

MINUTES

August 6, 2010

Minutes of the meeting of the State Board of Education held August 6, 2010, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. At the request of Chair Debra G. Roberts Vice Chair 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 Craig E. Coleman
Member David Crandall
Member Rosanita Cespedes
Member Robert R. DePoe
Member Greg W. Haws
Member Meghan Holbrook
Member Douglas J. Holmes
Member Michael Jensen
Member Tamara Lowe
Member Denis R. Morrill
Member Carol A. Murphy
Member C. Mark Openshaw
Member Tami Pyfer
Member David L. Thomas

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:

Eric Peterson, Daily Herald
Lisa Schencker, Salt Lake Tribune
Elizabeth Stuart, Deseret Morning News
Nadine Wimmer, KSL Television
Elizabeth Ziegler, KCPW
Holly Langton, Utahns for Public Schools
Sue Carey, Utah PTA
Steve Noyce, Superintendent, Utah Schools for the Deaf and the Blind

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Vice Chair Dixie L. Allen called the meeting to order.

Welcome

Board Chair Debra G. Roberts led the Board in the Pledge of Allegiance.

Board Member Craig E. Coleman welcomed everyone to the meeting and commented that as he has contemplated his first eight months on the Board and thought about what motivates him and interests him and excites him about education, so much that he is a teacher himself, and finds great joy in being able to interact with young people and help them learn and grow and find their way through life. He thought of his own life, family and faith which drives a lot of what he does and keeps his interest alive in education. When he was asked by several people to apply to be on the State Board of Education he often wondered why he said yes, but has no regrets because it has been an extremely enjoyable experience. What drives his interest and excitement in education is his faith in God and his belief that there is a responsibility that we have as individuals to pass knowledge on to our children. The Bible is rich in its instruction from God to his prophets to educate future generations. One of his favorite scriptures is in Deuteronomy, Moses' final instructions to the Children of Israel. He has given them the law, the promised land and one of the things he tells them at the beginning is to never forget the things that have happened to them in their escape from Egypt and their journeys into the wilderness. In Deuteronomy Chapter 4:9 he says: "Only take heed to thy self and keep thy soul diligently, lest thou forget the things which thine eyes have seen, lest they depart from thy heart all the days of thy life: but teach them thy sons and thy sons' sons;" Moses uses the word "heart" instead of mind. His own philosophy of teaching is not necessarily feeding information to people but rather helping them to change their lives. It changes lives because it affects people's hearts as much as it affects their minds. He then offered a prayer.

Swearing in of Tim Beagley

Chair Debra Roberts issued the Oath of Office to Tim Beagley, new Board Member representing the State Charter School Board.

Public Participation/Comment

The Board received comments from John Kesler encouraging the Board to support a state wide initiative to designate 2011 as the year of civility and community in Utah. (For complete details, see General Exhibit No. 11249.)

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Member Janet Cannon requested that leadership review the request and place in on a future agenda for Board discussion and possible action.

The Board recessed into Committee Meetings.

The Board reconvened at 10:50 a.m.

Achievement Spotlight

The Board recognized Nadine Wimmer in her role as the Chairperson and champion for the Read Today literacy program. In April of this year, KSL and the Deseret Media Companies announced their plan to help the children of Utah improve their reading skills. The program encourages families to read together at least 20 minutes per day. Families have the ability to track their progress through a dynamic and interactive website that links the students with their schools, and provides a running total of how many summer reading minutes students are achieving.

The Read Today literacy program was initially started to help students keep their reading skills sharp over the school break, but is has been such a success that the program is going to expand beyond the summer months into a year-round program.

Ms. Wimmer, is a co-anchor on KSL's new programs. But, she also has a deep interest in education, and has chosen to use her public position within the community as a tool to influence lasting positive change in the reading abilities of Utah's students. Ms. Wimmer wanted to let everyone know that the success of Read Today is the result of a group effort. So we also commend all the hard work done by so many people.

The Board presented Nadine Wimmer an acrylic flame plaque recognizing her outstanding contributions to public education.

Ms. Wimmer expressed appreciation to the Board and to her company for their support of this important endeavor.

Adoption of Common Core of State Standards, Final Version

Member, Laurel O. Brown, Chairman of the Student Achievement and School Success Committee reported on the recommendation from the Committee relative to the Adoption of Common Core State Standards.

Governors and state commissioners of education from 48 states, two territories and the District of Columbia committed to developing a common core of state standards in English-language arts and Mathematics for grades K-12. An advisory group including experts from

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Achieve, Inc., ACT, the College Board, the National Association of State Boards of Education and the State Higher Education Executive Officers oversaw the production of the standards. The Utah State Office of Education provided input during the production phase. At the June 4, 2010 State Board Meeting, the State Board voted to adopt the standards on first reading. The State Board also reviewed the standards at its June 24, 2010 Board study session. To adopt the Common Core Standards, a state agrees to accept all of the standards as they are written. Each participating state is to use the Common Core Standards as a framework for their own Reading/Language Arts and Mathematics core curriculum. A state may add up to 15% more standards.

The Student Achievement and School Success Committee, following review and consideration, adopted the common core of state standards on second reading.

Motion from the Committee that the State Board of Education adopt the common core of state standards on third and final reading.

Member Dave Thomas commented that a number of Board Members have received e-mails concerning the adoption of the Core Standards, in particular the math core standards. It is important that people know that the Common Core Standards were developed by state entities, not by the federal government, we were a part of that, and we have looked at the core standards along with many experts and compared them to our current Utah standards and determined: these standards are much more rigorous with regard to English-Language Arts than we have had and they are fundamentally equivalent to what we have now in Mathematics. We are not taking a step back, but taking a step forward. Following on to this, during the next year we need to come up with curriculum to implement those standards and then a testing structure. We are already moving toward computer adaptive testing with a goal to have a complete change over by 2014-15 and hopefully the ACT will be a part of that testing structure. We are positioned in the ideal spot to be able to lead the way nationally on these assessments and computer adaptive testing. The Common Core Standards are only a part of the overall reform effort.

