

MINUTES

August 7, 2009

Minutes of the meeting of the State Board of Education held August 7, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m.

Chairman Debra G. Roberts presided

Members present were:

Chairman Debra G. Roberts
Vice Chairman Dixie L. Allen
Member Kim R. Burningham
Member Janet A. Cannon
Member Leslie B. Castle
Member Greg W. Haws
Member Meghan Holbrook
Member Douglas Holmes
Member Michael Jensen
Member Charlene Lui
Member Denis R. Morrill
Member Carol A. Murphy
Member C. Mark Openshaw
Member David L. Thomas

Board Members Laurel Brown, Rosanita Cespedes, David Crandall and Shelly Locke were excused.

Also present were:

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

Members of the Press:

Chris Onan, Standard Examiner
Lisa Schencker, Salt Lake Tribune
Amy Stewart, Deseret Morning News

Holly Langton, Utahns for Public Schools
Doug Macdonald, Econquest

Welcome

Board Member Kim R. Burningham led the Board in the Pledge of Allegiance.

Board Member David Thomas welcomed everyone to the meeting read some excerpts from the farewell speech given by General MacArthur to the Cadets when he left West Point on

August 7, 2009

May 12, 1962. He indicated that NASBE has entered into an agreement with the United States Army to look at helping the education process of the almost one million men and women in the United States Army. (For complete details see General Exhibit No. 10957.) Member Thomas stated that as an officer in the United States Army, “duty, honor and country” was more than a slogan. As we look at our new agreements with the United States Army it is good to keep in mind that is what those soldiers are, and what they truly believe in and what they are willing to sacrifice.

Superintendent Larry Shumway introduced Dr. Martell Menlove, Deputy Superintendent. He indicated that Dr. Menlove has a distinguished career as an educator in Utah, he served for 12 years most recently as the Superintendent in the Box Elder School District, has a long career as a teacher, principal, and in 2006 was Utah Superintendent of the Year, has been president of the Utah School Superintendents Association, has a Ph.D. in Education from Utah State University.

Chairman Roberts introduced Chief Justice Christine M. Durham and expressed appreciation to her for taking the time to attend the Board Meeting to issue the Oaths Of Office.

Oaths of Office

Christine M. Durham, Chief Justice of the Utah Supreme Court issued the Oath of Office to newly appointed Board Member Douglas J. Holmes, representing the Utah College of Applied Technology Board, and newly appointed State Superintendent Larry K. Shumway.

Superintendent Shumway stated that he counted it a rare privilege to take an oath like that. Recently he has been quoting some of the opening words in the Declaration of Independence, “we hold these truths to be self evident that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness, that secure these rights governments are instituted among men. What an honor to take an oath to support the Constitution to defend, and obey the Constitution of the United States and of our state. To think of it in the context of this visionary statement written 240 years ago and this continually developing understanding of ours of what that mean in our nation. It is a great thing and he takes it as a great honor. In just the couple of months that have passed since the Board announced his appointment as State Superintendent he has talked with people across the state he has asked them what they might want from us and from everyone he has heard a common theme that they want the State Board of Education and the State

August 7, 2009

Superintendent to lead. This is a challenge. His sense is they have couple of things in common, (1) clarity of direction, and (2) consistency. He stated that we have done good work starting down that road with the initiative of Promises to Keep with Debra and Dixie's leadership. As we move forward we will invite other stakeholders and other policy leaders to join us in keeping certain promises to citizens and children in the State of Utah. We have all heard the discussion of what is at the core of the promises that we should keep as part of our civic compact with the citizens of the state. Among those are that every child: (1) learns to read, and acquires the skills of literacy, (2) receive high quality instruction, (3) have available a curriculum with high standards and relevance, (4) our system always have assessment that serves instruction, and accountability. He renewed his pledge to support the Board in its work, his best and all his energy to the ends of serving all students in our state, regardless of location, background, wealth, color, ethnicity, religion. Every student deserves all we have to give them.

Dr. Shumway introduced his wife Mary Shumway, his father Lafe Shumway, he noted that his mother passed away in June, but she still saw this privilege come to him. Also his sons Steven and Tyler, daughter Julia and sister Becky Burgess and her husband Brian.

Dr. Shumway expressed appreciation to Chief Justice Durham for coming to issue the oath of office to him.

Chairman Roberts stated that the Board is very excited to move forward with Larry's leadership and his energy.

Chief Justice Durham offered congratulations to the new board member and the state superintendent. She also expressed on behalf of the judicial branch of government their appreciation and support of the efforts the public schools in Utah are making to sure up and ensure that education for citizenship is a part of the public school curriculum. Public education in this county was conceived of and originally designed as a means of insuring to the republic the promises that were articulated in the Declaration of Independence and Constitution. It is wonderful that our Utah schools are consistently rededicating themselves to that mission of educating young people to preserve the republic which we were given by our forefathers.

