

MINUTES

February 6, 2009

Minutes of the meeting of the State Board of Education held February 6, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. At the request of Chairman Debra G. Roberts, Vice Chairman Dixie L. Allen presided

Members present were:

Chairman Debra G. Roberts
Vice Chairman Dixie L. Allen
Member Laurel O. Brown
Member Kim R. Burningham
Member Leslie B. Castle
Member Rosanita Cespedes
Member David L. Crandall
Member Greg W. Haws
Member Michael G. Jensen
Member Shelly Locke
Member Denis R. Morrill
Member Richard Moss
Member Carol A. Murphy
Member C. Mark Openshaw
Member David L. Thomas

Board Members Janet A. Cannon, Meghan Holbrook and Charlene Lui 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:

Loretta Park, Standard Examiner
Amy Stewart, Deseret Morning News
Kirsten Stewart, Salt Lake Tribune
Ryck Astle, Bountiful High School
Mike Moss, Bountiful High School
Holly Langton, Utah PTA
Paul Shulte, Highland High School
Leah Spencer, AFT
Robert Spencer, AFT
George Park, Garfield School District
Ellen Thompson, Utah Education Association
G. W. Leonard, Utah School Employees Association

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Utah State Office of Education Staff:
Emily Eyre, Business Services
Randy Raphael, Business Services
Von Hortin, Business Services
Larry Newton, Business Services
Cathy Dudley, Business Services

Vice Chairman Dixie Allen called the meeting to order. She excused Board Members Janet A. Cannon, Meghan Holbrook and Charlene Lui.

Welcome

Board Member Michael Jensen led the Board in the Pledge of Allegiance.

Board Member Rosanita Cespedes welcomed everyone to the meeting and offered a prayer in Spanish.

Issue of the Month

Superintendent Patti Harrington shared information on Creating A Culture of Excellence which included Defining School Culture, Building a School Culture of Discipline, Unleashing Continuous Improvement and Thought Questions. (For complete details see General Exhibit No. 10804.)

Member Greg Haws reported that at the last NASBE meeting it was reported on the impact of the inauguration of the President in some schools. He indicated that the culture does make a difference and in several schools, especially in the DC area, the students were coming to school [boys with ties on] with the idea they did not want to do anything to embarrass their new president.

Member Denis Morrill commented that clothes do make a difference but to try to impose it from this end is a mistake and did not think it could be done successfully.

Vice Chairman Dixie Allen commented that if students believe they can be successful they can be successful. School environment can do this for students as well as people in the community.

Following the discussion it was concluded that further discussion at a study meeting might include how the dress affects the climate of the school, particularly the wearing of uniforms and attendance requirements comparing private and public schools.

The Board recessed into Standing Committee Meetings

The Board reconvened at 10:30 a.m.

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Achievement Spotlight

Associate Superintendent Brenda Hales reported that three high schools in Utah have recently received the “Fifty Year Award” from the National Association of Accredited Schools. They are recognized for dedication to school improvement through self evaluation and adherence to accreditation standards for fifty year. Bountiful High School, Highland High School, and Wayne High School, all were first accredited in 1958.

Principals from each of the schools were presented a plaque from the National Association of Accredited Schools and an Excellence Certificate from the Board.

Legislative Update

Deputy Superintendent Larry Shumway presented key bills and issues relative to legislation being proposed by the legislature. (For complete details see general Exhibit No. 10805.)

HB 264 - Educator Evaluation Amendments

Motion was made by Chairman Debra G. Roberts and seconded by Member Laurel O. Brown to take a position of support. Motion carried unanimously.

HB 296 - Schools for the Deaf and Blind Amendments

Member Laurel Brown, Chairman of the Curriculum Committee reported that the Curriculum Committee had a lengthy discussion of this legislation today and it is likely that there will be several changes to the legislation, therefore, they decided not to take a position on the bill today but wait for the next Board Legislative Meeting. Karl Wilson, Director, Title I Programs including the Utah Schools for the Deaf and the Blind presented an analysis of HB 296 and some of the changes the sponsors may include. (For complete details see General Exhibit No. 10806.)

Member Brown reported that the Curriculum Committee recommends a hold position until the next legislative meeting.

HB 328 - Teacher Quality Amendments

Dr. Shumway reported that Representative Hughes will be here at lunch to discuss this bill. It was noted that this needs to fit within the \$1 million aggregate.

SB 48 - Teacher Licensing by Competency Amendments

There have been many people who have the background to teach that are prevented to do so by the licensure process in place. Senator Buttars may come for lunch to discuss this bill.

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SB 92 - Local Government Cooperation in Education Matters

Motion was made by Member David L. Thomas and seconded by Member Denis R. Morrill to support the legislation. Motion carried unanimously.

