion from the Committee that the Board adopt the Resolution; that the State Superintendent get the resolution to the SITLA Board. Motion carried unanimously.

#### Charter School Revolving Loan

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Subcommittee Recommendations

House Bill 164, 3<sup>rd</sup> substitute, passed by the 2007 Legislature, created the Charter School Revolving Loan Subcommittee to review and made recommendations regarding loans to charter schools. The State Board of Education is charged with approving loans to Charter Schools per Utah Code Annotated §53A-21-104(5)© School Building Revolving Account, specifically the Charter School Building Subaccount to pay for the costs of: (i) planning expenses; (ii) constructing or renovating charter school buildings; (iii) equipment and supplies; or (iv) other start-up or expansion expenses. The Charter School Loan Committee was established and is chaired by Michael Anderson with Michael Kjar, Richard Tolley, Sterling Orton, and Michael Jensen as committee members. They developed the criteria and a loan application process. There was \$6,000,000 allocated by the Legislature for this account, to be distributed at a maximum of \$2,000,000 per year.

The Charter School Revolving Loan Subcommittee met and recommends the State Board approve the following loan addendum amounts to the specified charter schools:

- Channing Hall \$25,000
- CS Lewis Academy \$39,000
- Emerson Alcott Academy \$39,000
- Freedom Academy \$39,000
- Guadalupe Schools \$25,000
- Karl G. Maeser Preparatory Academy \$25,000
- Providence Hall \$39,000
- Rockwell Charter High School \$39,000
- Venture Academy \$30,000

The Committee reviewed the recommendation from the Charter School Revolving Loan Subcommittee and moves that the Board approve the loan addendum amounts to the above referenced charter schools. Motion carried unanimously.

**Curriculum Committee**

Member Dixie Allen, Vice Chair of the Curriculum Committee presented the following recommendations from the Committee:

Instructional Materials Commission  
Operating Procedures, R277-469

The 2008 Legislature passed SB 2 that directs the Board to make rule amendments that establish the qualifications of the independent parties who may evaluate and map the

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alignment of the primary instructional materials. It also provides for the detailed summary of the evaluation to be placed on a public website.

The Committee made two amendments to the rule: R277-469-9 (1) line 281 strike Level 3 or Level 4 [specific only to Utah endorsements] and replace it with math endorsements or related mathematics degree.

Member Tom Gregory commented that he is concerned that the rule goes beyond the legislation which the Board has the right to do. However, it adds requirements that will increase the cost of the publishers curriculum review, which costs would then be transferred to education.

Member Allen indicated that Member Gregory's concerns are that as we ask the independent parties to align and map, which is part of the legislative rule, however, the intent, the legislative sponsors agree with the rule. There is costs to be borne regardless of who independently maps the curriculum, but there are also costs if we have teachers map the curriculum.

Associate Superintendent Brenda Hales clarified that this rule is in part of SB 2, and the bill indicates that the publisher has to contract with an independent party to evaluate and map the alignment of the primary instructional materials. It goes on to say that the Board shall make a rule that lists the qualifications of the independent parties who may evaluate and map the alignment of the primary instructional materials. She indicated that when they met with the sponsors of the bill and with legislative research and general counsel they specifically asked them to tell us what they meant by map and align and the rule definitions are what came the closest to the discussion of those terms. They used the qualifications that were used last summer when the original version of this rule was in effect for what those people would have to have for their qualifications. On age 10, R277-469-10, F, line 326 in addition to providing a summary of the alignment in addition to a curriculum map. The discussion in the committee was whether or not it was necessary and how much expense will it add to the costs of the books.

Motion was made by Member Thomas Gregory and seconded by Member Bill Colbert to amend the rule to strike lines 326 through 334, R277-469-10 F. Motion failed with Members Colbert and Gregory voting in favor; Members Allen, Burningham, Cannon, Haws, Mackey, Morrill, Moss and Roberts opposed; Member Jensen absent.