Public Participation/Comment

There were no requests for comments.

The Board recessed into Standing Committee Meetings at 8:20 a.m.

The Board reconvened at 11:00 a.m.

August 7, 2009

Achievement Spotlight

The Board recognized Tim Bailey as Utah's History Teacher of the Year. Tim is a 5th grade teacher at Escalante Elementary School in the Salt Lake City School District. Tim was chosen for this award because he exemplifies leadership and provides inspiration for children and teachers. Tim has also received high accolades for his work in children's theatre and as a literacy coordinator. He was also a Fullbright award winner and a Huntsman nominee. Tim also served as a school representative to NASA, where he had the privilege of training.

Mr. Bailey has earned the respect and appreciation of those who work with him as a colleague, as a teacher, and as a leader. Whether he is working with children, parents, teachers, or administrators, he consistently shows kindness and acceptance toward the people around him.

Mr. Bailey was presented a Certificate of Excellence from the Board.

Iowa Test of Basic Skills 3rd Grade Reading Results

The full battery of the Iowa Test of Basic Skills (ITBS) is given each fall to all third grade students. Beginning in 2008, the reading portion of the ITBS is given to all third grade students. This fall and spring testing provides information on the reading ability of all third grade students at the beginning and end of third grade.

Judy Park, Associate Superintendent presented the results of the reading portion of the third grade Iowa Test of Basic Skills. (For complete details see General Exhibit No. 10958.)

The Board received the report as information.

Promises to Keep

The Board in their work study session yesterday reviewed the Promises to Keep. Superintendent Shumway revisited the Robert Frost poem "Stopping by Woods on a Snowy Evening," the inspiration for the "Promises to Keep."

Dr. Shumway shared the suggested changes from the work session. (For complete details see General Exhibit No.10959.) He recommended that the Board adopt this as a statement of vision and mission.

Vice Chairman Dixie Allen recommended the following changes to the beginning of each promise:

- #1 Remains the same: Ensuring literacy and numeracy for all Utah children;
- #2 Providing high quality instruction for all Utah children;

August 7, 2009

#3 Establishing curriculum with high standards and relevance for all Utah children;
and

#4 Requiring effective assessment to inform high quality instruction and
accountability.

Vice Chairman Allen noted that in the Blue Ribbon Committee there was discussion of assessing the students aptitude so we could better help them move into a career field. She suggested the Board think of adding to the last bullet the words students aptitude prior to accountability.

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Kim R. Burningham to approve the amendments of the first words in each of the statements in the document.

Member Mark Openshaw suggested changing # 3rd establishing relevant curriculum.

Dr. Shumway questioned relevance for all children - not all curriculum is relevant for all children.

Member Carol Murphy suggested changing for all Utah children to all Utah students.

Vice Chairman Dixie Allen commented that there are lots of educational opportunities and there is choice and some of that choice is a non-student position. We owe it to the children of Utah as much as we can, some are not students in our schools,

Motion by Vice Chairman Allen and Member Burningham to amend the document as noted above carried unanimously.

Motion was made by Vice Chairman Dixie Allen and seconded by Member David L. Thomas to add aptitude in the last one, which will inform movement from secondary to post secondary education. It would read: Requiring effective assessment to inform high quality instruction, student aptitude and accountability.

Member Burningham indicated that from a grammatical standpoint, requiring assessment to inform aptitude is not understood.

Member Charlene Lui stated she agreed with the concept but did not want to see it in one of the major bullets. This reminds her of tracking and we need to give guidance to students, but don't want the student tracked.

Vice Chairman Allen withdrew her motion.

August 7, 2009

Motion was made by Member David L. Thomas and seconded by Member Kim R. Burningham to adopt the Promises to Keep as amended. Motion carried unanimously. (For complete details see General Exhibit No. 10959.)

Dr. Shumway presented a draft time line on how to press forward with the Promises to Keep and to flush out with goals and strategies. (For complete details see General Exhibit No. 10960.)

Dr. Shumway expressed appreciation to the Board for its adoption of the Promises to Keep. He indicated that one challenge is to return to basic principles, and these are powerful ideas and have tremendous potential, being clear why we do public education.

Executive Session

Motion was made by Member Mark Openshaw and seconded by Vice Chairman Dixie L. Allen that the Board move into an executive session during lunch to discuss personnel issues, and discussion of purchase, exchange, or lease of real property. The Board was polled and by unanimous consent of those present, the Board moved into an executive session at 12:50 p.m.

