

## MINUTES

January 6, 2011

Minutes of the meeting of the Utah State Board of Education held January 6, 2011 at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:02 a.m. Chair Debra G. Roberts presided.

### Members present:

Chair Debra G. Roberts  
Vice Chair Dixie L. Allen  
Member Tim Beagley  
Member Laurel O. Brown  
Member Kim R. Burningham  
Member Keith M. Buswell  
Member Janet A. Cannon  
Member Leslie B. Castle  
Member Craig E. Coleman  
Member Joel Coleman  
Member David L. Crandall  
Member Meghan Holbrook  
Member Michael G. Jensen  
Member Tamara Lowe  
Member Carol A. Murphy  
Member James V. (Jim) Olsen  
Member C. Mark Openshaw  
Member Tami W. Pyfer  
Member Isaiah "Ike" Spencer  
Member David L. Thomas

### Executive staff:

Chief Executive Officer Larry K. Shumway  
Deputy Superintendent Martell Menlove  
Associate Superintendent Brenda Hales  
Associate Superintendent Todd Hauber  
Associate Superintendent Judy Park  
USOR Executive Director Don Uchida  
Board Secretary Lorraine Austin

### Others present:

Sue Carey, Utah PTA  
Kory Holdaway, Utah Education Association  
Jennifer Howell, Utah Schools for the Deaf and the Blind  
Holly Langton, Utahns for Public Education

### Members of the Press:

Molly Farmer, Deseret News  
Lisa Schencker, Salt Lake Tribune

### Utah State Office of Education Staff:

Mark Peterson, Administration  
Elizabeth Ziegler, Administration  
Corey Kanth, Charter Schools

Chair Debra G. Roberts called the meeting to order and welcomed new Board Member James V. (Jim) Olsen.

Member David Crandall led the Board in the Pledge of Allegiance.

### **Welcome**

Member Janet A. Cannon welcomed the Board, and acknowledged the presence of John Kessler, Jane Holt, and Natalie Gochnour from the advisory committee of the Civility Initiative. The State Board of Education has passed a resolution to participate with other governmental and community groups to support 2011 as the Year of Civility in Utah, co-chaired by Salt Lake Mayor Ralph Becker and Lt. Governor Greg Bell. Member Cannon reviewed the goals of the initiative to set an example of civility and caring community through commitment to respectful discourse and behavior toward all people, and by the following the charge to be inclusive, welcoming and caring. