

MINUTES

April 3, 2009

Minutes of the meeting of the State Board of Education held April 3, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:00 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 Janet A. Cannon
Member Leslie B. Castle
Member David L. Crandall
Member Greg W. Haws
Member Michael G. Jensen
Member Shelly Locke
Member Charlene Lui
Member Denis R. Morrill
Member Richard Moss
Member Carol A. Murphy
Member C. Mark Openshaw
Member David L. Thomas

Board Members Rosanita Cespedes and Meghan Holbrook 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
Lisa Schencker, Salt Lake Tribune
Amy Stewart, Deseret Morning News
Leah Spencer, AFT Utah
Robert Spencer, AFT Utah
Mary Ann Kirk, Utah PTA
Debbie White, AFT Utah
Holly Langton, Utah PTA
Sarah Meier, Granite School Board
Vik Arnold, Utah Education Association
Susan Firmage, Davis School District

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Mike Johnsen, Citizen (newly appointed Board Member)
Michael Kjar, Governors Office of Planning and Budget

Utah State Office of Education Staff:
Marlies Burns, Charter Schools
Cory Kanth, Charter Schools

Vice Chairman Dixie L. Allen called the meeting to order. She excused Board Members Rosanita Cespedes and Meghan Holbrook.

Welcome

Board Member Carol A. Murphy lead the Board in the Pledge of Allegiance.

Board Member Charlene Lui welcomed everyone to the meeting and commented that as we fulfill our responsibilities with other committees we are somewhat removed from those we are serving. She shared information about what is going on with the ELL Family Literacy Centers, including a testimonial from one mother who has been participating in this program. She encouraged Board Members to visit their districts to see what this program does.

Issue of the Month

Superintendent Patti Harrington reviewed with the Board the Superintendent Responsibilities and Board and Superintendent Relationships. (For complete details see General Exhibit No. . 10868.)

Board members discussed the 360 degree evaluations of both the superintendent and the board and their effectiveness, whether or not there has been a good balance between the board and administration, and the working relationship between the board and the superintendent in the way the superintendent is appointed by the Board vs being elected or appointed by the Governor. The Board also discussed the turnover of staff at the office a few years ago and the current reduction in staff due to budget cuts.

The Board recessed into Standing Committee Meetings at 8:25 a.m.

The Board reconvened at 10:30 a.m.

Achievement Spotlight

The Board recognized Utah's Top Youth Volunteers for 2009 by the Prudential Spirit of Community Awards Program. Recognized were:

Tiffany Jencks of Bingham High School in the Jordan School District is a member of the Salt Lake County 4-H. She has written a book to educate others about homelessness, she has served as a volunteer for shelters and local humanitarian projects. She and her family purchased,

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collected and delivered school supplies, clothing, first-aid and personal care items for orphanages, schools and villages in three Latin American countries.

Monroe Dauwalder of Timberline Middle School in the Alpine School District who is a certified volunteer trainer who helps disabled people teach their dogs to be service animals. He began by teaching his family's new puppy how to open doors, turn on lights and many other important tasks to help his father deal with several medical problems. With his own money he buys training treats, and then helps dog owners with disabilities train their animals.

Each of these students will receive \$1,000, an engraved silver medallion, and an all-expense-paid trip to Washington DC for several days of national recognition events. They will also be considered for additional recognition. Both were presented an Excellence Certificate from the Board.

Review of 2009 Legislative Session

Deputy Superintendent Larry Shumway presented the Public Education Legislative Summary 2009. (For complete details see General Exhibit No. 10869.)

Discussion ensued relative to the charter school rule being sunset by the Administrative Rules Committee.

Board Members were asked if they had other thoughts on the rule to let Board Leadership know and they will determine the next avenue to follow.

Deputy Superintendent Shumway noted that it was a more powerful presentation during legislative meetings when members of the Board were present and communicated with their legislators. He expressed appreciation to the Board for the time spent and work completed during the legislative session.

Associate Superintendent Todd Hauber presented the legislative funding actions taken during the 2009 General Session relating to Public Education; the reductions to the Utah State Office of Education budget and its appropriated line items; and the provisions of ARRA reporting requirements. (For complete details see General Exhibit No. 10870.)

Member Greg Haws, Chairman of the Finance Committee noted that this issue was thoroughly discussed in the Finance Committee. However, there are issues as to the legislative intent regarding if there is to be a day reduction or a furlough. It has to do with the quality teaching block grant funding. Some may have come away from the legislative session with the idea that the legislators intended any furloughs to be taken through the quality teaching days.

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These are days when teachers are in school but they are not instructional days. If these day were eliminated it would not take a compete slice, and some have felt that it would disproportionately put the burden on the teachers. The question that was raised in the committee is: What is the position of the board, are we suggesting that those teaching days be looked at first or that there is some ratio to do two instructional days and three quality teaching days.

Motion was made by Member Greg W. Haws and seconded by Member Kim R. Burningham that the Board, consistent with the board's policy, allow the districts the maximum flexibility, encourage them to make their reductions equitable and fair to all concerned, but we are not expressing a preference of the quality teaching days over instructional days.

Member Denis Morrill questioned if this wouldn't it require a waiver from the board in each case, or if it would it be a policy from the Board that fits everyone or a policy that people could submit for a waiver and the Board handle them on a district by district basis.

Member Haws indicated that without a waiver they could eliminate the quality teaching days. We may not want to say that this is the policy of the Board. If we believe in the quality teaching days, we believe there is a benefits to them. He would like to see this put in the hands of the district and allow them flexibility.

Chairman Debra Roberts noted that there was an addendum to the agenda to discuss this after lunch as to whether we want to look at a blanket waiver or for districts to come to the board on an individual basis.

Member Haws clarified that he would like the issue to be an action item.

Member Haws withdrew his motion.

Chairman Debra Roberts commented that last month the Board talked briefly about changing the way legislation comes before the Board. The idea was that we would go to a "stamp of approval" that any legislation not heard by the board by a legislator presenting to us, would receive a stamp of "unheard by the board" and we would not take a stance on any legislation that we had not heard from the legislator. After we hear from a legislator we would cooperate and collaborate with them to then take a "support" or "oppose" on the legislation. This would mean we would encourage the legislators to come to the Board early in the fall so a lot of the legislation would be prior to the legislative session. She felt this would encourage legislators to come to the Board for the "stamp of approval."

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Member Dave Thomas commented that in talking with legislators and in improving relationship with them, they have commented that it was the best thing we have done in allowing them to come in and present bills during the session. They would probably be amenable to coming in prior to the session as well.

Member Carol Murphy commented that she felt this year we missed step 2, in taking time to look at the legislation in terms of what it might mean in the big picture.

Member Denis Morrill commented that we hear from someone who opposes the bill as well.

Deputy Superintendent Larry Shumway cautioned that Board that they keep in mind the amount of time they would be committing themselves to.

Member Leslie Castle indicated she liked the idea, but she would like to make sure the Board was able to discuss and maybe take action on legislation that a legislator may not have brought before the Board.

Motion was made by Chairman Debra G. Roberts that the Board would create a moniker of "unheard by the Board" if a legislator did not personally present to the Board leaving leeway to oppose that legislation where we know that a legislator is purposely not coming. There was not second to the motion.

Member Denis Morrill commented that we would be biting off too much, and we would need to allow all to come. This is a big time involvement.

Chairman Roberts indicated that the key is how to create a situation where the Board takes general control and supervision and give enough push for legislators to actually want to visit with the Board about their legislation.

Vice Chairman Dixie Allen commented that this year there were a few bills that were actually sponsored by the Board's work. She suggested the idea of having the Board sponsored bills identified so they are aware of our goals.

Member Laurel Brown commented that she is good with the concepts identified, but is not ready to take motion as to exactly what we want to do. She would be more comfortable with a written proposal as to what has been discussed.

Member Shelly Locke suggested we give legislators incentives and not disincentives.

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Member Mark Openshaw commented that in order to be a part of the process the earlier we get involved while those things are still pliable is preferred. In addition we should continue building relationships with individual legislators.

Member Dave Thomas suggested that we monitor the interim education committee and see what they are interested in. Generally speaking legislators who are going to do something with regard to education and are thinking about a bill will usually try to use the education interim committee as a sounding board. Many bills come from interim education committee. Maybe the invitation is just to those individuals and then as we see things in the interim we make specific invitations to legislators.

Vice Chairman Dixie Allen suggested we take this back to board leadership in conjunction with Dave Thomas and Larry Shumway and come to the board with a written proposal at a future date soon.

Public Participation/Comment

Mary Ann Kirk - Utah PTA commented on the Healthy Lifestyles Core Curriculum that is going out for public hearings and input. She indicated that the current Healthy Lifestyles Curriculum is well rounded and abstinence based. She cautioned Board Members that if they are approached with the term "comprehensive" they ask what is actually meant by that term.

Vik Arnold, Director of Legislative Relations, Utah Education Association on behalf of UEA expressed appreciation to Superintendent Harrington on her leadership and vision over the past five years.

He presented some talking points on their views on the flexibility in districts, and the "Across the Board" Cuts in the budget. (For complete details see General Exhibit No. 10871.)

Lunch

Richard White, President of the Utah College of Applied Technology met with the Board and presented the following:

- An overview of the UCAT system
- Changes as a Result of HB 15
- The need for UCAT and Public Education working together in the future
- The 21st Century Workforce Initiative
- The need to:
 - Collaborate and articulate with public education and higher education

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- Inform Citizens about the Availability, Cost and Advantages of CTE
- Track and Measure the Effectiveness of CTE

(For complete details see General Exhibit No. 10872.)

Executive Session

Motion was made by Member Laurel O. Brown and seconded by Member C. Mark Openshaw that the Board move into an executive session following lunch for the purpose of discussing personnel issues and potential litigation. The Board was polled and by unanimous consent of those present the Board moved into an executive session following lunch at 1:20 p.m.

Motion was made by Member Laurel O. Brown and seconded by Member C. Mark Openshaw to reconvene into open meeting. The Board reconvened at 2:15 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Richard Moss and seconded by Member C. Mark Openshaw to accept the recommendation of the Commission and the hearing panel following a hearing for consideration of reinstatement of license in Case No. 06-791, that the educator license of a former teacher in the Nebo School District be reinstated. The license was previously suspended for 18 months as a result of the educator's use of school computers and information systems to view pornographic materials. It was noted that the hearing report was reviewed in Executive Session. Motion carried unanimously.

Motion was made by Member Richard Moss and seconded by Member C. Mark Openshaw to accept the recommendation of the Commission in Case No. 08-878 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Murray School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her 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. The suspension results from the educator being under the influence of alcohol at school during her contract hours. Motion carried unanimously.

(For complete details see General Exhibit No. 10873.)

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Addendum to the Agenda

R277-419 Minimum School Days - Possible
Waiver for One Year

Deputy Superintendent Larry Shumway presented the number of school days and hours in different states across the nation. He also provided an international comparison of numbers of school days or hours. He also presented the history of the 180/990 hours. (For complete details see General Exhibit No. 10874.)

Board Members were asked to contact the superintendents in their district to evaluate the need for a possible waiver for one-year of the minimum school days. Board members reported on the results of their contacts each with varying suggestions. It was noted that the smaller school districts are having the most challenges with their budgets this year and would like the flexibility.

Member Denis Morrill suggested that the Board make a variance available and let the districts decide what they what want to do. He did not feel it was a good idea to cut school days because you can't do that for just one year and make the budget work.

Member Kim Burningham questioned if it might be possible to find an in between position. Not give a blanket waiver, but instead say give encouragement to the law and policy committee to be more lenient than our current policy. Our current policy is very stringent and maybe we need to allow more flexibility without going to a blanket statement.

Deputy Superintendent Larry Shumway commented that some months ago the State Board sent out a statement giving guidance to districts saying that only in rare circumstances the Board might permit a waiver of school days. What is being suggested is a revision of that guidance but that in each case it should be considered individually, but the guidance may be a little more invitational.

Member Carol Murphy disagreed indicating that the purposing statement spoke to something different – the four day week. She cautioned the Board to not get the 4-day week issue mixed up with trying to eliminate school days for budgetary purposes. The Board's decision is whether or not we want to put a process in place to help districts, and whether or not we want a rubric to help us make those decisions.

Member Laurel Brown commented that in terms of this school year, if we do not give a blanket waiver, and take case by case we can't possibly have them come before us with enough

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time to make adjustments. She felt that if we are going to give them the tool, they need the flexibility and it needs to be done soon.

Vice Chairman Dixie Allen commented that during the legislative session we received as much backfill as we possibly could. The one thing we kept reiterating was we needed local control as much as possible with their budgeting process. What she and Chairman Roberts heard from the Superintendents Association was that this is not a situation under their control, it is done by the State Board. The question then became that some superintendents felt they needed that variance, which they don't have. The question is whether or not the Board wants to give a variance under these special circumstances or do we want to hold to what we have and not give a variance.

Member Denis Morrill questioned whether we should suggest if they do it that they do it across the board rather than to put it all on the teachers.

Vice Chairman Allen clarified that they already have the authority to cut the quality teaching days because it does not fall within the 180 day requirements.

Member Kim Burningham questioned if it would be possible, if we feel we need to allow some flexibility, to indicate the number of days as long as there is a combination with the quality teaching days.

Motion was made by Member David L. Thomas and seconded by Member Denis R. Morrill in terms of the number of school instructional days for the remainder of this year, and for the next school year it can go down to 175, however, in order to use that you must take at least three teacher quality days. If you have done that across the board, you can go down to 175 but you have to notify the State Board when doing so, and it would be on a district by district basis.

Member Thomas clarified that it would be the three instructional days and after that up to five additional days of instructional time. Also, that for year-round schools it would be an equivalent amount of days.

Member Greg Haws questioned how we could encourage the cut in the district office as well. It seems that the district office could stay open even if the school is closed.