Motion was made by Member David L. Thomas and seconded by Vice Chairman Dixie L. Allen to reconvene into open meeting. Motion carried with Members Allen, Burningham, Cannon, Castle, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Haws and Jensen absent. The Board reconvened at 2:48 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas to concur in the recommendation of the Utah Professional Practices Advisory Commission and hearing panel in Case No. 08-872 that the educator license of a former counselor in the Logan School District, be suspended for three years 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 fostering an inappropriate relationship with at least one student; his actions resulted in the parents requesting a protective order against him and a charge of criminal stalking. It was noted that the hearing report was reviewed by Board Member in Executive Session. Motion carried with Members Allen, Burningham, Cannon, Castle, Jensen, Morrill, Murphy, Openshaw, and Thomas voting in favor; Member Haws absent.

August 7, 2009

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas to adopt the recommendation of the Utah Professional Practices Advisory Commission and in acceptance of a stipulated agreement, including conditions of the agreement, Case No. 09-888, whereby a former teacher at a private school voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for two years from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. The suspension results from accessing and downloading inappropriate and pornographic materials using his school computer and viewing some of the material during the school day. The misuse occurred over the course of several months. Motion carried with Members Allen, Burningham, Cannon, Castle, Jensen, Morrill, Murphy, Openshaw, and Thomas voting in favor; Member Haws absent.

(For complete details see General Exhibit No. 10961.)

Division of Services to the Deaf and Hard of Hearing

Motion was made by Member Carol Murphy and seconded by Member Janet A. Cannon to reappoint Cindy McDougal, Diane Larsen and Janice Deelstra and to appoint Cynthia Plue and Robert Guillory to the Division of Services to the Deaf and Hard of Hearing Advisory committee, terms to expire June 2012. Motion carried unanimously.

Statewide Independent Living Council

Motion was made by Member Carol Murphy and seconded by Member Janet A. Cannon to reappoint Andrew Riggle and Leslie Gertsch and appoint Jeff Sheen to the Statewide Independent Living Council, terms to expire October 2012. Motion carried unanimously.

Utah Schools for the Deaf and Blind Superintendent

Upon recommendation of the search committee, Motion was made by Member Leslie B. Castle and seconded by Member David L. Thomas that the Board appoint Steven Noyce to be Superintendent of the Utah Schools for the Deaf and Blind. Motion carried with Members Allen, Burningham, Cannon, Castle, Haws, Jensen, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Roberts abstained.

August 7, 2009

Utah Schools for the Deaf and Blind Associate Superintendent

Motion was made by Member Leslie B. Castle and seconded by Member David L. Thomas that the Board ratify the appointment of Melanie Austin as the Associate Superintendent for USDB Blind Services. Motion carried unanimously.

Board Standing Committee Reports

Finance Committee

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

The Finance Committee members are also the audit committee members and the first item was Audit Committee.

Audit Committee

Chairman Debra Roberts reported that the State Superintendent had conducted a search for the new Internal Auditor position. She and Member Haws were members of the screening committee. The Audit Committee received a recommendation from Superintendent Shumway that Thomas Obray be appointed the Internal Auditor. The Audit Committee accepted the recommendation. She indicated that Mr. Obray had come highly recommended and was the number one choice of those participating on the screening committee.

Motion was made by Member Greg W. Haws and seconded by Member Mark Openshaw that the Board accept the recommendation of the Audit Committee and appoint Tom Obray as the Utah State Board of Education Internal Auditor. Motion carried unanimously.

Public School Finance in the State of Utah

In anticipation of limited new revenues in FY 2011 for public education, the State Board of Education will be in a challenging position to recommend to the Governor and State Legislature a fiscal strategy that will address the pressures of enrollment growth, charter school financing, and educational program priorities.

To better understand the financial options available to public education the finance committee reviewed current state policies and practices including the three aspects of public school finance: state funding formulas, local property taxes, and capital financing. (For complete details see General Exhibit No. 10962.)

This was an information item and no action was required.

August 7, 2009

Single Rate Income Tax Repeal
and Graduated Tax Rate Revision

In its June 2009 meeting, the Board heard a presentation from the Rings True Coalition regarding the effects of changes over the past three years to Utah personal income tax policy. The Rings True Coalition is a group of citizens who have filed an initiative to repeal the single rate income tax structure. The analysis performed by the coalition finds that the new single rate structure has resulted in a reduction of revenue to the education fund of almost \$400 million.

The Finance Committee discussed the Rings True Coalition request for support of the initiative. (For complete details see General Exhibit No. 10963.)

The Committee determined to not take any action. Just want the board to be aware of the issues.

Member Kim Burningham stated that since the meeting he put together a resolution for consideration by the Board as a motion. (For complete details see General Exhibit No. 10964.)

Motion was made by Member Kim R. Burningham and seconded by Member Janet A. Cannon that the Board adopt the Resolution presented relative to the Rings True Coalition initiative.

Member Dave Thomas spoke in opposition to the resolution because the debate is to get rid of the flat tax and have a progressive tax which increases taxes on those who start earning \$50,000 plus. The more wealthy or upper middle class pays most of the bill. He believes in terms of education, what is fair is that everyone should participate, and if we want more revenue for education then everyone should contribute on an equal basis.

Vice Chairman Dixie Allen spoke in support of the resolution because the resolution only indicates that we should look at it.

Member Denis Morrill spoke in support of progressive income tax but indicated he has not taken the time to review it. He encouraged all to look at it.

Member Janet A. Cannon spoke in favor of the motion that just indicates we will study and become more knowledgeable about this.

Member Burningham encouraged a vote in favor. He acknowledged the concerns of Member Thomas, this is an important issue that needs to be discussed. He feared if we do

August 7, 2009

nothing, we are saying we don't want the subject brought up at all and the subject needs further examination.

Motion carried with Members Allen, Burningham, Cannon, Castle, Jensen, Morrill, Murphy and Roberts voting in favor; Members Haws, Openshaw and Thomas opposed.

Curriculum Committee

Member Michael Jensen, Vice Chairman of the Curriculum Committee presented the following recommendations from the Committee:

Comprehensive Guidance and Counseling Program

The Comprehensive Guidance and Counseling Program is designed to facilitate student development and competencies through the four components of 1) guidance curriculum 2) individual planning, 3) responsive services, and 4) system support. Over the past 25 years Utah's schools have worked to implement the program consistent with national standards, State Board rule, and Northwest Accreditation standards. The John Hancock K-8 charter school has requested a waiver of the comprehensive counseling and guidance requirements.

The Curriculum Committee considered options for schools to meet Comprehensive Guidance and Counseling expectations. There are good solutions for the schools that have requested waivers to use. (For complete details see General Exhibit No. 10965.)

Secondary Health Education Core Curriculum Revision

The Revised Secondary Health Education Core Curriculum was presented to the Board in May 2009. The Board approved the document pending an evaluation of suggested terminology for the glossary.

The Committee reviewed and evaluated two terms in their definitions to be included in the glossary of the Revised Secondary Health Education Core Curriculum. (For complete details see General Exhibit No. 10966.)

Adult Education Programs, R277-733

R277-733 was approved by the Board on February 1, 2009. It provides a diploma equivalent (the Utah High School Completion Diploma) for students who have passed the five subtests of the GED. In 2006-07, thirty-three students with disabilities passed the GED. In 2007-08, ten students with disabilities passed the GED. In order to be consistent with the Individuals with Disabilities Education and Improvement Act (IDEA) and federal regulations, entitlement to a free appropriate education (FAPE) does not end when a student with disabilities

August 7, 2009

who is served in special education programs has passed the GED. The entitlement to FAPE only ends when the student has graduated with a regular high school diploma or has reached the maximum age limit of twenty-two years.

R277-733 is amended to clarify that, for students with disabilities eligible for and being served by special education programs, successfully passing the GED and being awarded the Utah High School Completion Diploma does not end the entitlement to FAPE, consistent with the IDEA and federal regulations. Such students remain eligible for special education services until they have either received a regular high school diploma or reached the maximum age limit of twenty-two years. (For complete details see General Exhibit No. 10967.)

The Committee reviewed the amendments and approved R277-733 on first reading and moves that the State Board of Education approve R277-733, Adult Education Programs on second reading. Motion carried unanimously.

Financial and Economic Literacy, R277-704

The General Financial Literacy required core course was implemented by the Utah State Board of Education several years ago with the graduating class of 2008. In the 2008 legislative session, SB 2 included requirements for a K-12 Financial and Economic Education Passport. During the 2009 legislative session, SB 100 approved additional requirements for public schools to provide parents and students, during kindergarten enrollment, information about higher education savings options and the K-12 passport.

R277-704 is amended to include the language of SB 100 passed in the 2009 legislative session. (For complete details see General Exhibit No. 10968.)

The Committee reviewed the amendments and changed R277-704(E)(1) to delete higher education and replace it with post secondary education. The Committee approved R277-704 as amended on first reading and moves that the State board of Education approve R277-704, Financial and Economic Literacy on second reading. Motion carried unanimously.

Law & Policy Committee

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

Utah Schools for the Deaf and Blind, R277-800

During the past year a Board authorized task force worked on major changes to the rules for the Utah schools for the Deaf and Blind. As a part of this process, State Office of

August 7, 2009

Education staff have also received input from various stakeholders. These changes along with those that were made in HB 296 during the 2009 legislative session require the complete rewriting of R277-800, Utah Schools for the Deaf and Blind. (For complete details see General Exhibit No. 10969.)