The Committee approved R277-469 as amended on first reading and moves that the Board approve Instructional Materials Commission Operating Procedures, R277-476 on second

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reading. Motion carried with Members Allen, Burningham, Cannon, Colbert, Haws, Jensen, Mackey, Morrill, Moss and Roberts voting in favor; Member Gregory opposed.

(For complete details see General Exhibit No. 10542.)

Utah Science Technology and  
Research (USTAR), R277-492

The 2008 Legislature passed SB 2 that allocates funds (\$6,900,000) to provide for competitive grants awarded to charter schools and school districts to facilitate the implementation of the USTAR program. The intent of the program is to increase compensation for math and science teachers by extending the contract year for these teachers. Other intended benefits of the program are additional learning opportunities for students, increased capacity of school buildings, improved student readiness for college and the creation or improvement of STEM centers.

The Committee reviewed the new rule R277-492 and approved it on first reading. Motion from the Committee that the Board approve R277-492, Utah Science Technology and Research Initiative on second reading. Motion carried unanimously.

(For complete details see General Exhibit No. 10543.)

International Baccalaureate Programs, R277-710

The 2008 Legislature passed SB 2, Section 53A-17a-120 and Section 31 that adds the International Baccalaureate Programs (IB) to the appropriations and programs associated with accelerated learning programs. The intent language specifies that at least \$100,000 be used for IB programs.

The committee reviewed the new rule, R277-710 and approved it on second reading. Motion from the Committee that the Board approve R277-710, International Baccalaureate Programs on second reading. Motion carried unanimously.

(For complete details see General Exhibit No.10544.)

Social Studies Core Curriculum  
Grades Three Through Six

In response to public comment and public hearings that were held to seek input from the public, the grades three through six Social Studies Core Curriculum has undergone revisions.

The grades three through six Social Studies Core Curriculum standards provide a comprehensive outline of grade and subject specific content in social studies.

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The Committee reviewed a summary of the input received from public hearings, made minor changes and approved the revised grades three through six Social Studies Core Curriculum. Motion from the Committee that the Board approve the Social Studies Core Curriculum Grades Three Through Six. Motion carried unanimously.

(For complete details see General Exhibit No. 10545.)

Human Sexuality Instruction Forms

This item was pulled from the agenda prior to the meeting and postponed until the June meeting.

Performance Review of Interim Superintendent  
of the Utah Schools for the Deaf and the  
Blind (USDB)

This item was postponed until June meeting.

**Law and Policy Committee**

Member Debra Roberts, Chair of the Law and Policy Committee presented the following recommendations from the Committee:

Educator Licensing and Data Retention,  
Section 6, Returning Educator Relicensure  
R277-502

R277-502-6, Educator Licensing and Data Retention, is amended to implement the “Returning Educator Relicensure Initiative.” The purpose of this initiative is to facilitate the return to the classroom of experienced educators whose professional licenses have lapsed. The program allows educator licenses to be renewed based on a plan developed with principals of schools that have hired returning educators.

Key changes to the rule are:

- clarification of requirements to complete a plan developed jointly with principals;
- clarification of testing requirements;
- clarification of mentoring requirements; and
- establishment of procedures for re-issuance of level 2 or level 3 licenses.

The Committee reviewed the proposed amendments to R277-502 and approved it on first reading. Motion from the Committee that the Board approve R277-502, Educator Licensing and Data Retention on second reading. Motion carried unanimously.

(For complete details see General Exhibit No. 10546.)

Paraeducator to Teacher Scholarship  
Program, R277-526

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The Legislature in its 2008 session passed HB 66, Paraeducator to Teacher Scholarship Program and appropriated \$25,000 for scholarship awards. The statute requires that the Board make rules for the implementation of the program. Additionally, the Board is required to appoint a scholarship committee. R277-526, Paraeducator to Teacher Scholarship Programs has been prepared to fulfill these requirements.