The motion was amended by Members Thomas and Morrill to include that this just not just pertain to teachers but to all school employees, which would take into account the district offices. Further that the 990 hours needs to be adjusted down if they take instructional days, the corresponding number of hours would apply.

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Member Janet Cannon spoke in favor of holding strong to our current position. She indicated that we have been in tough budget years before and we have been able to give to the students of Utah quality education in 180 days and 990 hours. She voiced concern with the number of days as well as hours. If we undertake this action, we are opening the door and our school year may be reduced greatly. This is Utah, when are we ever going to have enough money to get those days back. This current budgetary cycle and our economy is not rebounding.

Member Carol Murphy voiced concern that the motion gives way to too many days, covering two school years instead of one and a total of eight days. She also questioned when we would ever get those days back. There will not be a massive infusion of funds in two years. This is a year like we have not seen, some flexibility to reduce a day or two overall for next year would be more comfortable for her.

Member Dave Thomas commented that we are caught between rock and hard place. We can say we are not really giving very much in terms of school days, the alternative for the districts is that they will have to RIF teachers and classroom size will go up. We can say that in the future if we don't have any money it will continue like that. We are trying to balance in terms of the educational experience. If you increase class size by four or five it will impact instruction and we loose teachers. We have tried to emphasize at the legislature that the Board wanted the minimal effect overall on classrooms.

Member Leslie Castle commented that she would like more time to think about this. She believes in local control, but if we are going to give them local control, we should give them the option of whether they want to close a school down completely or close a classroom down.

Member Shelly Locke commented that we are talking up to five days so that is giving them local control. Is taking that time off one day enough to make financial difference or more days make the financial difference.

Amendment to the motion was made by Member Kim R. Burningham, accepting the motion as made but instead of reducing the overall total to 175 days, change the additional five days to two days in addition to the three quality teaching days. Further to require an open board meeting action and notification of the parents so they have accountability to their local community for such action.

It was clarified that the original motion included both the '09 fiscal year and the 2010 fiscal year.

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Member Burningham further amended his motion that it be for the coming fiscal year not the current fiscal year.

Members Thomas and Morrill accepted the amendments to the motion.

Member Shelly Locke requested that the amendments to the motion be divided.

Amendment No. 1. To eliminate the application from this fiscal year and make it for only the 2010 fiscal year. Motion carried with Members Burningham, Cannon, Castle, Crandall, Haws, Jensen, Locke, Moss, Murphy, Openshaw and Roberts voting in favor; Members Brown, Morrill and Thomas opposed.

Amendment No. 2. Cutting the days allowed from 175 to 178, which would be 2 instructional days and the three quality teaching days. It was clarified that you can only go to the instructional days once you have taken the three quality teaching days.

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

The process of the local board would be to take official action in an open board meeting, with parents being notified of that opportunity

Amendment No. 3. Any variance would have to go through open local board meeting process and notice to parents.

Motion carried unanimously.

Amendment to the motion was made by Member Carol Murphy and seconded by Member Laurel O. Brown that the State Board would allow a blanket waiver for the 2010 fiscal year giving school districts the option of waiving two days off their calendar (either quality teaching or instructional) with action taken in an open meeting with notification to parents. Motion failed with Members Brown, Castle, Burningham and Murphy voting in favor; Members Cannon, Crandall, Haws, Jensen, Locke, Morrill, Moss, Openshaw and Roberts, opposed.

Motion as amended that states that in 2010 the waiver would be up to three quality teaching days, if you take those you can have up to five calendar days, if a school district is going to take the five calendar days they need notification of meeting agendas, notice to parents, and action voted upon in local board meeting. Motion carried with Members Burningham, Crandall, Haws, Jensen, Locke, Morrill, Openshaw, Roberts and Thomas voting in favor; Members Brown, Castle, Cannon, Moss and Murphy opposed.

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Board Standing Committee Reports

Curriculum Committee

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

Secondary Health Education Core Curriculum
Revision

The Secondary Health Education Core Curriculum (SHECC) was revised through a process that occurred over the past two years. The new core document is now ready to be submitted to public hearings. The SHECC was developed with the assistance of a steering committee, an advisory committee, and subject-level writing committees. Committee membership included health education teachers, parents, community health promotion experts, district health specialists, curriculum coordinators, and university health educators. The SHECC is a comprehensive guide for teachers, students, parents, administrators, and the public that identifies the essential health concepts students need to master.

Significant changes in the revised Secondary Health Education Core Curriculum include:

- Fewer Standards, Objectives and Indicators presented in great depth.
- National Health Education Standards embedded in document for the first time.
- Clearly defined parameters for human sexuality instruction.
- Skills for addressing dangers associated with numerous elements of technology.
- Life Skills connection.
- Appendices with meaningful resources for teachers and parents.