The Committee reviewed the new rule and determined it would take a great deal of undertaking. They will continue to work on the rule at the next Board meeting.

Charter Schools, R277-470

HB 197, Reauthorization of Administrative Rules, 2009 Legislative Session, removed language from State Board Rule R277-470-12. Additionally, UCA 53A-1a-501.6, Power and Duties of State Charter School Board, requires the State Charter School Board to “make recommendations on legislation and rules pertaining to charter schools to the Legislature and State Board of Education, respectively.”

The new legislation specifically did not reauthorize R277-470-12(B) and (C), Education, Administration, Charter School Parental Involvement.

State Director of Charter Schools, Marlies Burns, presented the State Charter School Board’s recommended changes to R277-470 sections (1) definition of a satellite school, (3) recapturing of unused students, (5) clarification, (7) clarification, (12) removal of parental involvement requirement, (13) requiring all charter schools to be accredited through NAAS, and (17) charter school revolving loan committee nomination. (For complete details see General Exhibit No. 10970.)

The Committee after reviewing the amendments made additional amendments:

Deleted R277-470-3(D)

Changed R277-470-5(B) to read: “Charter schools shall provide written notice of the information in R277-470-5A consistent with the school’s outreach plan and at least 180 days before the proposed opening day of school.”

Changed R277-470-5(C) to read: “Charter schools shall have an operative and readily accessible electronic website providing information required under R277-470-5A in place.”

R27-470-12(A) deleted the word “greater.”

R277-470-17(C) last sentence should read: “The Subaccount Committee shall also establish terms and conditions for loan repayment, consistent with Section 53A-21-401 (6) (b).”

August 7, 2009

The Committee approved the amendments to R27-470 on first reading and moves that the Board approve R277-470, Charter Schools as amended on second reading.

Superintendent Shumway noted that on under R277-470-13 (1) rather than Northwest use “NAAS” as defined in the definitions.

Motion was made by Member Janet A. Cannon and seconded by Member Carol A. Murphy that as part of the motion from the committee on second reading it also include the amendment made above by Superintendent Shumway relative to NAAS accreditation. Motion carried unanimously.

Performance-based Compensation Pilot Program

The 2009 Legislature passed HB 328 *Teacher Quality Amendments* which establishes the Performance-based Compensation Pilot Program. The bill requires that the State Board of Education select school districts and charter schools to participate in a performance-based compensation pilot program for elementary school classroom-related staff.

The pilot school principals have met with USOE staff and have begun the work of the project. Year one is a planning year.

The Committee received a report on the progress of the pilot program. (For complete details see General Exhibit No. 10971.)

No action was required.

Executive Officer Report

Superintendent Larry Shumway presented the following items of information:

- Dave Buhler, Utah System of Higher Education described some of the challenges they are facing with the New Century and Regents’ Scholarships. He indicated that these program have been funded with supplementals over the last ten years. This year, the program took an 8% budget cut, meanwhile they have a 50% increase in the number of students qualified for awards this year. The law also provides that the Board of Regents can limit or reduce the amount of the awards based on appropriation. After contacting legislative leaders to see if there was any way to fund a supplemental and received no encouragement, at the last Board of Regents meeting they voted to reduce the award this year to 40%, normally it has been 75% of tuition. Also, to put people on notice that the following year, assuming current funding and trends, it would be at 25%. There are a lot of

August 7, 2009

disappointed students and parents. The high school counselors will also be hearing about this. Mr. Buhler also reported on the Regents' Scholarship. (For complete details see General Exhibit No. 10972.)

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Carol A. Murphy that a letter be drafted to go to schools, legislative leadership and the Governor's office describing our support for these programs. Motion carried unanimously.

- USOE Organization changes - updated the Board on the changes that have been made in the last two months.
- ARRA/Race to the Top Timelines
- Charter School Funding - Asked to lead out on finding a solution. Meeting at various times with representatives from District Business Administrators, School Superintendents, Charter School Directors. Productive meetings, close to a solution, making progress. By the time to propose legislation have a proposal to present to the Board.
- *Our View* Article "Although Per Student Spending Rankings are Misleading, Money Matters in Public Education."

(For complete details see General Exhibit No. 10973.)