The Committee reviewed the following elements of the rule:

- to establish scholarship application procedures;
- to enumerate the responsibilities of scholarship applicants;
- to enumerate the responsibilities of districts and recommend scholarship applicants;
- to establish a paraeducator scholarship selection committee and the working procedures for the committee.

Membership of the selection committee include two Board members designated by the Board. It was requested that these designations be made at the May 9 meeting.

The Committee reviewed the new rule R277-526, Paraeducator to Teacher Scholarship Program and amended the rule to change line 85 to one board member and one PTA representative. The committee approved as amended R277-526 on first reading, and moves that the Board approve R277-526 as amended on second reading. Motion carried with Members Allen, Burningham, Cannon, Colbert, Gregory, Haws, Mackey, MOrrill, Moss and Roberts voting in favor; Member Jensen absent.

(For complete details see General Exhibit No. 10547.)

#### Legislative Supplemental Salary Adjustments, R277-110

The Legislature in its 2008 session passed SB 2, Section 18 regarding educator salary adjustments. Statute authorizes the Board to make rules as necessary to administer this program. In 2007, the Board adopted R277-100, Legislative Supplemental Salary Adjustment to this purpose. The proposed amendment will conform to 2008 legislative changes.

The Committee reviewed the following key changes to R277-110:

- including the \$1,700 salary adjusted appropriated by the 2008 Legislature;
- clarifying the meaning of the term “most recent evaluation;”
- clarifying that each year’s supplement becomes part of the educator salary; and
- setting the date of November 15 for data submission required for disbursing funds.

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The Committee approved the amendments to R277-110, Legislative Supplemental Salary Adjustments on first reading and moves that the Board approve R277-110 on second reading. Motion carried with Members Allen, Burningham, Cannon, Colbert, Gregory, Haws, Mackey, Morrill, Moss and Roberts voting in favor; Member Jensen absent.

(For complete details see General Exhibit No. 10548.)

Utah Educator Standards, R277-515-4

Utah Educator Standards, R277-515-4 is amended to provide two additional standards reflecting issues for educators to follow for maintaining a safe learning environment that should have been included in the rule when it was first enacted.

The amendment to section R277-515-4, Educator Responsibility for Maintaining a Safe Learning Environment and Educational Standards was reviewed by the Committee. The Committee amended the rule on line 45, (7) strike non-curriculum related sexually oriented, and replace it with pornographic material. It would then read: (7) shall not knowingly possess, while at school or any school-related activity, pornographic material in any form.

The Committee approved R277-515-4 as amended on first reading and moves that the board approve R277-515-4, Utah Educator Standards on second reading. Motion carried with Members Allen, Burningham, Cannon, Colbert, Gregory, Haws, Mackey, Morrill, Moss and Roberts voting in favor; Member Michael Jensen absent.

(For complete details see General Exhibit No. 10549.)

Adjudicative Proceedings under the Vocational Rehabilitation Act, R280-150 Repeal/Reenact

This rule is being repealed/reenacted to eliminate duplicate processes and to specify standards and procedures for adjudication of disputes under the Vocational Rehabilitation Act.

\_\_\_\_\_ The Committee had some concerns and requested a copy of the chapter that is referred to in the rule. The committee pulled this item until the next meeting.

(For complete details see General Exhibit No. 10550.)

American Board for Certification of Teacher Excellence Competency Tests

The Utah State Office of Education Licensing and Curriculum staff have reviewed the American Board for Certification of Teacher Excellence (ABCTE) competency tests for Alternative Routes to Licensure. ABCTE has developed content tests and teacher professional

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knowledge tests in the following areas: Mathematics, Science, English/Language Arts, World and U.S. History, Special Education, and Elementary Education. The Utah State Office of Education staff was granted access by ABCTE to content standards, testing blueprints, and actual test items for each of the above licensure and endorsements areas.