SB 100 - Financial and Economic Literacy Education Amendments

Motion was made by Chairman Debra G. Roberts and seconded by Member Michael Jensen to support. Motion carried unanimously.

SB 159 Math Education Initiative

Member Brown reported that the Curriculum Committee discussed this bill. Dr. Shumway reported that Senator Stephenson will come for lunch to discuss this legislation. Associate Superintendent Brenda Hales explained the minor differences in Singapore Math and our math standards, indicating the differences are mostly in training.

Member Leslie Castle voiced concern that the legislature should not be developing the curriculum and then telling us we would need to use it and the cost is not included.

HB 15 - Career and Technical Education Amendments

Superintendent Harrington provided a synopsis of the bill. It gives the UCAT Board their own independence. It disallows further feasibility studies. It also places a UCAT Board member as a non-voting member of the State Board of Education and a Member of the Board of Education on the UCAT Board as non-voting.

Motion was made by Chairman Debra G. Roberts and seconded by Member David L. Crandall to support the legislation.

Member Kim Burningham questioned if the funding would still come under higher education. He commented that as he reads the bill it sets up a third independent board which would have the power to advocate for funding. It would be a third party making a plea for money and they would have access to use the same pot of money that supports public education in general.

Vice Chairman Dixie Allen commented that UCAT has already been able to ask for separate money for the last six years at least. This new proposed board is different from the current UCAT board in that two-thirds of the members are industry based. That group would have increased power.

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Deputy Superintendent Larry Shumway, reported that UCAT resources come through the Commerce Appropriations Committee. Part of the compromise is to succeed independence of the UCAT board.

Member Dave Thomas voiced the same concerns as Member Burningham relative to a third board and its independence.

Motion to support failed with Members Allen, and Roberts voting in favor; Members Brown, Burningham, Castle, Haws, Jensen, Morrill, Murphy, Openshaw and Thomas opposed; Member Moss absent and Member Locke abstained.

Motion was made by Member Carol Murphy and seconded by Member Mark Openshaw to place this legislation on the agenda for next Friday's legislative meeting.

Member Dave Thomas reported that the bill is sitting right now in the Senate Education Committee and if on Monday it passes out of the committee this may be over by Thursday.

Motion failed with Members Allen, Crandall, Jensen, Murphy, Openshaw and Roberts voting in favor; Members Brown, Burningham, Castle, Haws, Locke, Morrill and Thomas opposed; Member Moss absent.

A Call to Civility and Community

During the Board's informal meeting February 5, 2009 they discussed the document "A Call to Civility and Community." The document has been distributed to many organizations with the request that they support the concepts identified therein. The document includes five ground rules of civic and public engagement. (For complete details see General Exhibit No. 10807.)

Motion was made by Member Kim R. Burningham and seconded by Member C. Mark Openshaw that the Board participate and sign its name to the document. Motion carried unanimously.

Public Participation/Comment

Richard Prows presented information to the Board relative to Discovery Gateway/Junior Achievement. (For complete details see General Exhibit No. 10808.) His proposal was that the education paradigm needs to be changed and students need to be prepared for work. The schools need to teach application and relevancy. He also requested that the Board

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implement the principles identified in the Senate Resolution from the 1987 General Session entitled "Utah Work Ethic Resolution."

Geoffrey W. Leonard, General Counsel for the Utah School Employees Association requested that the Board adjust their administrative rule, R277-601, Standards for Utah School Buses and Operations relative to the use of electronic devices for personal use by bus drivers to remove the requirement that the bus be off the roadway before they can use their cell phone.

Board Standing Committee Reports

Finance Committee

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

Utah State Board of Education's Budget

In view of the overall economic downturn facing the State of Utah, specifically, and the country as a whole, the Finance Committee requested that the Utah State Board of Education's operating budget be reviewed. The Committee reviewed the Board's operating budget. (For complete details see General Exhibit No. 10809.)

Member Haws reported that one thing we should do is take a close look at the actual expense that the board incurs. Over the years many things that didn't have a home in the budget ended up under the category of the board. Some are merely pass-through collections and distributions. The Committee asked that this be redone so when the budget of \$2 million appears, no one would be thinking that by eliminating the Board they could save \$2 million. The Committee has looked at the budget very carefully and it is the recommendation of the finance committee that we direct leadership to carefully consider additional travel costs from the Board throughout the remainder of this fiscal year and into the next, particularly as it relates to out of state travel. Secondly, they recommend to the Board that Board members make a symbolic effort, since the budget has been reduced, that for the remainder of this fiscal year we take a 3.6% reduction in the stipend compensation we receive. In an effort to support the entire efforts of education. We recognize that this stipend is in statute, but that board members make this on a voluntary basis and we charge the Board Secretary, Twila Affleck to carry out the administrative part of this.