Board Chairman Report

Chairman Debra Roberts presented the following items of information:

- Shared a thank you note from former superintendent Patti Harrington.
 - Expressed appreciation to Lorraine Austin and Twila Affleck for the nice retirement celebration for Dr. Harrington.
 - Expressed appreciation to Twila Affleck and Larry and Mary Shumway for their efforts in making the social last evening such a success.
 - She, Vice Chairman Allen, Superintendent Shumway have met with Senator Pat Jones and the Senate Minority, and the House Minority leadership.
 - Chairman Roberts reported she had given keynote speech at the Utah Rural Schools Association Conference.
 - Chairman Roberts expressed appreciation to the Board Members who had attended the joint meeting with the Board of Regents. She indicated that next year we will be hosting the conference and it will be structured differently.

August 7, 2009

- Chairman Roberts reported that she has been meeting with her local districts and encouraged others to do the same.
- Chairman Roberts reported that she had participated in Charter funding meeting.
- August 11th K-16 Alliance meeting has been cancelled and will be rescheduled in September.
- August 20 - Board Leadership
- August interim meeting - August 19. Dave Thomas indicated he was not sure if they are going to have a discussion on equalization.
- Board Leadership will be meeting with USBA next Friday.
- September 11th Board Meeting - come together discuss next part of calendaring item for goals on Promises to Keep. Is there sufficient interest to have later in the evening - 4-6 p.m. Superintendent Shumway may also lead an equalization discussion. Philosophy and mechanics of our equalization program. It was agreed that the meeting prior to the September 11th meeting will be held.
 - Member Kim Burningham announced that the Coalition for Character Civics holding its annual Dialogue for Democracy that evening, and he encouraged board members to participate.
- Chairman Roberts indicated Board Leadership has discussed to strengthen our relationship with the district superintendents. We would like to have board members sign up and attend those meetings. There was sufficient interest among the Board and there will be a sign-up sheet at our next board meeting.
- NASBE New Board Member Institute - Members Dave Thomas, Leslie Castle and Dave Crandall attended the Institute. Member Dave Thomas reported for the group that it was a good exercise, they met a number of others from other states that were newly elected and they found out that a lot of the things we discuss are the exact same things they discuss. A lot of our issues are identical. Everyone has gone about resolving the issues in different ways. There were interesting discussions on what worked and what did not and this was very helpful.

August 7, 2009

General Consent Calendar

Motion was made by Member Michael Jensen and seconded by Member Dixie Allen 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 May 29, 2009 and June 5, 2009.

2. Contracts

The following contracts were approved by the Board:

- (A) Central Utah Center for Independent Living. \$491,148. 7/1/09-6/30/2010. Amend. Fed.

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

- (B) Digital Media Consulting, LLC. \$60,000. 7/1/2009-6/30/2010.

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

- (C) College Board Examination Board. \$57,960. 4/1/2009-3/15/2010. Fed.

To pay Advanced Placement (AP) test registration fees for low-income students.

- (D) OPTIONS For Independence. \$470,120. 7/1/2009-6/30/2010. - Amend. - Fed.

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

- (E) Red Rock Center for Independence. \$491,060. 7/1/2009-6/30/2010 - Amend. - Fed.

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

August 7, 2009

- (F) Active Re-Entry. \$508,499. 7/1/2009-6/30/2010. - Amend. - Fed.

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

- (G) Utah Independent Living Center. \$495,426. 7/1/2009-6/30/2010. - Amend. - Fed.

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

- (H) Tri County Independent Living Center of Utah. \$490,088. 7/1/2009-6/30/2010. Amend. Fed.

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

- (I) Department of Administrative Services, DFCM. \$14,368. 7/1/2009-6/30/2010. - Amend. - Fed.

The operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Rehabilitation Brigham City Office, 275 W. 1100 S. Brigham City, UT.

- (J) Department of Administrative Services, DFCM. \$172,655.64. 7/1/2009-6/30/2010. - Amend. - Fed.

To begin the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, located at 950 East 24th Street, Ogden, Utah.

- (K) Department of Administrative Services, DFCM. \$124,027. 6/1/2009-6/30/2010. - Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services for the Blind and Visually Impaired, located at 250 N 1950 W, Salt Lake City, Utah.

- (L) Department of Administrative Services, DFCM. \$126,630. 7/1/2009-6/30/2010. - Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services for the Deaf and Hard of Hearing located at 5709 S 1500 W., Taylorsville, UT.

August 7, 2009

- (M) Department of Administrative Services, DFCM. \$48,885. 7/1/2009-6/30/2010. - Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Provo Regional Center, located at 150 E Center, Provo, UT.

- (N) Department of Administrative Services, DFCM. \$164,864. 7/1/2009-6/30/2010. - Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services located at 500 S 1595 W, Salt Lake City, UT.

- (O) Salt Lake CAP Head Start. \$96,100. 5/14/2009-6/30/2009.

Provide comprehensive child development services to economically disadvantaged children and families.