Chair Debra Roberts commented that in the almost eight years she has served on the Board there are a few votes she has felt extremely important to have an impact directly on the education of our youth and she believed this is one of them. This is the first step, the second step being the assessment system. Both will combine to improve the quality of instruction which is taking place in our schools. She encouraged support from the Board.

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Member Janet Cannon noted that states can add up to 15% more standards and she felt this would allow us to increase our rigor and would not conflict with us adopting the core standards for mathematics.

Superintendent Shumway noted that one of the concerns that has been expressed widely in the public is the degree to which adoption of these standards would be some loss of control over our state curriculum. It is important to understand that these are voluntary standards, the Board's vote to adopt the Standards will not ever result in the State Board losing control of our curriculum. These are not standards that were developed by the U.S. Department of Education; they are standards that were developed by coalitions of states and other entities that work together independent of the federal Department of Education. A vote to adopt these standards is not somehow irrevocable. The Board's position continues to be a state decision that can always be changed or revised. There will be additional kinds of consequences as we get involved in the consortium of assessments, but we think there are tremendous advantages to this move that will continue to allow us to retain the states freedom of action we have had. He assured the Board, from his personal perspective, that if this did lead into some federalization of curriculum, he would be at the front resisting such a move. He emphasized that this is not a federalization of state rights regarding curriculum.

Member Craig Coleman commented that he is one that is concerned about the issue of governance, control and supervision of education in the State of Utah which belongs with the State Board of Education. It makes him nervous whenever the federal government gets involved in educational issues. He felt they did this when they tied Race to the Top funding to adoption of these standards. The irony becomes, for him personally, that the failure of the State of Utah to not end up on the list of finalists for Race to the Top funding makes it easier to vote for the standards than it would have otherwise. He hoped we could keep it this way and keep control of the curriculum which is important to the people of Utah in keeping our control of public education.

Member Mark Openshaw called for a question on the motion. Motion carried unanimously.

Motion to approve the Common Core State Standards carried unanimously.

The Board took a small break for a press conference relative to the adoption of the Common Core Standards.

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Board Chair Report

Chair Debra G. Roberts presented the following items of information:

- Expressed appreciation to Board Members who attended the joint meeting with the Board of Regents in Heber City. This was an extremely positive meeting and an opportunity for the Board to share with the Regents the Promises to Keep. She thanked Member Carol Murphy for the beautiful setting in which we met at the Wasatch High School. She also thanked Twila Affleck and Tina Morandy for their work to make it such a positive day. Member Carol Murphy indicated that she received several comments from the Regents that this was the best meeting we have ever had, and also on the timing of the meeting. Member Holbrook added that the panels were very germane and concise and helpful. Member Greg Haws commented that he felt that everyone was in agreement on the concept of teacher preparation at higher education and we need to make sure that this agreement of unanimity doesn't die. Chair Roberts suggested that it might be well to invite the Deans to lunch with the Board in the near future.
- Chair Roberts reported on the following meetings attended this past month:
 - UCAT with Vice Chair Allen where they discussed some issues that we have there in terms of credits and agreements that need to be put into place.
 - Governor - very positive meeting
 - Governor's Education Excellence Committee continues to meet and has now broken into subcommittees. Superintendent Shumway is serving on the Business Partnership Coalition; Tama Lowe serving on the Standards subcommittee; and Chair Roberts is on the Teacher Quality subcommittee. We are working hard to help them understand that we want to do positive things with the Governor and support him, but there is no sense in duplicating the work we are doing as a Board. At the next meeting, August 24, Jeb Bush will be presenting to that committee and most Board Member should have received an invitation to attend the lunch that day.
 - Meeting with Senator Dennis Stowell and Blaine Nay concerned with the gun safety issue. We will have a rule that will deal with the statute. The other issue they have is that students have some mention in school about gun safety.

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- Chair Roberts reviewed calendar items for the upcoming month.

Member Laurel Brown reported the Margaret Bird had attended the meeting of the America's Great Outdoors Initiative and able to express some of our concerns, ask questions and make a statement.

Chair Roberts expressed appreciation to everyone for last night it was a lot of fun. She expressed appreciation to each board member for the way we come together.

(For complete details of the report see General Exhibit No. 11250.)

Executive Officer Report

Superintendent Larry K. Shumway presented the following items of information:

- Governor's Excellence Committee - we have been asked to have representation on the Curriculum and Standards Committee and he has asked Brenda Hales to represent us on that committee.
- The State Aide Bill passed the Senate yesterday and the House will be reconvened next week to vote on this. We all share concerns that the total \$26 billion of the two pieces is money we didn't know we had in the country. Apparently we are coming up with it. Given it is appropriated we know it will be spent so we will do everything we can to get our share in education. It is expected that it will be approximately \$100 million for fiscal year 2011. We also need to see if this can be spread over other years and how we can work to insure that it is \$100 million more dollars, not \$100 million substitute dollars.
- New Superintendent Training - We are planning for training for the 12 new superintendents, a great majority of which are new to the superintendency. The training will take place on September 9 at 4:00 p.m. Following the training at 6:00 p.m. we will have a more social setting. It is hoped that all of the Board Members might be able to join with this social. The location will be announced later.
- State of Education Address - We are in the process of scheduling and finding a location for the State of Education Address this fall. We are looking at possibly September 30 or October 6. As a firm date is established the Board will be notified.