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The Committee is also looking at the cost of producing this meeting and one of the things they are recommending is that the General Consent Calendar portion of the agenda packet no longer be printed and distributed, but that it be produced and sent electronically to the Board.

It was noted that this was listed as a discussion item and that the Board should not take action on this item. This is a reported item only.

Key Points of the Legislative Audit,
A Performance Audit of School Busing

On November 18, 2008, the Office of the Legislative Auditor General released *A Performance Audit of School Busing*. The Utah State Office of Education is in the process of responding to all of the recommendations that were made and discussed some of the key points of the audit. Several of the audit recommendations will be adopted into the current revision of *Standards for Utah School Buses and Operations*. However, the audit recommended that the State Board of Education address, through an administrative rule, issues relating to school buses being used for non-pupil transportation, and school buses traveling over state lines.

The auditor recommended that the Board review the risk components of both issues as State Risk Management has expressed concern of liability exposure. Also, other factors reviewed included: use of state funds to subsidize private sector activities, infringement on busing competition, capitalization and depreciation schedules of buses, participation of school districts in broader community affairs, and various other factors. (For complete details see General Exhibit No. 10810.)

The Committee reviewed and discussed issues surrounding the use of a school bus for non-pupil transportation and for traveling over state lines. The Committee directed staff to prepare a position statement for final review at a future committee meeting.

Notification under Rule R277-484-8, Data
Standards, Financial Consequences of Failure
to Submit Reports on Time

Two charter schools, Tuacahn High School for the Performing Arts and Success Academy, failed to submit the 2007-2008 Financial Audit Report by November 30, 2008. Under Board Rule R277-484-8A(2), USOE must notify the Board that the Minimum School Program (MSP) fund transfer will be stopped until the late report is submitted.

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The Finance committee received notification of the Utah State Office of Education that both of these schools have now submitted their 2007-2008 Finance Audit Reports and no action will be taken by the State Office of Education to withhold MSP fund transfers.

The Committee received the information. No action was required.

Executive Session

Motion was made by Member Michael G. Jensen and seconded by Member C. Mark Openshaw that the Board move into an executive session for the purpose of discussing personnel issues and potential litigation following lunch. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:30 p.m.

The Board recessed from Executive Session at 1:00 p.m. for the purpose of discussing legislation with the following Senators and Representatives.

Discussion with Senators and Representatives

Senator Howard Stephenson, shared information on his bill SB 159, Math Education Initiative.

Senator Stephenson acknowledged that Singapore Math will require intensive training on the part of the teachers and requires new textbooks and work books. The bill basically funds the intensive training for sufficient teachers to handle 10,000 students and the trainers for those teachers.

Senator Stephenson reported that he has met with the Governor and he is interested in seeing if we can create a partnership with the people in Singapore to get this implemented.

Senator Stephenson commented that this would be on a competitive basis among the schools administered by the State Office of Education.

Senator Stephenson noted that they are making amendments to the bill beginning with striking Lines 134-147.

Representative Greg Hughes presented his proposed legislation, HB 328, Teacher Quality Amendments, indicating it was his desire to have a teacher quality bill that would identify and reward teaching excellence in the classroom. He acknowledge that this is a pretty big thing to tackle. He reported that they have been holding interim meetings and studying the issue in trying to find a plan. He stated that this year budgets are difficult, and there are appropriations required for legislation like this and the best we can hope for is a pilot program. He further reported that both he and Dr. Shumway agree on the bill.

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Deputy Superintendent Larry Shumway stated that the idea for a pilot came as a proposal from the Differentiated Compensation Workgroup with an appropriation request of \$300,000 for a pilot program in elementary grades.

Senator Chris Buttars presented his proposed legislation, SB 48, Teacher Licensing by Competency Amendments. This would modify the procedures for obtaining a competency-based license to teach.

Representative Tim Cosgrove presented his proposed legislation, HB 146, Expenditures of School and Institutional Trust Land money by School Districts. This bill allows School LAND Trust Program monies to be used to purchase solar or geothermal systems for installation on school property. He indicated that his idea was to help compound this investment.

Executive Session Continued

The Board moved back into executive session at 1:50 p.m.