- (P) Kane County School District. \$11,700. 7/1/2009-6/30/2010. - Amend. - Fed.

Provide funding for a Transition Facilitator to provide³ for transition services to Special Education and 504 students in the Kane County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

- (Q) Washington County School District. \$27,693.33. 7/1/2009-6/30/2010. - Amend. - Fed.

Provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 students in the Washington County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

- (R) R & L At Home Personal Care. \$41,088. 7/1/2009-9/1/2010. - Amend. - Fed.

Provide personal assistance care for ADA accommodations for USOR employees.

- (S) Jensen & Keddington, P.C. \$401,700.28. 10/1/2009-9/30/2010. - Amend. - Fed.

Provide services for audit requirements and comply with federal regulations. No to exceed 38 primary sites @ \$2647.10 = \$100,589.80 and 8 secondary sites @ \$1984.81 = \$15,878.48.

August 7, 2009

(T) Utah Restaurant Association. \$278,700. 9/1/2008-6/30/2010. Amend.

Prepare high school juniors and seniors for a career in the restaurant and food service industry. Funding appropriated by the legislature to aid with training, mentoring, equipment, supplies and competitions in Utah high schools.

(U) Utah Educational Network. \$24,000. 7/1/2009-6/30/2014.

Pay EDNET site/system fees associated with USOE originated video conferences.

(V) Utah Afterschool Network. \$60,601. 9/15/2009-9/14/2010. - Fed.

Provide training and monitoring support for continued implementation of 21st CCLC Program Quality Assessment.

(W) CELT Corporation. \$30,000. 5/11/2009-5/10/2010.

To serve as advisory to the Chief Information Officer.

(For complete details see General Exhibit No. 10974.)

3. Educator Licensing Renewal and Timelines, R277-501-6

The recently released audit that identified background check offenses for both licensed and non-licensed public education employees provided several recommendations. One recommendation was that the Department of Public Safety (DPS) and the Utah State Office of Education (USOE) work together to expeditiously develop a public education employee data based. This rule directs, the USOE to provide DPS with demographic information on licensed Utah educators. The information currently exists in the Computer Aided Credential of Teachers for Utah Schools (CACTUS) database. The final piece of identifying information on licensed educators will complete the database as educators renew their licenses.

The Board approved R277-501-6, Educator Licensing Renewal and Timelines on second reading at the June 5, 2009 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-501, Educator Licensing Renewal and Timelines on third and final reading. (For complete details see General Exhibit No. 10975.)

4. Educator Licensing and Data Retention, R277-502

R277-502-6 Educator Licensing and Data Retention/Returning Educator Relicensure was established as a pathway for previously licensed educators to return to teaching while renewing their license through an individual professional

August 7, 2009

development plan based on the needs of the educator and the school. This program has been helpful in providing a pathway for over 100 teachers to reenter the teaching workforce. However, the rule has some loopholes that have made managing the program difficult. Applications continue to come in as late as mid-April with only one month to complete the plan. The proposed amendments clarify timelines for application and completion of the plan. Additional amendments were made to the rule at the June 5, 2009 Board meeting. The Board approved R277-502 on second reading as amended at the June 5, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-502, Educator Licensing and Data Retention on third and final reading. (For complete details see General Exhibit No. 10976.)

5. Charter School and Online School Student Participation in Extracurricular or Co-curricular School Activities, R277-494

The 2009 Legislature passed SB 36 *Charter and Online Schools - Participation in Extracurricular Activities*. The statute requires that the Board make rules establishing fees for public charter school and public online school students to participate in extracurricular activities. A fee schedule was established in 2008. Review of the statutory method for determining the fee has led staff to recommend revision of the schedule.

The statute requires that the school participation fee is the amount of the state and local tax revenue expended (except for capital facilities) divided by the total enrollment of the school district. The fee schedule adopted in the original rule was based on the total cost of the activity rather than the statutory formula.

The Law and Policy Committee received data collected related to setting an online and charter school participation fee. The Committee made further amendments to the rule and the Board approved R277-494 Charter School and Online School Student Participation in Extracurricular or Co-curricular School Activities as amended on second reading at their June 5, 2009. There have been no substantive changes to the rule since that time. The Board approved R277-494, Charter school and Online School Student Participation in Extracurricular or Co-curricular School Activities on third and final reading. (For complete details see General Exhibit No. 10977.)