(For complete details see General Exhibit No. 10875.)

The Committee reviewed the revised Secondary Health Education Core Curriculum and moved that the Board authorize the Curriculum Section to provide public hearings on the document. After review and comment in public hearings, the revised document will be presented for approval. Motion carried unanimously.

Mathematics Engineering Science Achievement
(MESA), R277-717 - Amended

R277-717 outlines the guiding principles and operating procedures for MESA. Included in the rule is the composition of the MESA Public Education Review Committee (MESA Funding Committee). Over the last few years, due to the growth of MESA, it has been difficult to fill the Funding Committee slots with district representatives committed to the

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concept and percepts of MESA who are not already receiving funding. The MESA Funding committee is requesting a minor revision to the Board Rule in order to be able to fill all openings on the committee.

R277-717-1(D)(2) currently states that there must be "...three school district/charter school representatives including only representatives of districts that are not applying for MESA funding during the current grant cycle, two higher education representatives..." It is proposed that this section be amended to read: "...three school district/charter school representatives or any combination of MESA community advocates, identified by USOE, and school district representatives from districts that do not receive MESA funds..."

(For complete details see General Exhibit No. 10876.)

The Curriculum Committee approved the amendments to R277-717 on first reading and moves that the Board approve R277-717, MESA on second reading. Motion carried unanimously.

Data Standards, R277-484 Amended

Utah public education is embarking on an ambitious and far-reaching education information initiative. For it to succeed, every LEA and its leadership must be fully committed to its success. The initiative has two project components, one optional and the other mandatory. First, each LEA must choose to implement DigitalSAMS, an LEA and school-level student achievement management system. Second, each LEA will participate in the Utah eTranscript and Records Exchange system (UTREx), which will allow individual detailed student records to be exchanged electronically between any two Utah public schools, between LEAs and the USOE, and allow electronic transcripts to be sent to any participating post-secondary institution. UTREx will not be fully functional until the 2010-2011 school year.

January 8, 2009, the Curriculum Committee approved the amended R277-484, to stipulate that UTREx replace the current USOE Clearinghouse, and that each LEA participate in the UTREx system. Since that time, an additional concern has resulted in a request for another amendment to the same rule. Under R277-484-5 change the title to read: "Official Data Source and Required LEA Compatibility. Add a C to read: "Prior to an LEA acquiring a student information system, replacing an existing student information system, or modifying data elements in its existing student information system, an LEA shall have USOE approval to ensure

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that the LEA's new or modified student information system maintains compatibility with UTREx." (For complete details see General Exhibit No. 10877.)

The Committee reviewed and approved on first reading the additional amendment to R277-484 and moves that the Board approve R277-484, Data Standards as amended on second reading. Motion carried unanimously.

Class Size Audit Response

The 2007 Legislation (53A-301) requires annual reporting of class size averages, student/teacher ratios and student/adult ratios by grade.

The 2009 Legislative audit provides recommendations for USOE to improve the calculations for class size averages, student/teacher ratios and student/adult ratios. The findings of the audit include: (1) Class size reduction funding would enable school districts to reduce class size in grades K-6 by 3.08 students, (2) 92% of the class size data is accurate and reflects mainstream classrooms, (3) 8% of the class size data is not accurate due to unique configurations (non-traditional models), (4) computing the mandated grade level detail for student/teacher ratios and student/adult ratios is not currently possible. The class size average, student/teacher ratios and student/adult ratios are annually reported on the Utah Performance Assessment System for Students school report card: <http://u-pass.schools.utah.gov/u-passweb/UpassServlet>; and the Superintendents Annual Public Report <http://www.schools.utah.gov/default/AnnualReport.pdf>.

The Committee reviewed a response to the Legislative Audit detailing the specific changes that will be made to improve the quality/accuracy of the class size averages, student/teacher ratios and student/adult ratios. (For complete details see General Exhibit No. 10878.)

The Committee reviewed the audit response as presented. No action was required.

Youth In Custody Programs

By state statute, the State Board of Education is directly responsible for the education of all youths who are in the custody of a state agency for reasons of neglect or delinquency. All Utah Youth in Custody are served by local school districts in accordance with individual plans. The state receives approximately \$20 million in state YIC funding and some federal funds through NCLB. The goal is to increase the student competency so each student can re-enter and successfully function in a regular school/community setting and family life.

Staff shared the following information:

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- Background of the Youth In Custody Program
- Funding and Program Requirements
- Coordinating Agencies
- Outcomes and Number of Students Served Annually
- Gaps

(For complete details see General Exhibit No. 10879.)

The Committee received the report as information. No action was required.