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw that the Board reconvene into open meeting. Motion carried with Members Burningham, Castle, Crandall, Haws, Jensen, Locke, Morrill, Moss, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Brown absent. The Board reconvened at 2:18 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas that the Board adopt the recommendation of the Commission in Case No. 08-857 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Jordan School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for 18 months from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted prior to the reinstatement of his license. The educator's suspension results from his use of school equipment and information systems to access and view pornographic and other inappropriate images during school contract time and on school district equipment. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas that the Board adopt the recommendation of the Commission in Case No. 08-866 and accept a stipulated agreement whereby an inactive educator voluntarily surrenders his educator

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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 or until such time as his court-ordered probation is successfully terminated. At the conclusion of two years or when the educator's court-ordered probation concludes, he must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted prior to the reinstatement of his license. The educator's suspension results from his conviction and sentence of probation for failing to report the existence of ricin on his property. Motion carried unanimously.

(For complete details see General Exhibit No. 10811.)

Monticello Charter School

The Board received a Request for Board Action and appeal of the State Charter School Boards decision from the Monticello Academy.

Motion was made by Member David L. Thomas and seconded by Member Carol A. Murphy to deny the appeal on the basis that the Board does not have jurisdiction over the matter. Motion carried unanimously.

Legislation Discussion/Action Continued

HB 328, Teacher Quality Amendments, Representative Greg Hughes

Motion was made by Chairman Debra G. Roberts and seconded by Member Kim R. Burningham to support the legislation with the proviso that it fits within the \$1 million appropriations ceiling set by the Board.

Member Carol Murphy suggested that Senate Bill 4 and this one might be folded together. It was clarified that it would be easier to keep it separate for now.

Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Locke, Moss, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Morrill absent.

SB 48 - Teacher Licensing by Competency Amendments, Senator Chris Buttars

Deputy Superintendent Larry Shumway suggested that instead of striking the language district competency based license and adding the language or a person so it was just a new avenue, that our licensing staff could work with. He indicated that the legislation has passed the Senate Education Committee and we could see if he would amend it prior to it going to the House Education Committee. He recommended that the Board not take a position and to wait a week.

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SB 159 - Math Education Initiative - Senator Howard Stephenson

Deputy Superintendent Shumway reported that he and Associate Superintendent Hales reviewed this legislation during the lunch break and they would like to see the legislation modified. Senator Stephenson already indicated they would strike lines 134-147. In addition, we would recommend the following: Strike 2, 27, 28, 29, and 54, on line 102 change the number to 200, lines 117 strike “that corresponds to 1050.” and 1060 and other language because it is not possible to do. Strike Line 123, strike all of 134-147 and 148-156, lines 170-171, and lines 186-199 and 186-199, change 224 to 500,000 which will do 2,500 students; and strike lines 229-230.

Motion was made by Member Kim R. Burningham and seconded by Member Michael G. Jensen to accomplish the above amendments.

Member Dave Thomas questioned the need for removing lines 148-156. Following discussion of the reasons for doing so, Dr. Shumway suggested that wording could be added as follows: The Board will make rules in accordance with the Administrative Rules Making Act to evaluate the effectiveness of the professional development associated with approved pilot programs.

Member Burningham clarified his motion that with these proposed changes to the bill, including the rewording of lines 148-156, the Board would move to a position of support. Motion carried unanimously.

HB 146 - Institutional Trust Land Money by School Districts - Representative Tim Cosgrove

Motion was made by Member Laurel O. Brown and seconded by Member Denis R. Morrill to watch. Motion carried unanimously.

Board Standing Committee Reports

Law & Policy Committee

Board Member Richard Moss, Vice Chairman of the Law and Policy Committee presented the following recommendations from the committee:

Distribution of Funds from the School Trust Lands
Account and Administration of the School LAND Trust
Program, Section 3, Distribution of Funds - Determination of
Proportionate Share, R277-477-3

The School Trust Lands Account provides funding to local schools through the School LAND Trust Program. Local school community councils prepare four plans for the use

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of these funds: 1) school improvement plan 2) reading achievement plan 3) professional development plan and 4) child access routing plan. School plans require approval by district or charter school governing boards of education. Local control of these funds is an essential guiding principle in the implementation of this program.

R277-477-3 is being amended to ensure that local school community councils and governing boards of education have the entire flexibility provided in statute to determine the uses of these funds in ways which best serve local needs. The Committee reviewed the amendments to the rule, including those presented in the meeting, identified in “blue” and made further amendments, identified in “red.”. (For complete details see General Exhibit No. 10812.)

The Law & Policy Committee approved the amendments to R277-477-3 on first reading and moves that the Board approve the amended section of the rule, R277-477-3 Distribution of Funds - Determination of Proportionate Share on second reading. Motion carried unanimously.

Educator Licensing and Data Retention,
Section 4, License Levels, Procedures and
Period of Validity, R277-502-4

R277-502-4 Educator Licensing and Data Retention, currently provides that a Level 3 license may be issued by the Board to a Level 2 license holder who has achieved National Board Professional Teaching Standards Certification or who holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association, or who holds a doctorate in the educator’s field of practice. The amendment to the rule provides language that requires Level 3 license holders to remain current on these certification requirements in order to renew a Level 3 license. The Committee reviewed the amendments to the rule. (For complete details see General Exhibit No. 10813.)