The Committee reviewed and discussed staff recommendations for action on American Board for Certification of Teacher Excellence licensure tests.

(For complete details see General Exhibit No. 10551.)

Motion from the Committee that the Board approve the ABCTE tests in Mathematics, Science, English/Language Arts, World and U.S. History, Special Education, and Elementary Education as part of the ARL competency route to licensure. Motion carried with Members Allen, Burningham, Cannon, Colbert, Gregory, Haws, Mackey, Morrill, Moss and Roberts voting in favor; Member Jensen absent.

Utah Valley University (formerly Utah Valley State College) Teacher Education Program  
Granted Accreditation by the Teacher Education Accreditation Council (TEAC)

The Utah State Board of Education requires that all Utah teacher preparation programs be nationally accredited by either 1) National Council for Accreditation of Teacher Education (NCATE) 2) Teacher Education Accreditation Council (TEAC) or that they be 3) Regionally accredited and competency based. Utah Valley University Teacher Education Program was granted Initial Accreditation by the Accreditation Committee of TEAC at its March 14, 2008 meeting. The evidence presented in the *Inquiry Brief*, as verified by the on-site audit held in March 2007, was evaluated by the Accreditation Panel who determined that the teacher education program “merits Initial Accreditation status.” The TEAC Accreditation continues for a five year period; Utah Valley University will then submit an Inquiry Brief to TEAC and prepare for the on-site audit in 2013.

The Committee reviewed the letter from TEAC and accepted this Accreditation for the Teacher Education Program at Utah Valley University. (For complete details see General Exhibit No. 10552.)

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Motion from the Committee that the Board recognize the TEAC Accreditation and approve it for the Utah Valley University Teacher Education Program. Motion carried with Members Allen, Burningham, Cannon, Colbert, Gregory, Haws, Mackey, Morrill, Moss and Roberts voting in favor; Member Jensen absent.

### **Board Meeting**

#### Board Chairman Report

Vice Chairman Mark Cluff presented the following items of information:

- Reviewed the meeting with the Governor
  - Tough Choices Touch Times Committee
  - Concurrent Enrollment.
- He had a meeting with the finance committee of the Utah Schools for the Deaf and the Blind to discuss recommendations on governance from other states and how they are governing their schools. The Committee was also looking at the costs if we change governance such as two separate schools, more administration, etc. There are two meetings of this group, May 14 and May 28.
- Vice Chairman Cluff reported that he was invited by President Sederberg to join their K-16 alliance which is just starting. They had a meeting a couple of weeks ago. Terry Shoemaker, Superintendent Wasatch District, is on their Board of Trustees is the chair of this group. The meeting included all of the superintendents of all the school districts which are within in the boundaries of Utah Valley University. A good discussion on where they are going and they want to hear what is happening with the state K-16 Alliance, but they want to be pro-active to see what their needs are, particularly with math.
- Teacher Librarian Pilot Program - Vice Chairman Cluff received a presentation from Representative Cosgrove and others involved in the teacher librarian program and they will be resubmitting their request for a three-year pilot program of \$1.7 million per year to add training and teacher librarians.
- There is a new NASBE Technology Committee and he was asked to be chair of the committee. The Committee is involved in looking at how we can use

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technology for boards. The first item is a survey to all state boards of how they are using technology to facilitate their boards. In our case we have the audio and Internet streaming. It is hoped that a report with recommendations can be presented at the annual meeting in October.

- A Board Work Study meeting has been scheduled for May 29. The plan was that the morning would be a discussion of legislative priorities and the assessment panel recommendation; and the afternoon we would discuss Singapore Math. As mentioned earlier by Superintendent Harrington the individual cannot be in Utah on the 29<sup>th</sup>, but could be here on June 12. It was felt that this would be an excellent presentation on the Singapore math so it is suggested we have a half-day meeting the day prior to the June 13<sup>th</sup> meeting. The meeting on the 29<sup>th</sup> would then also be a half-day to take care of the other two items.