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- AYP Report - The first dozen or so schools that have been in school improvement were released. The remaining schools will be released later this month. This will generate quite a bit of interest and a lot of questions and a lot of concern. We are in a year where the standards have increased. The questions will be how AYP works and why it turns out the way it does. Associate Superintendent Judy Park noted that next month there will be a full discussion in the Student Achievement and School Success Committee meeting. Superintendent recommended that the information be mailed to the Board before August 30th. This will include everything Board Member need to answer the questions they are likely to be asked.
- Leadership Academy - A discussion has been had with Board Leadership that as we see 12 districts with new superintendents this year and see retirements and turnover coming at the same pace in the future. There is some concern to insure that there are enough education leaders considering that leadership role. Preparation for the superintendency is not something you might take care of with a person in a couple of workshops. We hope we can have an academy that will insure that adequate people are interested in the leadership possibilities of the superintendency We will be working with USSA leadership, plan on inviting USBA to partner with us in this. There are some interesting challenges as we want to be careful about the people who participation, i.e. we don't ask for school boards or superintendents to nominate participants because that turns into the "anointing" of a successor. It is intended that we invite people to self select and do some quiet recruiting, and to have a series of opportunities over this next coming year for people who are now principals or in other leadership positions to have the conversations, discussions and receive the information that will lead to an interest and perhaps a decision to seek this kind of leadership opportunity when it becomes available. We want to make sure that in the future there are adequate numbers of applicants to fulfill this responsibility.
- Consolidated USOE Directors meetings. We have received some criticism relative to the number of meetings we hold in our office. Therefore, we have announced to superintendents and directors an attempt to consolidate these

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meetings in which we will combine the date and place of five or six areas into one joint meeting.

- Race to the Top - The work we did in the last 12 months plus to gather input and to create a plan was very worthwhile. Dr. Shumway expressed his appreciation to Brenda Hales and the people that worked with her. The fact that we were not funded is no reflection on the work we did. Dr. Hales did an outstanding job. He indicated that we will be reevaluating the plan and prioritizing the things we can move forward on and have funding to do so. This will not just be filed away. It is the Promises to Keep that we will continue to work toward.

Executive Session

Motion was made by Member Leslie B. Castle and seconded by Member Tami W. Pyfer to move into executive session for the purpose of discussing personnel issues and pending and/or potential litigation. The Board was polled and by unanimous consent of those present the Board moved into executive session during lunch to discuss personnel issues at 1:45 p.m.

Motion was made by Member Janet A. Cannon and seconded by Member Laurel O. B. Brown to reconvene into open meeting. Motion carried. The Board reconvened at 2:20 p.m.

Executive Session Actions

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member Greg W. Haws to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 07-826 following a hearing to reinstate the license of a former educator in the Washington School District. It was noted that the hearing report was reviewed by the Board in Executive Session. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member Greg W. Haws to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 08-866 following a hearing to reinstate the license of a former educator in the Salt Lake City School District. It was noted that the hearing report was reviewed by the Board in Executive Session. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 09-919, and accept a stipulated agreement, including conditions of the agreement,

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whereby a teacher in Tooele School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license 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. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 09-929, and accept a stipulated agreement, including conditions of the agreement, whereby an educator in the Davis School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license 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. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-944, and accept a stipulated agreement, including conditions of the agreement, whereby an educator in the Jordan School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license 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. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-945 and revoke, based on default, the license of a former educator at Ranches Academy, a charter school. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-954 and revoke, based on default the license of a former educator in Uintah School District. Motion carried unanimously.

(For complete details see General Exhibit No. 11251.)

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State Rehabilitation Council

Motion was made by Member Carol A. Murphy and seconded by Member David L. Crandall to appoint the following to the State Rehabilitation Council, terms to expire 9/2013: Scot Ferre, Diane Lovell, Maren Alitagtag, Jim Sterzer, Jan Quinn Carter, Kent McGregor, Tammy Wood, and Karim Mardanlou. To reappoint: Vickie Brenchley, Ralph Glathar and Holly Williams, terms to expire 9/2013. Motion carried unanimously.

Utah Schools for the Deaf and the Blind Advisory Council

Motion was made by Member Carol A. Murphy and seconded by Member Janet A. Cannon to appoint Heather Frost and Cordie Weed to the Utah Schools for the Deaf and the Blind Advisory Council, terms to expire June 30, 2012. Motion carried unanimously.

State Board of Education Secretary Retirement

Chair Debra Roberts announced that the Board had reluctantly accepted a letter from Board Secretary Twila Affleck that she intends to retire January 1, 2011. The Board will be opening her position within the State Office of Education within the next week.

Public Education Governance Chart

Over the past year the State Board has created the Mission and Vision statement, "Promises to Keep." The Board is working to clarify its understanding of its constitutionally defined governance role in Public Education. Over the past three months the Board has provided input on a draft Public Education Governance Chart.

The Board reviewed the draft of the proposed Public Education Governance Chart. (For complete details see General Exhibit No. 11252.)

Motion was made by Chair Debra G. Roberts and seconded by Member David L. Thomas that the Board recognize the Public Education Governance Chart as an internal working document to guide board relationships and communications.

Member Carol Murphy suggested the following to make the chart a little more clear. (1) move US Department of Education over to the right of the legislature; (2) an objection to where SITLA is placed on the chart. She felt it should be under the State Office of Education, not under the State Board. She further stated that while she appreciates the work that has gone into this, she does not find it helpful or informative and will be voting against it as a formal document of the Board.

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Member Dave Thomas indicated that SITLA is placed under the Board because the Board represents the beneficiaries and not a supervisory role over them.

Superintendent Shumway clarified that separate from SITLA is the SchoolLand Trust Program staff that is in the State Office.