The Committee approved the amendments to R277-502-4 License Levels, Procedures, and Periods of Validity on first reading and moves the Board approve the rule on second reading. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Locke, Morrill, Moss, Murphy, Openshaw and Thomas voting in favor; Member Roberts absent.

School Community Councils, R277-491

School community councils are charged with a variety of planning and other responsibilities, under the direction and approval of local boards of education or, for state-sponsored charter schools, the State Charter School Board. These councils are of particular

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importance in the implementation of the School LAND Trust Program. School Community Councils must have board approval for four plans: 1) school improvement plan, 2) reading achievement plan, 3) professional development plan, and 4) child access routing plan. Local control of these funds is an essential guiding principle in the implementation of this program.

The Committee reviewed the changes to R277-491 which are intended to ensure that local school community councils and Boards of Education have the entire flexibility provided for in statute relative to decision making processes. The following amendments were made by the Committee: strike Charter Schools throughout the rule; line 70 strike word “fully.” (For complete details see General Exhibit No. 10814.)

The Committee approved the amendments to R277-491 on first reading and moves that the Board approve the amendment to R277-491, School Community Councils on second reading. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Locke, Morrill, Moss, Murphy, Openshaw and Thomas voting in favor; Member Roberts absent.

Education Employee Required Reports
of Arrest, R277-516

Current law and administrative rule require that public school employees with “significant unsupervised access to children” must undergo a background check prior to employment. Law also requires that law enforcement agencies report the arrest of educators to the USOE as well as to school districts and charter schools.

Utah State Office of Education staff have concerns that the current reporting procedures may not result in the full flow of necessary information to ensure student and school safety and security. The rule proposed aims to provide greater protection to students and schools by establishing requirements that are within the Board’s purview. (For complete details see General Exhibit No. 10815.)

The Committee reviewed the proposed new rule which will require self reporting by public school employees and certain state employees of any arrest of that individual. Additionally, the rule would require self-reporting of any moving traffic violation for public school employees who operate any vehicle in the course of the duties of their employment.

Mr. Geoffrey Leonard, General Counsel for the Utah School Employees Association spoke against the rule.

The Committee directed staff to rewrite the rule based on their discussion. The rule will be brought back to a future meeting.

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Model Policy Required Under R277-495,
Required Policies for Electronic Devices in
Public Schools

The Board directed staff to create a rule that would require LEAs in Utah to adopt policies regulating the use of electronic devices in public schools. In its meeting of September 12, 2008, the Law and Policy Committee of the Board reviewed a draft rule. This draft rule has been distributed to district superintendents, charter school directors, and others, with a request to provide responses prior to the next meeting of the Board. Also distributed was a draft “model policy.”

Versions of draft model policies were reviewed by the Committee. (For complete details see General Exhibit No. 10816.)

The Committee directed that both of these examples be posted on the web site for districts to select the one they might choose to use.

Reductions in Length of the School Year

The Utah State Office of Education recently requested that LEAs provide their plans for managing the reductions of revenue that are anticipated with the current economic conditions and projections. Several of these plans included reductions in school days. R277-419 *Pupil Accounting* establishes the length of the school year. Any change in the number of school days or the total instructional time by an LEA would require Board action. It would be useful for LEAs to receive guidance from the Board as to whether or not such reductions would receive consideration.

The Committee discussed the proposals of LEAs to reduce school days. Staff presented information regarding the number of districts considering this option and the effects this would have. (For complete details see General Exhibit No. 10817.)

The door on this isn't closed , but it is not open wide. This is an easy fix to budget constraints and this takes focus off the classroom.

This was a discussion item and no action was recommended from the Committee.

Differentiated Compensation Work Group

The co-chairs of the Differentiated Compensation Work Group presented the work and any conclusions of the Group to the Committee. The Committee discussed the work presented. This is an information item only and requires no action.

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Curriculum Committee

Member Laurel O. Brown, Chairman of the Curriculum Committee presented the following recommendations from the Committee:

Utah Schools for the Deaf and the Blind (USDB) Legislative Amendments Proposal

The Utah Schools for the Deaf and the Blind Workgroup presented recommendations to the Board in its September 2008 meeting. Those recommendations have now been submitted to members of the Legislature and staff at the Office of Legislative Research and General Counsel. The recommendations were considered in drafting the language that would amend current statutory language in the 2009 legislative session.