Vice Chairman Cluff noted that Chairman Sadler will not be at the June 12 or 13 meeting.

Member Dixie Allen recommended that we do the two half days. She further recommended that we include on the 29<sup>th</sup> the Regional Service Centers and the lap or overlap of commitment to them as a Board. They will be going to the legislature requesting finances.

It was agreed that the Board would have two half-day meetings (afternoon) one on May 29 - to discuss the two items (1) legislative priorities and (2) assessment panel. June 12, half-day session for the Singapore math and possibly regional service centers. It was further agreed that legislators would be invited on the 12th.

- Joint Meeting with Legislative Interim Committee and Board of Regents - July 10-11, 2008. Twila will be getting out accommodation and other information in the next week or so.
- All Board members are welcome to attend Differentiated Compensation meetings listed on the calendar.

(For details of the report see General Exhibit No. 10553.)

General Consent Calendar

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Motion was made by Member Debra G. Roberts and seconded by Member Janet A. Cannon to approve the General Consent Calendar with the exception of Item E, One-time Performance-based Compensation Program, R277-113. Motion carried with Members Allen, Burningham, Cannon, Colbert, Gregory, Haws, Mackey, Morrill, Moss and Roberts voting in favor; Member Jensen absent.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held April 4, 2008.

B. Contracts

The following contracts were approved by the Board:

(A) Complete Building Maintenance. \$9,336. 5/1/07-4/30/09. Amend. - Fed.

Provide janitorial services for one year at Division of Rehabilitation Services located at 662 W. Price River Dr.

(B) Educational Research & Training. \$26,500. 10/1/07-9/30/08. - Fed.

Utah as a member of MAPAS Migrant Education Consortium and having a federally funded state Migrant Ed program is required to participate in the development of supplemental curriculum and assessment materials, a data driven decision making system, comprehensive needs assessment and verification of eligibility of migrant students within Utah.

© Katherine Diggins. \$40,000. 4/1/2008-12/30/2012. - Fed.

Procure services as Trainer of Testers for the Utah State Office of Education for the Basic English Skills (BEST) and recalibration of BEST as set by the Center for Applied Linguistics (CAL)

(D) Utah Statewide Independent Living Council. \$20,383. 4/1/08-9/30/08 - Amend. - Fed.

To provide resources to the Independent Living Program in accordance with title VII Part B and the State Plan for Independent Living.

(E) Utah State Health Department. \$10,000. 11/30/07-11/29/08 - RECEIVABLE

To provide funding for the Gold Medal Schools training.

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(For complete details see General Exhibit No. 10554.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved by the Board. (For complete details see General Exhibit No. 10555.)

4. One-time Signing Bonuses, R277-109

The 2008 Legislature passed SB 281 that allocates \$5,000,000 for one-time signing bonuses of \$1,000 to new teachers or returning teachers who have not been under contract for at least one year. The new statute gives the Board authority to make rules as needed to administer this program. The Board made amendments to R277-109, One-time Signing Bonuses and approved it on second reading at the April 4, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-109, One-time Signing Bonuses on third and final reading. (For complete details see General Exhibit No. 10556.)

5. Oversight of School Inspections, R277-471

The revision of State Board of Education Rule R277-471 Oversight of School Inspections was an agenda item of the Finance Committee on March 7, 2008. Further revisions to the rule were brought back to the Committee for consideration.