McKinney-Vento Homeless Education Program

Under No Child Left Behind, the McKinney-Vento Act provides for education stability for homeless children and youth. In Utah, both state and federal funding assists districts in identifying and serving qualifying homeless students. Each school district is required to have a Homeless Liaison who is responsible for identifying eligible students and ensuring that barriers to enrollment and educational services are minimized. Kreig Kelley currently serves as the State Education Homeless Coordinator for the Utah State Office of Education.

The Committee received as information a presentation concerning the McKinney-Vento Homeless Act which included: definition of homeless children and youth, removing barriers, immediate enrollment and education services being provided. (For complete details see General Exhibit No. 10880.) No action was required.

Law and Policy Committee

Member Janet A. Cannon, Chairman of the Law and Policy Committee presented the following recommendations from the Committee:

Licensing Routes, R277-503-4 Amended

R277-503-4C, School district/charter school specific competency-based licenses, does not address the issue of how to proceed when the applicant already holds a Utah license. There has been a significant increase of these license applications from charter schools and school districts for many individuals who currently hold a license. R277-503-4C is amended to clarify procedures for current license holders who are applying for a district-specific license in an additional license area of concentration.

Licensing Route, R277-503-4 - Amended

R277-503-4, Licensing Routes, describes the process for determining a course of action for candidates who have applied for a teaching license through the Alternative Routes to Licensure (ARL) Program. Paraeducators have expressed a desire to have their experience

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evaluated as part of their professional growth plan. The ARL staff shall make recommendations for professional development in pedagogy based on evidence of three years of successful experience as an instructional paraeducator. New language is added to R277-503-4B(3)(e). (For complete details see General Exhibit No. 10881.)

The Law and Policy Committee approved the amended section of R277-503-4, Licensing Routes on first reading and moves that the Board approve the amendments on second reading. Motion carried unanimously.

Special Needs Scholarship - Funding and Procedures, R277-602 Amended

The 2009 Legislature passed HB 524 *Carson Smith Scholarship Program Amendments*. The Special Needs Scholarship program provides payments to parents of qualified students for tuition at approved private schools. The statutory changes in the bill will require minor changes to R277-602 *Special Needs Scholarship- - Funding and Procedures*. The Committee received the changes to bring the rule into conformity with HB 425. (For complete details see General Exhibit No. 10882.)

The Law and Policy Committee approved the amendments to R277-602 *Special Needs Scholarship* on first reading and moves that the Board approve the rule on second reading. Motion carried unanimously.

Finance Committee

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

Student Transportation Standards and Procedures, R277-600 Amended

At the January 2009 Finance Committee meeting issues relating to school buses being used for non-pupil transportation, and school buses traveling over state lines were discussed. State Risk Management presented its concerns of liability exposure and various other factors were presented by staff which might affect R277-600, *Student Transportation Standards and Procedures*.

The Committee directed staff to prepare amendments to R277-600, *Student Transportation Standards and Procedures*, incorporating discussed changes. The Committee reviewed the amendments, including new amendments suggested by the Utah School

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Superintendents Association, to R277-600. (For complete details see General Exhibit No. 10883.)

The following amendments were made to the rule by the Committee:

- Lines 98-107 leave as originally was, so everything that is cross out it put back and everything added is crossed out.
- Line 172 will now read “the USOE shall review and may refuse to fund route changes as applicable.
- Line 183 will not read: “school districts may use state guaranteed transportation levy or local transportation funds.
- Line 189 the word “instructional” removed.
- Line 196 remove the words “If appropriate.” The same issue exists on Line 330, where “if appropriate” is removed.
- Line 198 strike out the words “school purposes and activities” and adding the words to and from routes.
- Line 326 remove the words “release of.”

The Committee approved the amendments to R277-600, *Student Transportation Standards and Procedures* on first reading and moves that the Board approve the amendments on second reading. Motion carried with Members Brown, Burningham, Cannon, Castle, Crandall, Haws, Jensen, Locke, Morrill, Moss, Openshaw and Roberts voting in favor; Members Murphy and Thomas absent.

Legislative Budget Summary

The information for this item was shared with the full Board earlier in the meeting.

Standards for Selling Foods Outside of the Reimbursable Meal in Schools, R277-719, Report

In the March Finance Committee meeting, a preliminary report was presented reviewing the policies that had been submitted to date from school districts and charter schools for R277-719, *Standards for Selling Foods Outside of the Reimbursable Meal in Schools*. Staff was directed to obtain the missing policies and report at the next committee meeting the findings and conclusions of the policies as required in R277-719-4A.

The Finance Committee was informed of the findings and conclusions of the school districts’ and charter schools’ policies dealing with R277-719. (For complete details see General Exhibit No. 10884.)

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This was provided as information and no action was required.