Member Kim Burningham questioned the value of adopting the document. Vice Chair Dixie Allen responded that Board Leadership believes that if it has been of value to the Board it will be valuable to new board members as they come on. Over time, this may change, but the idea of having to go through and change it will also be valuable for any new member of the Board. The idea is to clarify the Board constitutional role.

Member Denis Morrill commented that you have to really study this to figure it out and with his experience on the Board and know what you know you will need to spend an hour figuring it out. He did not feel it would be of help to anyone else besides the Board. He suggested that where it indicates "Legislature" he would put in block letters, also responsible for funding education.

Member Laurel Brown questioned the meaning of the motion relative to the usage of the document.

Chair Roberts responded that it provides an understanding of who we are and affects the way we behave. It would be a training tool for new board members.

Amendment to the Motion was made by Member Greg W. Haws seconded Member Denis R. Morrill that some of the suggestions mentioned be implemented into the document: 1)there be a legend for acronyms, 2)move the Department of Education down, and 3) eliminate the background. Motion carried with Members Brown, Burningham, Castle, Coleman, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Cannon opposed.

Clarification was made that internal use means we share the relationship, we don't share the document.

Original motion as amended carried with Members Brown, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer, Roberts and Thomas voting in favor; Members Burningham, Cannon, Castle, and Murphy opposed.

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Utah Instructional Materials Commission (UIMC)
Request for Removal of Repeal Date

In the June 2010 State Board Meeting, the Board reviewed a report prepared by Martell Menlove concerning the Utah Instructional Materials Commission (UIMC). This report was prepared at the request of the Legislative Education Interim Committee due to the fact that the legislation providing for the UIMC has a repeal date of June 1, 2011. Without legislative action the UIMC would no longer exist after this date. At the June Interim Committee Meeting, Dr. Menlove recommended that the repeal date be removed and that this section of the Utah Code continue without a repeal date. The Chair of the Interim Committee asked if removal of the repeal date was the formal request of the State Board. It was reported that the State Board had not taken formal action on the request but had reviewed the report. The Chair indicated that if the State Board were to make a formal request to remove the repeal date, the Committee would accept such a request and move forward with action to remove the repeal date.

The Board reviewed the proposal that any date associated with the Utah Code section governing the Utah Instructional Materials Commission be removed.

Motion was made by Member Carol A. Murphy and seconded by Member Janet A. Cannon to request the removal of any repeal date associated with the Utah Code section governing the Utah Instructional Materials Commission. Motion carried unanimously.

Board Standing Committee Reports

Law & Policy Committee

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

C.S. Lewis Academy Amendment Request

The State Charter School Board recommends that C.S. Lewis Academy be granted an amendment request to its charter agreement to modify the employee termination, employee evaluation, and teacher qualification sections to include language consistent with “at-will” employment. This is at the request of its insurance carrier, State Risk Management. C.S. Lewis Academy opened in the fall of 2007 and currently serves grades K - 8 and 323 students. (For complete details see General Exhibit No. 11253.)

The Law & Policy Committee reviewed the request of C.S. Lewis Academy to amend its charter. The Committee motion to approve the request consult an attorney for language of “at will” employees.

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Motion from the Committee that the Board grant an amendment to the C.S. Lewis Academy Charter agreement to modify the employee termination, employee evaluation, and teacher qualification sections to include language consistent with “at-will” employment. Further with the recommendation from the Committee that they consult an attorney for clarification of the language of “at will” employee. Motion carried unanimously.

Freedom Academy Amendment Request

The State Charter School Board recommended that Freedom Academy be granted an amendment request to its charter agreement to add grades 9 - 12 and an additional 400 students beginning in the 2011-2012 school year. A condition the State Charter School Board placed on Freedom Academy was that it be able to expand its facility on the same site as currently located, and it recommended that the Freedom Academy continue to work with the neighborhood to remedy any concerns regarding traffic. Freedom Academy opened in the fall of 2003 and currently serves grade K-8 and 672 students. (For complete details see General Exhibit No. 11254.)

The Law & Policy Committee reviewed the request of Freedom Academy to amend its charter to include additional grades and students, including the conditions from the State Charter School Board.

Motion from the Committee the that Board approve the amendment request of Freedom Academy to add grades 9-12 and an additional 400 students beginning in the 2011-2012 school year based on the conditions placed by the State Charter School Board that Freedom Academy that they be able to expand its facility on the same site as currently located, and continue to work with the neighborhood to remedy any concerns regarding traffic. Motion carried unanimously.

Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools, R277-611

It was brought to USOE staff’s attention that there was not a rule in place required by Utah Code, Section 53A-13-106(5), that directs the Board to make rules for use of certified volunteers for instruction of firearm safety education classes in the public schools, use of public school classrooms or auditoriums for these classes, school district review of donated materials before their use, and proof of certification of firearm safety instructions. The proposed rule will satisfy the requirements of the law.

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The new rule provides standards and procedures consistent with Section 53A-13-10-6(5) for firearm safety instruction in the public schools. (For complete details see General Exhibit No. 11255.)

The Committee made the following amendments to the rule: (1) Reverse Section 5, R277-611-5 and place it at the end of the document; Also an amendment to the end of Section 5 “live ammunition shall not be brought on public school property as part of firearm safety instruction.” (2) Section R277-611-3, combine A and B and not put in a specific URL site. (3) R277-611-4A change public education-age children to “public school-age students” consistent with other areas in the document. Carol Lear is going to make an attempt to contact Mr. Blaine Nay and indicate to him what has been done which we believe aligns with his concerns.

The Law & Policy Committee reviewed the new rule R277-611 and approved the rule as amended on first reading. Motion from the Committee that the Board consider and approve R277-611, Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools as amended on second reading. Motion carried unanimously.