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 rules were reviewed and approved:

R277-462	Comprehensive Counseling and Guidance Program
R277-463	Class Size Reporting
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, Speech-

August 7, 2009

	Language Pathologist and Speech-Language Technician, and Preschool Special Education (Birth-Age5) Licensure.
R277-521	Professional Specialist Licensing
R277-714	Dissemination of Information About Juvenile Offenders
R277-760	Flow Through Funds for Students at Risk

(For complete details see General Exhibit No. 10978)

7. Minimum School Days Waiver, R277-419

The State Board of Education in its April 3, 2009 meeting provided additional flexibility to school district boards of education and charter school governing boards in the current difficult financial circumstances. The Board's action allows the reduction of up to five instructional days, provided the following requirements are met: (1) Prior to the cutting of any instructional days, a district or charter school must first cut three calendared professional development days (days on which licensed staff would have worked without students present). Only after the reduction of the professional development days may the district or charter school reduce instructional days. (2) The decision to reduce instructional days must be made in an open meeting of the board. Parents must be notified of the pending action and provided opportunity to be heard. (3) Once a school district or charter school has taken action to reduce instructional days, notification of the action must be provided to the State Board of Education. This notification shall be made by letter to the State Superintendent. This action is specifically limited to the 2009-2010 school year. The following school districts and charter schools have taken action (prior to the publication of the General Consent Calendar) to reduce school days in the 2009-2010 school year: Duchesne, East Hollywood High Charter School, Grand County School District, Granite School District, Juab School District, Merit College Preparatory Academy, Millard School District, Murray School District, and San Juan School District. (For complete details see General Exhibit No. 10979.)

8. Utah School Boards Association Dues

An invoice for the Utah School Boards Association Dues for Fiscal Year 2010 in the amount of \$1,500.00 was approved by the State Board of Education. (For complete details see General Exhibit No. 10980.)

9. 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. 10981.)

August 7, 2009

10. Utah Schools for the Deaf and the Blind Negotiated Agreement

The Utah Schools for the Deaf and the Blind (USDB) Institutional Council at its June 24, 2009 meeting approved the USDB Negotiated Agreement. This agreement is negotiated annually between the USDB Administration and the USDB Education Association. It covers employment practices, salary schedules, etc. A copy of the Agreement along with a summary of the changes was reviewed. The State Board of Education approved the Utah Schools for the Deaf and the Blind Negotiated Agreement for the 2009-2010 school year. (For complete details see General Exhibit No. 10982.)

11. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2009. This is provided for information to the Board. (For complete details see General Exhibit No. 10983.)

12. Ratifications

Burke D. Sorenson was ratified as an Educational Specialist in Educator Quality and Licensing in the Law, Legislation and Educational Services Division.

Lisa Wisham was ratified as an Educational Specialist in Title I, Student Achievement and School Success Division.

13. Appointment to WestEd Board of Directors

As a signatory agency to WestEd, the Utah State Board of Education can fill two positions on WestEd's Board of Directors. No action is required for the position currently filled by Bryan Bowles.

However, action is needed regarding the position currently filled by Patti Harrington. Dr. Harrington was appointed to represent the Utah State Office of Education and has retired from WestEd's Board of Directors.

The Board appointed Dr. Larry K. Shumway to serve on the West Ed Board of Directors to fill the term vacated by Dr. Patti Harrington ending on May 31, 2011.

14. Advisory Committee - Notice of Vacancy

Three vacancies occur on the Utah Schools for the Deaf and the Blind (USDB) Institutional Council. The vacancies include representation from: Local School District/Special Education Director; Parent of a Blind Student Served at USDB; Individual who is Deafblind or the Parent of a Deafblind Student.

Two vacancies occur on the Disability Determination Services Advisory Council. Both vacancies include representation from Advocacy.

August 7, 2009

15. Utah State Instructional Materials Commission Recommendations

On May 29, 2009, the Utah State Instructional Materials Commission met and approved 475 titles for recommendation to the Board. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. A listing of the recommendations is available in the office of the Board Secretary for perusal by members of the Board. It is recommended that the Board adopt the recommendations from the Utah State Instructional Materials Commission and direct staff to award contracts to the various publishers. (For complete details see General Exhibit No. 10984.)

16. State Superintendent of Public Instruction Salary and Benefits

Under authority of 53A-1-302 of the Utah Code, the State Board of Education hereby sets the salary of the State Superintendent of Public Instruction Larry K. Shumway at \$85.49 per hour. The salary may be reviewed, and if appropriate, adjusted annually. In addition, the State Superintendent is afforded all benefits available to other state officers. (67-22-2 of the Utah Code)

17. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 10985.)

18. Claims Report

The Claims Reports in the amounts of \$276,022,912.99 and \$202,308,827.46 respectively for May 31, 2009 and June 30, 2009 were approved by the Board. (For complete details see General Exhibit No. 10986.)

Motion to adjourn Michael Jensen seconded by Dixie. Motion carried unanimously.

Meeting adjourned at 3:55 p.m.