Board Meeting

Member Kim Burningham indicated that there was some concern expressed from some members of the audience that it was not clear in the motion relative to the waiver of the 180 day issue. He clarified that the original motion included that the cut of days be across the board. If schools are taking the calendar days, it is all district employees.

Utah State Board of Education Code of Conduct

During the Board's informal meeting on February 5, 2009 members discussed their Code of Conduct. Since that time a draft of what was gleaned from that discussion was sent to board members with the request that they make any further suggestions or modifications. The suggestions and modifications received were included in the document. (For complete details see General Exhibit No. 10885.)

Motion was made by Member Kim R. Burningham and seconded by Member Janet A. Cannon to approve the Code of Conduct as presented. Motion carried unanimously.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Information Items:

- Under the leadership of Associate Superintendent Brenda Hales, the Utah State Office of Education has developed a comprehensive report for use in gathering data and objectives from districts and charter schools on most of the programs coming out of the USOE.
- Governor Huntsman has sent a formal letter of invitation to Secretary Arne Duncan, inviting the Secretary to see how Utah is implementing the stimulus money while increasing innovation in Utah's schools.
- As in the case of all state agencies, the USOE is continuing to develop "next steps" in a Workforce Adjustment Plan to address the ongoing budget cuts for FY 09 and FY 10. She shared examples that in the Student Achievement Section are 34.66% of employees, Assessment and Data, 51.57% of employees; Law and Equity, 3.98% and in Business and Accounting 5.11% This would represent the share of the budget cut.

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Discussion Item:

- There are many states coming together for national common standards that are rigorous and with international benchmarks. Thirty-four states have already aligned themselves with the American Diploma Project which is fairly rigorous and would increase the graduation requirements. They are aligned with the Council of Chief State School Officers (CCSSO).

WestEd which is an arm of the US Department of Education has asked for some that are in that to come together to create some common standards. All is coming to a peak moment with the stimulus package for national common standards.

On April 17 Board Leadership has approved her travel to visit with CCSSO and the expectation is that Utah might sign a Memorandum of Understanding that we might begin the dialogue. It will not commit her or the Board but would add Utah to the states that are interested in understanding on how we might develop common standards.

It was clarified that the national standards would focus around language arts and math.

Motion was made by Member C. Mark Openshaw and seconded by Member Kim R. Burningham to support Superintendent Harrington moving forward with dialogue and possibly a memorandum of understanding to begin the discussion of common standards. Motion carried unanimously.

(For complete details see General Exhibit No. 10886.)

Board Chairman Report

Chairman Debra Roberts presented the following items of information:

- Denis R. Morrill, Chairman of the Superintendent Search/Screening Committee presented a report to the Board on the progress to date of the superintendent search. (For complete details see General Exhibit No. 10887.)

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Chairman Debra Roberts indicated that she has been using the same questions Gary Carlston developed five years ago to interview people as to what they would like to see in a new State Superintendent. She reported that she has interviewed Speaker Clark, President Waddoups and Senator Stephenson. She asked each Board Member to distribute the list of questions to local board members as they attend their USBA Regional Meetings.

- Leadership has looked at having a report of outside committee assignments at each of our board meetings. If someone would like to make such a report please contact her prior to April 16, Leadership meeting, so it can be scheduled in May.
- Shared information showing the 2009 Commencement Schedule. Important to be at the commencements on the 1st or 8th. May 1st is our board meeting and she questioned if the board would like to change the date of board meeting so members of the board could attend the commencement exercises. It was agreed that we would not move the board meeting this year but for future schedules to look at a different time, including holding two meetings in April, one at the beginning of the month and one at the end.
- NASBE Awards - any nominations - none were suggested.
- Reviewed the calendar of upcoming meetings.

(For complete details see General Exhibit No. 10888.)

Board Member Reports on Outside Committee Activities

Member Laurel Brown distributed a report from the NASBE Study Group on School-Community Partnerships: Supporting Student Learners to Improve Graduation Rates. (For complete details see General Exhibit No. 10889.) She indicated that this is on how we design our schools, preventing dropouts and how to partnership with families, community, etc.

Member Brown also provided a CD from the Curriculum Section made by Associate Superintendent Brenda Hales on what that section does.

Member Dave Thomas reported on the NASBE Legislative Conference. The Board delegation met with a number of our congressional delegation and/or staff. The word from the Department of Education is that the stimulus stabilization money is one time - don't expect any more. They used the current formulas already in place to distribute it. Consequently when we look at 2011 we are looking at a 12% decrease. The Department of Education talked about the

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Race to the Top Grants which is \$4.3 billion that they want regions, groups of states, to apply for it. They are looking for regional standards. The congressional delegation was not as familiar with the stimulus package as we were. They asked us for letters to each of them with a number of questions that Superintendent Harrington had given them as discussion items. They also talked about the reauthorization of No child Left Behind. We are pushing to have the growth model available to everyone told everyone and not just a pilot program. We were told that the Obama administration supports that, the House and Senate Republicans support it and the Senate Democrats support it. The House Democrats who will write the bill we still need to work on. Congressman Bishop who is on the House Education Committee committed that he would try to work with Democratic leadership to try to put this in the bill so it does not need to be amended in the future on the floor or in committee. Senators Hatch and Bennett were willing to amend it in the Senate if necessary.