Four-Day Week Report

Permission to conduct school on a four-day week is generally granted with a condition that the school/district report back to the Law and Policy Committee. The information contained in these reports and the quality of the reports have varied. It was suggested in the June meeting of the Law and Policy Committee that these reports be standardized. Janet Cannon and Martell Menlove have been working on a draft template for a *Four-Day Week Report*. (For complete details see General Exhibit No. 11256.)

The Law and Policy Committee reviewed the draft of the template for a *Four-Day Week Report* and made suggestions for amendments and/or additions. The revisions will be made and brought back to the Committee.

No action was required.

Utah State Board of Education Bylaws

The Law and Policy Committee is responsible for reviewing Board Bylaws and making recommendations to the Board on Bylaw changes and amendments. A discussion on possible Bylaw changes will be part of the Board Work/Study Session on August 5, 2010.

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Board Bylaw changes and/or amendments discussed in the August 5, 2010 Board Work/Study Session will be referred to the Law and Policy Committee for further consideration. It is anticipated that the Law and Policy Committee will formalize changes and/or amendments and be prepared to take formal action at a future meeting.

With regard to the comments from the Board Evaluation:

(1) It was the feeling of the committee was that strategic planning was a good thing to participate, it is good for everyone to have input into a strategic plan. However, it was requested that there be more work done with goals of the strategic plan, to be involved in reviewing the progress the strategic plan is making and to try to evaluate what has been accomplished and base our work on achieving the outcomes of the strategic plan. Although, Promises to Keep was intended to be a ten year plan, we are happy to keep the plan but would like it updated and evaluated to determine how we are progressing on the goals of "Promises to Keep."

(2) A tickler file is a good idea to keep us abreast of what responsibilities are coming forward.

(3) Public Participation and Comment we already have a process to receive input from the public.

(4) Some committee members indicated the Board's web site could use some tweaking. Some have had a hard time accessing information from the web site. Like an area where someone could click and send an email to the entire board or someone who would then send it to the entire board. Suggested that the Board have input on revising the web site. It was further suggested that "Click here" be added to the Board area of the web site.

Vice Chair Allen requested that the recommendations be forwarded to Leadership in writing.

No action is required.

Finance and Operations Committee

Member Greg W. Haws, Chair of the Finance and Operations Committee presented the following recommendations from the Committee:

Budgeting Principles for Charter Schools

Discussions with third party auditors have highlighted compliance questions and relevance of audit work as it relates to budget adoption, balancing, and categorical fund accounting. A review of statutes governing public education budget procedures and accounting

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requirements implies a potential conflict. Charters are to submit financial information, including budgets, per UCA 53A-1A-507(4)(a) and Board Rule R277-470-9(D). However, the argument has been raised that UCA 53A-1A-511(4)(f) exempts charter schools from balanced budget requirements and reporting of fund balances under Chapter 19, *Fiscal Procedures*. The need to clarify fiscal accountability and budgetary practices has been intensified as charter schools begin to come under fiscal management review and solvency questions.

The Finance and Operations Committee discussed budgeting principles and fiscal reporting requirements for charter schools. Bounce back to charter school board to bring something back to the Committee and Board.

No action was required.

Public Education Funding Equalization Move to FIRST

The past several legislative sessions have produced many attempts to legislate a new approach to equalize funding for public education. The approached range from introducing sales tax as a new source of funding to the establishment of a basic capital levy to even out the per student assessed valuation variances throughout the state. All efforts seem to come back to the basic tenant found in statute, "...all children of the state are entitled to reasonably equal educational opportunities regardless of their place of residence in the state and of the economic situation of their respective school districts or other agencies" (53A-17a-102). The challenge in designing a system of funding is defining who and what is to be equalized. The debates have ranged from equal treatment for tax payers to equal funding per student across systems, and districts. Even with the state's basic funding formula (considered the most equalized in the nation), which already equalizes property tax collections with income tax and distributes the funding through a weighted pupil unit, there is pressure to equalize more aspects of the funding formulas such as capital and other local levies.

The Finance and Operations Committee discussed equalization with the intent to propose an equalization approach for the upcoming legislative session. The Committee decided to form a committee to look at this further.

No action was required.

Budget Strategy for FY 2012

Revenue forecasts continue to show a decline in tax revenues for FY2010 of about \$50 million less than set by the legislature. This shortfall will reduce available funds for the

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FY2011 budget and could require additional reductions in the upcoming session. Enrollment growth for the past two years has also not received additional funding through the budget process. Districts and charter schools are in the midst of serious budget reductions primarily due to these two budget impacts. In addition, assessed valuations are down as evidenced in the certified rate being set higher than estimated in the last legislative session. The budget pressures will continue through FY 2012 discussions. (For complete details see General Exhibit No. 11257.)

The Finance and Operations Committee discussed budget strategy for the upcoming legislative session. Directed staff to fund growth, things related to growth. The budget process will continue over the next few months.

No action was required.

Student Achievement and School Success Committee

Member Laurel O. Brown, Chair, Student Achievement and School Success Committee presented the following recommendations from the Committee:

The Elementary and Secondary School Core Curriculum, R277-700

The Elementary and Secondary School Core Curriculum rule contains outdated information regarding High School Requirements and testing. The State Board changed the graduation requirements effective beginning with the 2010-2011 school year. The Legislature recently made changes to the U-PASS testing program. The rule needs to be revised to reflect current requirements.

The Student Achievement and School Success Committee reviewed the revisions to R277-700, *The Elementary and Secondary School Core Curriculum, with Option B*, and approved the amendments on first reading. (For complete details see General Exhibit No. 11258.)

Superintendent Shumway noted that there has been much discussion about students taking math in their senior year. He questioned if the committee had discussed changing “should consider” to “must take a credit of math in their senior year.”