Staff shared the preliminary Utah Schools for the Deaf and the Blind amendments drafted by the Office of Legislative Research and General Counsel. The presentation highlighted key points, including sections of the draft legislation that are significant departures from the recommendations supported by the Board in September 2008. (For complete details see General Exhibit No. 10818.)

The Committee asked that this be held for the next legislative discussion on February 13.

Procedures for the Utah General Educational Development Certificate, R277-702

In its December 2008 meeting, the Board approved amendments to R277-733, Adult Education Programs, to make provisions for out-of-school youth (16 years of age or older) who may choose to exit K-12 and take the GED tests, and the issuing of a Utah High School Completion Diploma for successful passing of the GED tests. R277-702, Procedures for the Utah General Educational Development Certificate, must now be amended to make the language in the rule consistent with R277-733.

The proposed amendments were presented to the Committee. (For complete details see General Exhibit No. 10819.)

The Committee discussed related board action on the GED, who may take the GED, and procedures. They made a few small corrections which did not change the rule substantially. It allows students 16 to take the GED if they are out of school anyway.

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This was for discussion purposes only and no action was required, but action would take place at the next meeting.

Legislative Issues

The Curriculum and Instruction Committee requested that Associate Superintendent Brenda Hales and Associate Superintendent Judy Park give a monthly report on current legislative issues that relate to the committee's responsibilities.

Associate Superintendents Hale and Park reported on current legislative activity dealing with the programs that are within the Student Achievement and School Success and the Data Assessment and Accountability Division.

This was an information item and no action was required.

Curriculum and Instruction Section Mission and Duties

There was no time to talk about this and it was moved to the next months agenda.

Executive Officer Report

Superintendent Patti Harrington reported on the following items of information:

Information Items

- Letter from the Utah High School Activities Association has sent a letter indicating some cutbacks in high school activities. The Board will be responding to UHSAA and in that response emphasize the critical importance of time in school and of potential assessment changes that may impact their operations.
- The UEA was considering holding its annual conference on October 1, not realizing that the October 1 date is in statute for the financial count of each year. We have advised UEA that we will fully expect schools to be in session on October 1, uninterrupted by a UEA conference.
- Superintendent Harrington is meeting with Ronn Robison on February 18 to discuss potential next steps on the *Tough Choices, Tough Times* national discussion.
- The Public Education Appropriations Subcommittee heard the request for base budget support for the USOE and USDB for FY 10 this week as well as for science and arts outreach. She expressed appreciation to Board Members for their support and attendance at these meetings.

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- Digital Bridge implementation is well underway, with eight districts in full operation and most districts signing on for the service.

Discussion Items

- A Summary of meeting with Board of Regents and Governor - This also came with an attachment of the Year of Mathematics Draft. This will be for both higher and public education. Superintendent Harrington requested that she personally sit on the Governors Math Advisory Board so she can understand and see how we might fold into that.
 - The Governor has created a committee to include Bill Sederberg, Christine Cox and Superintendent Harrington together with Chris Kearl suggesting that we might have a small committee that would work on blending public and higher education with the needs of the workforce together to make sure the systems are talking to each other to help stimulate the economy. Her recommendation is that one board member be involved in this. The Governor has accepted this recommendation.
- Trust Lands Audit - The Public Education Appropriations Committee has requested a joint meeting of them and Natural Resources which may occur in the Interim Session.
- Class Size Audit -
 - Ninety two percent of USOE data matched auditor's data
 - Mismatches occurred with lower class size data and higher class size data.
 - Mismatches occurred from mixed grade classes, multiple section counts, adding in Special Education teachers.
 - Corrections are being made in the data section relative to class size calculations.
- School construction – revision needed in square footage calculation; most citations require district or school action.

Member Denis Morrill voiced concern on the costs they are paying for bond issues. If what he has heard is true, they are paying enormous costs to build charter schools. He requested that our internal auditors look into this.

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Superintendent Harrington reported that there is one more audit in process right now relative to background checks on educators.

- American Recovery and Reinvestment Program (Stimulus bill)
- Thirty days after the enactment date the money must roll out to states and 60 days after that 30 days we have to have broken ground or begin remodeling projects.

Dr. Harrington presented a draft of what may be needed to qualify for school construction funding.

Member Kim Burningham recommended that Superintendent Harrington make contact with Senators Hatch and Bennett's offices relative to the decisions they may make relative to this. Superintendent Harrington reported that she has been in contact with Representative Matheson's office and his education leader will be in Salt Lake and she will visit with her within the next two weeks.

(For complete details of the report see General Exhibit No. 10820.)