Because some school districts and charter schools have not paid close enough attention to timely school construction inspection reporting to USOE and to local municipal and county building officials, it is recommended that State Board of Education Administrative Rule R277-471, Oversight of School Inspections be revised to include two levels of consequences for noncompliance to the rule:

- a. If a school district or charter school fails to complete a required construction inspection or fails to submit a copy of an inspection summary to the Utah State Office of Education or the local governmental entity, the Utah State Office of Education shall withhold Minimum School Program funds in the same graduated manner as is specified in State Board Rule R277-484, Data Standards [R277-484-8, Financial Consequences of Failure to Submit Report on Time].
- b. A non refundable penalty in the amount of one half of one percent of the total construction cost shall be withheld from a school district or charter school which fails to report projects to the Utah State Office of Education before

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construction begins. These funds shall be deducted from the respective school district's or charter school's Minimum School Program allotment and deposited into the School Building Revolving Loan for school districts or into the Charter School Building Revolving Loan sub-account for Charter Schools.

The Finance Committee asked that language be included that allows a school district or charter school to appeal a non-refundable penalty (paragraph R277-471-9-C) to the State Board of Education or the State Charter School Board. This language has been added to the rule. The Finance Committee also requested staff to verify that a non-refundable penalty is authorized under statute.

The Board approved R277-471, Oversight of School Inspections on second reading at the April 4, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-471, Oversight of School Inspections on third and final reading. (For complete details see General Exhibit No. 10557.)

6. Critical Languages Program, R277-488

SB 80, Education Reform - Critical Languages Program, passed by the 2007 Legislature, provided funding to create a pilot program for 20 high schools in the critical need languages of Mandarin Chinese and Arabic.

SB 41S01, International Education Initiative - Critical Languages Program, passed by the 2008 Legislature, will become effective on July 1, 2008. The new law will expand the current program by 40 secondary schools (grades 7-12). The new schools added to the program may offer Mandarin Chinese, Arabic, Russian, or Farsi (Persian).

The legislation also provides funding to create a dual language pilot program which establishes an instructional model using 50 percent of instruction in English and 50 percent of instruction in another language. The program would begin in kindergarten, grade 1 or both and add an additional grade each year.

The revisions to the rule include the additional 40 secondary schools be added to the current critical language pilot program, and the creation of a dual language pilot program.

Amendments were made to the rule at the April 4, 2008 Board meeting and the Board passed R277-488, Critical Languages Program on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-488, Critical Languages Program on third and final reading. (For complete details see General Exhibit No. 10558.)

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

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S.B. 2, Minimum School Program Budget Amendments, 2008 Legislative Session, created the Beverley Taylor Sorenson Elementary Arts Learning Program to provide grants to integrate arts teaching and learning into selected elementary schools. The new legislation specifically directs the Board to:

- Establish a grant program to allow school districts and charter schools to hire 50 highly qualified, full-time arts specialists to be based at 50 public schools;
- Distribute up to \$10,000 in one-time funds, as appropriated by the Legislature, for each school arts specialist to purchase supplies and equipment;
- Establish a grant program to allow ten school districts to hire arts coordinators, provided that a qualifying school district provides matching funds in an amount equal to the grant amount;
- Annually contract with an independent, qualified evaluator, selected through a request for proposals process, to evaluate the Beverley Taylor Sorenson Elementary Arts Learning Program;
- Require participating schools to partner with Utah higher education institutions that award elementary education degrees to provide professional development and leadership development for arts education;
- Make an annual report to the Education Interim Committee in 2009-2011;
- Consult with the Utah Arts Council in distributing the funds and program development.

Legislative intent language recommends that the Utah State Office of Education work with the Utah Arts Council to develop the program through a mutually agreeable arrangement.

The new rule provides standards, procedures, and timelines for the above requirements.

Several amendments were made to the rule at the April 4, 2008 Board meeting and the Board approved R277-490, Beverley Taylor Sorenson Elementary Arts Learning Program on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-490 on third and final reading. (For complete details see General Exhibit No. 10559.)

8. Special Educator Stipends, R277-525

The 2008 Legislature passed SB 2 that allocates funds \$2,900,000 to provide \$200 per day stipends to special educators for up to ten additional working days. The additional days are not required, so the number of days available to each educator will depend to some extent on participation. The rules required for program

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implementation will describe procedures required of the State Office of Education, special educators, school districts, and charter schools.