Member Carol Murphy reported that the Board of Regents had adopted a Resolution of Appreciation for Board Member Janet Cannon for her service on the Board of Regents. She reported that last week the Board of Regents spent two days working on goal and priority setting. One of their focus is on the changing demographics in Utah and what that means for higher education. Interesting a lot of them were surprised about things that do not surprise us. We know the composition of a school classroom. They had one very good presentation on what those are and how they are quantified. She thought that sometime this summer the Board could have a presentation on this.

One of their focus' is the Latino specific programs to get into college. They had one statistic which is based on national statistics on how many Latino students graduate form high school, those that go on to college and then those that actually graduate from college.

General Consent Calendar

Motion was made by Member Janet A. Cannon and seconded by Member David C. Thomas to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meetings

Minutes of the Meetings of the State Board of Education held March 6, 2009.

2. Contracts

The following contracts were approved by the Board:

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- (1) The National Center for the Improvement of Education Assessment.
\$829,117.87. 4/15/09-4/14/2012. - Fed.

To provide: Assessment and Accountability technical and policy assistance to the Utah State Office of Education.

- (2) Mesa Systems Inc. \$15,000. 5/1/09-4/30/10. - Amend. - Fed.

Renew contract for one year.

- (3) Teachers-Teachers.Com., Inc. \$115,808. 3/31/09-3/30/2010.

Membership to web based database forum where institutions seeking to hire teachers and administrators can search for employees that have posted resumes and qualifications, and job preferences.

- (4) i Assessment dba TrueNorthLogic. \$200,000. 4/1/2009-3/31/2010. - Fed.

Licensed software for program and grant management.

(For complete details see General Exhibit No. 10890.)

3. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were reviewed and approved by the State Board of Education. (For complete details see General Exhibit No. 10891.)

4. Standards for Utah School Buses and Operations, R277-601

In the January 8, 2009 State Board of Education meeting, amendments to R277-601, Standards for Utah Buses and Operations dealing with the use of electronic and telecommunication devices on school buses and the end of bus route inspection were approved.

Subsequently, additional clarification regarding the use of electronic and telecommunication devised on school buses required this rule to be amended again. The amendments were reviewed by the Finance Committee at the March 6, 2009 meeting.

The Board approved the amendments to R277-601, Standards for Utah School Buses and Operations on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-601, Standards for Utah School Buses and Operations on third and final reading.

(For complete details see General Exhibit No. 10892.)

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5. Procedures for the Utah High School Completion Diploma, R277-702

R277-702 Procedures for the Utah General Educational Development Certificate was amended to define the same parameters defined, as recent amendments, in R277-733, Adult Education Programs. Specifically, defining parameters associated with youth (16 years of age or older) who may choose to exit a K-12 program of instruction and seek admission to take the GED Tests; and upon successfully passing the GED Tests receiving a Utah High School Completion Diploma.

At the March 6, 2009 Board Meeting additional amendments were made by the Curriculum Committee which they approved on first reading, and the Board approved R277-702, Procedures for the Utah High School Completion Diploma on second reading. There have been no substantive changes to the rules since that time. The Board approved R277-702, Procedures for the Utah High School Completion Diploma on third and final reading.

(For complete details see General Exhibit No. 10893.)

6. 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 rule was reviewed and approved:

R277-725 Electronic High School

(For complete details see General Exhibit No. 10894.)

7. 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. 10895.)

8. USBE Annual Calendar

The Utah State Board of Education Annual Calendar was provided for information to the Board. (For complete details see General Exhibit No. 10896.)

9. 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.10897.)

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10. Claims Report

The Claims Report in the amount of \$245,371,983.05 for March 31, 2009 was approved by the Board. (For complete details see General Exhibit No.10898.)

Recognition of Outgoing Board Member

The Board recognized Richard Moss who has resigned from the Board due to an employment move to another state. The Board presented Mr. Moss with the traditional bell plaque.

Member Moss stated that it has truly been an honor to serve with everyone. He commented that Superintendent Harrington has truly made a difference in this state and for the children. He encouraged the Board to go forward, that each child is different and doesn't fit into each circle and the Board should seek educational opportunities for each child.

Motion was made by Member and seconded by Member to adjourn.

Meeting adjourned at 4:10 p.m.