Board Chairman Report

Chairman Debra Roberts presented the following items of information:

- Most should have received an email from NASBE asking members to contact senators today. She questioned if the Board was interested in sending letter with three bullet point in the NASBE Email.
It was agreed that Superintendent Harrington would send an email to our senators relative to this issue.
- Chairman Roberts expressed appreciation to Board members for attending the legislative meetings representing the Board.
- Chairman Roberts shared a meeting schedule for the Public Education Appropriations Committee and asked that anyone who could attend to do so. Also, any public education meetings at the legislature.
- Expressed appreciation to staff when we had challenge from appropriations to put together all the information from districts and also to the districts that responded. This has made a difference Associate Superintendent Todd Hauber and Deputy Superintendent Larry Shumway made a tremendous effort to provide information.
- Meeting with the Governor and Board of Regents.

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- Met with Richard Nelson from the Utah Technology Council who gave her a calendar showing the different companies in Utah that they represent across the Wasatch Front. There is a strong desire for his group to partner with education. She felt there is a need to take advantage of some of his suggestions.
- Board Goals - Chairman Roberts reminded the Board Member to email their Board Goal priorities Superintendent Harrington with a copy to Dixie and Debra by February 17.
- Concerns or items to the agenda for the Leadership meeting get them to her.
- If there are any ideas for Issue of the Month - write them on the Evaluation Form.
- Change in meeting dates:
September 4 Labor Day weekend. Change to September 11th. No problem with the change.
October 2nd to October 9th. Problems with change so this date will remain the same..
- Ideas to ponder: Kim and Janet brought us far with what the Board is and should be, and then hit by vouchers - There is a sense on the Board of trying to define ourselves and understanding of what and who we are. She requested that the Board ponder on the following: (1) budgetary process, what should it look like, how should it be done and what is important to be included in it; (2) what does it mean to have general control and supervision especially in relation to the legislative process; (3) what does public in public education mean?
Begin discussions with the Board, Legislative Leadership and the Governor.
Hopefully we can tie this to our promises to keep.
- Work/study meeting in the near future – maybe May.

(For complete details see General Exhibit No. 10821.)

Member Kim Burningham commented that we think the legislature reasonable job in not extending budget cuts to public education in general. If that is indeed the feeling of the Board he suggested that a letter from Superintendent Harrington thanking them and indicating

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that we realize how hard they worked to support public education. It was agreed that such a letter be sent.

General Consent Calendar

Motion was made by Member Laurel Brown and seconded by Member Shelly Locke to approve the General Consent Calendar as presented, with the exception of Tab I, R277-601, Standards for Utah School Buses and Operations. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held January 8, 2009.

2. Contracts

The following contracts were approved by the Board:

(A) Wally Properties LLC. \$271,044. 4/1/09-3/31/14. - Fed.

To lease office space for the Division of Rehabilitation Services Richfield office located at 150 W 1500 S Main, Richfield, Utah.

(B) Kelly Williams. \$50,000. 11/5/08-11/4/11.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(C) Social Solutions. \$28,592.87. 1/30/09-1/29/12. - Fed.

Web based software system for performance management solutions.

(For complete details see General Exhibit No. 10822.)

3. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were approved as submitted. (For complete details see General Exhibit No. 10823.)

4. Data Standards, R277-484

The following amendments to R277-484 were reviewed by the Board:

District Implementation of UTREx to stipulate that UTREx replace the current USOE Clearinghouse. UTREx will not be fully functional until the 2010-2011 school year.

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July 15 Data Submission Deadline Adjustment to stipulate that no re-submission of Clearinghouse data will be allowed later in the new school year. The USOE will sponsor professional development activities in the spring of 2009 to ensure that all LEAs are aware of the need to review all error and summary reports and correct all data errors prior to the July 15 deadline. LEA signatures verifying that the LEA has appropriately reviewed and amended data submissions found on the USOE provided error and summary reports will be a key to improved data quality.

An improved policy that will better define the parameters for responding to research requests.

The Board approved the amendments to R277-484 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-484, Data Standards, on third and final reading. (For complete details see General Exhibit No. 10824.)

5. Disposal of Textbooks in the Public Schools, R277-433

In 1991, the Utah Legislature enacted a law requiring the Utah State Office of Education to provide rules and procedures directing the disposal of textbooks. The current rule directs school districts to notify the USOE in writing of their intent to dispose of useable textbooks, and the USOE to then compile and distribute a list of available useable textbooks to all school districts each year. It has become apparent that this process is neither effective nor efficient. The amended rule removes the USOE from the process and requires school districts and charter schools to develop policies consistent with their own size, location and circumstances which should enable a more efficient and effective process for disposing of useable textbooks.

The Board approved R277-433 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-433, Disposal of Textbooks in the Public Schools on third and final reading. (For complete details see General Exhibit No. 10825.)