The Committee did not discuss this and did not feel it was a change that should be made at this time.

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Superintendent Shumway questioned if this should come back in the future. Member Brown indicated that it was felt that the change was pretty monumental especially in the rural school districts.

Superintendent Shumway encouraged the Board to come back to this in the next few months to revisit the senior year math.

Motion from the Committee that the Board approve the amendments to R277-700, *The Elementary and Secondary School Core Curriculum*, with Option B, on second reading.

Amendment to the motion was made by Member David L. Thomas and seconded by Member Michael Jensen to change line 355 to read: “Students shall take an additional credit during their senior year ...”

Member Craig Coleman stated that somewhere they are going to have to miss a year of math. If we only require three years, and one has to be in the senior year.

Associate Superintendent Brenda Hales explained that this will help solve the problem without creating a remediation problem. This is for a narrow band of students and helps those that are math proficient to not stop with the math course taking pattern.

Members Burningham and Murphy spoke against the proposed amendment feeling that the way it is written is good and we may need some more fall-out time.

Vice Chair Allen noted that former State Superintendent Patti Harrington was in the Committee meeting and brought support for this rule from the Board of Regents and the Commission.

Member Carol Murphy called the question. Motion carried unanimously.

Amendment to the Motion by Member Thomas failed with Members Cannon, Morrill, Openshaw and Thomas voting in favor; Members Brown, Burningham, Castle, Coleman, Crandall, Haws, Jensen, Murphy, Pyfer, and Roberts opposed.

Substitute motion was made by Member Kim R. Burningham and seconded by Member David L. Thomas to postpone the exact proposal to a definite time in the October board meeting so people can be adequately involved. Motion carried unanimously.

Original motion from the Committee that the Board approve R277-700 *The Elementary and Secondary School Core Curriculum*, as amended on second reading including Option B carried unanimously.

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Licensing Routes, R277-503

State Board Rule R277-503 contains language and processes that need to be updated. In addition, conditional licenses have been granted to candidates not passing Board approved exams for licenses. Deans of Education and LEAs have requested this practice be eliminated.

The Student Achievement and School Success Committee considered amendments and passed R277-503, Licensing Routes on first reading. (For complete details see General Exhibit No. 11259.)

Motion from the Committee that the Board approve the amendments to R277-503, Licensing Routes on second reading. Motion carried unanimously.

Student Reading Proficiency and Notice to Parents, R277-403

In accordance with Utah Code 53A-1-606.6(2), the Board “shall make rules defining expected reading levels for first, second and third grades.” The Teaching and Learning section has been directed to provide requirements regarding how to define and measure “grade level” as outlined in SB 150. The Student Achievement and School Success Committee passed recommendations on first reading with additions and clarification for second/third reading.

The Student Achievement and School Success Committee reviewed and approved the amendments to R277-403, Student Reading Proficiency and Notice to Parents on second reading. (For complete details see General Exhibit No. 11260.)

Motion from the Committee that the Board approve R277-403, Student Reading Proficiency and Notice to Parents on third and final reading. Motion carried unanimously.

Argosy University for Education Administration Program Proposal

The Draper, Utah campus of Argosy University has requested approval from the Board to conduct an administrative licensure program and make recommendation to the Utah State Office of Education for an Administrative Area of Concentration to be added to a candidate’s Utah Educator license. This approval will be for a three-year period during which time Argosy will be expected to seek national accreditation for the program as required in State Board Rule R277-503 *Licensing Routes*.

The Student Achievement and School Success Committee received and considered a summary of the proposal of the Argosy University Administrative Area of Concentration.

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Proposal. The Committee approved the proposal. (For complete details see General Exhibit No. 11261.)

Motion from the Committee that the Board approve the proposal from Argosy University for an Administrative Area of Concentration. Motion carried unanimously.

Algebra 2 Cut Scores Approval

A new Algebra 2 math test was administered in spring of 2010 which measured the new Algebra 2 curriculum adopted a year earlier. A rigorous and extensive process was followed to establish the cut scores for this test. The cut scores determine the percentage required to achieve each of four proficiency levels (Substantial, Sufficient, Partial, and Minimal). The process, which was directed by USOE psychometric consultants, involved classroom teachers, curriculum specialists, assessment directors, district leadership and USOE staff. The cut scores will be used to determine proficiency rates.

The Student Achievement and School Success Committee reviewed and considered the cut scores for the Algebra 2 test and percentage of students scoring at each proficiency level. (For complete details see General Exhibit No. 11262.) The Committee approved the Algebra 2 test cut scores.

Motion from the Committee that the Board approve the Algebra 2 test cut scores. Motion carried unanimously.

U-PASS Comprehensive Assessment System for 2014-2015 School Year

Utah is a member of the SMARTER Balanced Assessment Consortium which has applied for a federal grant to develop a comprehensive assessment system that will be operational in the 2014-2015 school year. Current state law has provided two assessment pilots, the K-12 pilot and the high school pilot, that are providing schools/LEAs the opportunity to participate in computer adaptive testing and college and career readiness testing. These assessment movements will result in a new Utah comprehensive assessment system that will be in place for all students in the state in the 2014-2015 school year.

The Student Achievement and School Success Committee received a presentation of a drafts of new board rules that will detail the new Utah comprehensive assessment system that will begin in the 2014-2015 school year and a new board rules for a new accountability and data reporting system that will encompass the new comprehensive assessment system. (For complete details see General Exhibit No. 11263.)

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No action was taken by the Committee.