Amendments were made to the rule at the April 4, 2008 Board meeting, and the Board approved R277-525 on second reading. The following non-substantive changes have been made since that time: R277-525-1A, definitions: "After the school year" is being changed from three weeks to two weeks which reduces the eligible period of extended days to allow school districts time to process the special educator stipends. Section R277-525-3B is being removed from the rule because it duplicates language that is already required in the final report. The Board approved R277-525, Special Educator Stipends on third and final reading. (For complete details see General Exhibit No. 10560.)

9. Administrative Rule Review

Under provisions of 63-45a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. The following rules were reviewed and approved:

R277-104 - USOE ADA Complaint Procedure  
R277-436 - Gang Prevention and Intervention Programs in the Schools  
R277-460 - Distribution of Substance Abuse Prevention Account

(For complete details see General Exhibit No. 10561.)

10. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2008 is provided for information to the Board. (For complete details see General Exhibit No. 10562.)

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. 10563.)

12. Ratifications

Reed Spencer was ratified as an Educational Coordinator, Curriculum, in the Student Achievement and School Success Division.

13. Advisory Committees - Notice of Vacancies

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The following vacancies occur on the respective State board of Education Advisory Committee:

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**Utah Schools for the Deaf and the Blind Institutional Council**

Blind Individual  
USOR Services for Blind & Visually Impaired  
Local Business Administrator  
Deaf Individual  
Deaf Individual  
Parent of a Deafblind Child  
USDB Teacher (nonvoting member)  
John Massieu Program Advisory Board (nonvoting member)

14. Licensed Staff Cost of Living Increase for FY 2009

As outlined in Utah Code (53A-1-302, & 53A-25-109) it is the responsibility of the State Board of Education to establish the salary schedule for licensed staff of the State Office of Education, the superintendency, the Executive Director of USOR, and the Superintendent, Schools for the Deaf and the Blind.

The Board authorized a cost-of-living increase of 5% to all eligible licensed employees of USOE, administration, board staff, the Executive Director of USOR, and the Superintendent, Schools for the Deaf and the Blind consistent with the legislative appropriation effective the first pay period of July, 2008 and the cost-of-living increase required by the legislature for non-licensed personnel.

15. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 10564.)

16. Claims Report

The Claims Report in the amount of \$225,329,010.75 for March 31, 2008 was approved by the Board. (For complete details see General Exhibit No. 10565.)

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One-time Performance-based Compensation Program, R277-113

The 2008 Legislature passed SB 281 that allocates \$20,000,000 for performance based compensation that distributes funding to school districts and charter schools to pay employees based on an approved plan. The plan must contain elements described in the statute and be approved by the Board. The new statute gives the Board authority to make rules as needed to administer this program. The Board made amendments to R277-113, One-time Performance-based Compensation Program and approved it on second reading at the April 4, 2008 meeting. There is one proposed (minor) change to the rule since that time. The proposed change was one of several proposed by the Utah School Employees Association. It is the only one consistent with the law and the intent of the rule as discussed and passed previously. The change is noted under R277-113-3 (3) and (6) underlined. The Board approved R277-113, One-time Performance-based

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Compensation Program as presented on third and final reading. (For complete details see General Exhibit No. 10566.)

Member Roberts reported that there were some minor changes made in the wording that were already included in the Consent Calendar. One additional minor change is recommended under Definitions, B, strike the words teachers and other.

Motion was made by Member Debra G. Roberts and seconded by Member Dixie L. Allen to approve the rule with that amendment on third and final reading. Motion carried with Members Allen, Burningham, Cannon, Colbert, Gregory, Haws, Mackey, MOrrill, Moss and Roberts voting in favor; Member Jensen absent.

Motion was made by Member Greg W. Haws and seconded by Member Janet A. Cannon to adjourn. Motion carried.

Meeting adjourned at 3:20 p.m.