6. Robert C. Byrd Honors Scholarship Program, R277-701

The Robert C. Byrd scholarship program is a national program that identifies students with excellent academic skills in high school and who demonstrate the possibility for continued success in college.

The U.S. Department of Education has developed guidelines for the administration of the scholarship. Federal guidelines state that in order to be eligible for scholarship funds a scholar must be enrolled full time for the first year of study. Recipients have not understood that they must complete a full year of college before they can apply for a waiver or exception.

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R277-701, Robert C. Byrd Honors Scholarship Program was amended to say that a scholarship recipient may be allowed, based on prior approval for unusual circumstances, to interrupt or postpone the recipient's use of the scholarship for a period not to exceed 12 months *after the first full year of college is completed*. The rule change will clarify the requirement for waivers or exceptions for the recipients.

The Board approved R277-701 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rules since that time. The Board approved R277-701, Robert C. Byrd Honors Scholarship Program on third and final reading. (For complete details see General Exhibit No. 10826.)

7. International Baccalaureate Programs, R277-710

The 2008 Legislature passed S.B. 2, which allocated funding for the International Baccalaureate Program (IB). Legislation states that money appropriated to the Board for accelerated learning programs shall be allocated to local boards and charter schools for programs in grades 1-12 for the gifted and talented, advanced placement, and IB.

The IB Program (Diploma, Middle Years and Early Years) is a K-12 model. The current rule does not recognize the Middle and Early Years Programs since classes in grades K-8 are not based on semester hours. Therefore, these programs are not eligible for IB funding. In addition, the current rule states that all candidate IB and approved IB schools shall be equally eligible for funding. There is a two-year approval process to become an IB school. Many schools do not complete the application and approval process. Therefore, only authorized IB schools should receive funding.

R277-710, International Baccalaureate Programs, is amended as follows: (1) Fifty percent of the total funds designated for IB shall be equally distributed among all authorized IB programs in the state; (2) The remaining fifty percent allocation shall be distributed equally to schools where students scored a grade of 4 or higher on IB exams, resulting in a fixed amount of dollars per exam passed; (3) Candidate IB programs shall not be eligible for funding.

The following amendments to R277-710 were made at the January 8, 2009 meeting: Where it indicates School Districts also include Charter Schools; R277-710-5 C.(2) strike the word "equally." It will be distributed to IB high schools where students scored a grade of 4 or higher on the exams.

The Board approved R277-710 as amended on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rules since that time. The Board approved R277-710, International Baccalaureate Programs on third and final reading. (For complete details see General Exhibit No. 10827.)

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8. Student Transportation Standards and Procedures, R277-600

At the direction of the 2007 Legislature, a funding formula study committee composed of representatives from the USOE and representatives from small, medium and large school districts developed recommendations for revising the student transportation funding formula. These revisions created greater transparency and equity among the districts. The State Board of Education approved these recommended revisions in their August 3, 2007 board meeting but it was decided to wait to amend R277-600, *Student Transportation Standards and Procedures* until the findings of a Legislative Audit were released.

The Board approved R277-600 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-600, *Student Transportation Standards and Procedures* on third and final reading. (For complete details see General Exhibit No. 10828.)

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:

R277-102	Adjudicative Proceedings
R277-413	Accreditation of Secondary Schools
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts
R277-601	Standards for Utah School Buses and Operations
R277-712	Advanced Placement Programs

(For complete details see General Exhibit No. 10829.)

10. 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. 10830.)

11. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2008 was provided for information to the Board. (For complete details see General Exhibit No.10831.)

12. Ratifications

Susan Spehar was ratified as an Educational Specialist in the Law, Legislation, and Educational Services Division.

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13. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved. (For complete details see General Exhibit No. 10832.)

14. Claims Report

The Claims Reports in the amount of \$47,940,373.74 and \$238,183,920.86 for June 30, 2008 and January 30, 2009 respectively were approved by the Board. (For complete details see General Exhibit No. 10833.)

Standards for Utah School Buses and Operations, R277-601

Two issues, the use of electronic and telecommunication devices on school buses and the end of bus route inspection, have been identified on both the local and national level affecting standards for buses and their operations. The amendments to R277-601, *Standards for Utah Buses and Operations* will address both these issues and remove antiquated language from the rule that no longer applies.

The Board approved R277-601 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rule since that time.

Motion was made by Member Laurel O. Brown and seconded by Member C. Mark Openshaw to strike the words “off the roadway” in R277-601-3 B(d). Motion carried unanimously. (For complete details of the rule see General Exhibit No. 10834.)

Motion was made by Member Debra G. Roberts and seconded by Member C. Mark Openshaw to adjourn.

Meeting adjourned at 3:35 p.m.