High School Pilot

During the 2010 legislative session, HB 166 eliminated the Utah Basic Skills Competency Test (UBSCT) for two years and created a high school assessment pilot to begin in the 2010-2011 school year. The pilot is specific for the administration of the ACT and/or adaptive testing of basic skills. Funding that would have been used for the UBSCT will be used to fund interested schools to administer the ACT and/or adaptive testing. The August Education Interim Committee will receive a report of the pilot.

The Student Achievement and School Success Committee received a presentation of the high school assessment pilot program with detailed information about the participating schools and LEAs. (For complete details see General Exhibit No. 11264.)

No action was required.

Personal Privilege

Member Denis Morrill commented that he is suing the State regarding the Board elections process and he wanted to make it understood that his law suit it not to get him on the board. The problem is the process, and he feels the process besides being unconstitutional was not followed at all in what happened not only this year but for the past six or so years. As public officials we should follow the law.

Member Kim Burningham noted that in our work/study meeting yesterday he mentioned that Jose Perez would like his name on the ballot as a potential candidate to become president of NASBE. This needs to be done by the end of August. Mr. Perez would like Utah to take a position relative to his name being placed on the ballot.

Member Laurel Brown indicated she would be voting against it. She felt he should have come forward before. She participated with the Nominating Committee who interviewed everyone who wanted to be considered a candidate.

The Board considered the issue of writing a letter supporting Mr. Perez to become a candidate for President of NASBE, but not to support his candidacy.

Motion was made by Member Kim R. Burningham and seconded by Member David L. Crandall to have a letter prepared supporting a letter to place Mr. Perez as a potential candidate. Motion carried with Members Burningham, Cannon, Castle, Crandall, Haws, Jensen,

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Morrill, Murphy, Openshaw, Pyfer, and Roberts voting in favor; Member Brown and Thomas opposed, Member Coleman abstained.

General Consent Calendar

Motion was made by Member Janet A. Cannon and seconded by Member Michael Jensen 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 June 4, 2010.

2. Contracts

The following contracts were approved by the Board:

(A) Special Education Data Services & Info Systems, Inc. \$277,552. 7/1/2010-6/30/2011 - Fed.

To provide software development Web based monitoring program to review and report individuals with Disabilities Education Act (I.D.E.A.).

(B) UARF Trust - dba Utah Works. \$45,000. 7/1/2010-9/31/2011. - Fed.

Contract administer for Community Rehabilitation Programs for the State of Utah in accordance with the terms and conditions contained in the RFP #AR10184 - Renewal options: Three 1 year.

© School Improvement Network. \$120,000. 6/1/2010-5/31/2013.

Licensure of PD 350 video content and access to PD 350 public community for online professional development learning resource.

(D) Art Access/VSA Utah. \$40,000. 7/1/2010-June 30/2011. - Fed.

To ensure integrated arts for students with disabilities. Train and recruit professional artists to provide direct services to students and provide inservice training to teachers, aides, parents and administrators.

(E) Crane National Vendors. \$75,000. 5/15/2010-5/14/2011. - Fed.

Contract renewal for (1) year. Vendor has implemented an additional 6% price increase to original contract pricing and previous amendments. Price includes Curreza C2 Cash Code Recycler and LED lighting.

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- (F) Digital media Consulting, LLC. \$60,000. 7/1/2010-6/30/2011. Amend.

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

- (G) Department of Administrative Services. \$124,027. 7/1/2010-6/30/2011. - 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.

- (H) Department of Administrative Services. \$48,885. 7/1/2010-6/30/2011. - Fed.

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

- (I) Department of Administrative Services. \$14,368. 7/1/2010-6/30/2011. - 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. \$47,302. 7/1/2010-6/30/2011. - Fed.

To begin the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation located at 950 East 25th Street, Ogden, Utah.

- (K) Department of Administrative Services. \$126,630. 7/1/2010-6/30/2011. - 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, Utah.

- (L) DFCM. \$180,942. 7/1/2010-6/30/2011. - 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, Utah.

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(M)Old Dominion Freight Lines, Inc. \$350,000. 8/1/2010-7/31/2011.

Transportation of USDA Foods, Dry and Temperature controlled to recipient agencies statewide. Rates are changed to include pricing to all Utah zip codes per attached scheduled rates and charges. Rate and charges are increased an overage of 2%.

(N)Manti City Corporation. \$54,510. 1/1/2011-12/31/2015. - Fed.

Lease of office space for the Division of Rehabilitation Services Manti Office located at 55 South Main Street, Suite 2, Manti, Utah.

(For complete details see General Exhibit No. 11265.)

3. R277-518, Career and Technical Education Licenses

Rule R277-518 currently defines the licensing requirements for Career and Technical Education (CTE) providers. The amendments to this rule clarify the licensing requirements for adult education CTE providers.

The Board approved the amendments to R277-518, Career and Technical Education Licenses on second reading at its June 4, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-518, Career and Technical Education Licenses on third and final reading. (For complete details see General Exhibit No. 11266.)

4. Standards for Utah School Buses and Operations, R277-601-3

The Standards for Utah School Buses and Operations were approved by the Board at its June 4, 2010 meeting. Amendments to R277-601-3 reflect the date change of the Standards' edition.

The Board approved the amendment to R277-601-3 on second reading at its June 4, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-601-3, Standards for Utah School Buses and Operations on third and final reading. (For complete details see General Exhibit No. 11267.)

5. State Plan for Independent Living (SPIL)

For the State of Utah to receive a grant from the Rehabilitation Services Administration to the State agency (Utah State Office of Rehabilitation) the Independent Living State Plan must be submitted to the Secretary of Education, and obtain approval of, a state plan that contains a description of the state's independent living program, the plans and policies to be followed in carrying out the program, and other information requested by the Secretary, in accordance with the requirements of this part. The Utah State Office of Rehabilitation and the

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Utah Statewide Independent Living Council hereby submit the 2011 Utah State Plan for Independent Living to the State Board of Education for review and consent.

Pages 1 through 6 are federal preprint and assurances, sections that are unchanged. Substantive changes in annual updates have been made to the Attachments. USOR and the Statewide Independent Living Council have approved these changes and recommend that the State Board of Education review and approve the changes as submitted. The Board approved the changes to the State Plan for Independent Living. (For complete details see General Exhibit No. 11268.)

6. State Plan for the State Vocational Rehabilitation Services Program & State Plan Supplement for the State Supported Employment Services Program

For the State of Utah to receive a grant under 34 CFR 361.10, the designated state agency (Utah State Office of Rehabilitation) must submit to the Secretary of Education, and obtain approval of, a state plan that contains a description of the state's vocational rehabilitation services program, the plans and policies to be followed in carrying out the program, and other information requested by the Secretary, in accordance with the requirements of this part. The Utah State Office of Rehabilitation and the State Rehabilitation Council hereby submit the 2011 Utah State Plan for Vocational Rehabilitation to the State Board of Education for review and consent.

Pages 1 through 18 are federal preprint and assurances, sections that are changed. Substantive changes in annual updates have been made to the Attachments. USOR recommends that the attachments be reviewed by the State Board of Education and approve the changes as submitted. The Board approved the changes as submitted. (For complete details see General Exhibit No. 11269.)

7. Provo City School District Request for Variance from R277-419-3A for Elementary and Middle School Student

Provo City School District was given permission to dismiss high school students from attending classes on May 17, 2010. This action enabled all of the teachers at Provo and Timpview High Schools to participate in a daylong workshop supporting the development of collaborative learning teams at the high school level. Provo City School District is anxious to provide similar training for their middle and elementary teachers, and is requesting permission for their elementary and middle school students to be released from a day of school dropping their attendance from 180 to 179 days for the 2010-2011 school year.

Provo City School District's current budget reductions have necessitated severe cuts in the professional development of teachers that used to occur before the

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school year started. They respectfully request permission from the Utah State Board of Education to dismiss their elementary and middle school students on October 5, 2010 in order to facilitate this professional development. (For complete details see General Exhibit No. 11270.)

The Board consider this request and approved a variance for the Provo City School District for a 179 day 2010-2011 school year for elementary and middle school students.

8. Minimum School Days Waiver, R277-419

In April of 2009, the State Board took action to provide LEAs additional flexibility in school calendars. Due to difficult financial circumstances, LEAs were allowed to reduce, by up to five the number of required (180 days) school days. This allowance was for the 2009-2010 school year only and was offered with certain stipulations.

In the Utah School Superintendents Association meeting held on March 23, 2010, local school superintendents formally requested that the State Board grant flexibility in the 2010-2011 school calendar also. The request included that the stipulation on the reduction of quality teacher/teacher preparation days not be included in the requirements for a waiver for the 2010-2011 school year.

On April 9, 2010 the Board approved that an LEA (district or charter) be allowed to reduce the instruction days for the 2010-2011 school year by up to five days (a minimum of 175).

Requests for such waiver must include documentation/explanation of the following:

- Administrative offices must also be closed on days when school is not held and administrative office employees must be treated in their employment in a similar manner as school employees on those days when school is not held.
- The governing body of the LEA must take action in an open meeting to reduce the number of required school days.
- Parents must be given an opportunity to comment on this decision.
- The decision to reduce the number of days must include a discussion of which days will least impact instruction and learning.
- The total annual required hours of instruction (990 hours) may not be reduced by more than 5.5 hours for each day school is reduced.

The following LEAs have taken action to reduce school days in the 2010-2011 school year: American Preparatory Academy, Box Elder School District, Canyons School District, Davis School District, East Hollywood High School, Excelsior Academy, Juab School District, Millard School District and Nebo School District. (For complete details see General Exhibit No. 11271.)

9. National Association of State Boards of Education (NASBE) Dues

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The invoice for the National Association of State Boards of Education Dues for Fiscal Year 2011 in the amount of \$27,947, and the NCOSEA Dues for School Year 2011 in the amount of \$130.00; and subscription to the Standard in the amount of \$20; for a total of \$28,097.00 was approved by the Board for payment. (For complete details see General Exhibit No. 11272.)

10. Council of Chief State School Officers Dues

The invoice for the Council of Chief State School Officers Dues for Fiscal Year 2011 in the amount of \$34,210.00 was approved by the Board for payment. (For complete details see General Exhibit No. 11273.)

11. Utah School Boards Association Dues

The invoice for the Utah School Boards Association Dues for Fiscal Year 2011 in the amount of \$1,500.00 was approved by the Board for payment. (For complete details see General Exhibit No. 11274.)

12. 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. 11275.)

13. Advisory Committee - Notice of Vacancy

The following vacancy was noted by the Board: Coalition of Minorities Advisory Committee due to a resignation: Pacific Islander

14. Ratification

Catherine Jensen was ratified as an Educational Specialist in the Student Achievement and School Success Division, Beverly Taylor Sorenson Fine Arts Specialist.

Kurt Farnsworth was ratified as an Educational Specialist in the Student Services & Federal Programs Division, Elementary Language Learners Specialist.

Glenna Gallo was ratified as the Education Director, Special Education in the Student Services & Federal Programs Division.

15. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 11276.)

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16. Claims Report

The Claims Reports for May 31, 2010, and June 30, 2010 in the amount of \$247,888,175.59 and \$217,935,128.25 respectively were approved by the Board. (For complete details see General Exhibit No. 11277.)

Motion was made by Member Michael Jensen and seconded by Chair Debra Roberts to adjourn. Motion carried unanimously.

Meeting adjourned at 4:10 p.m.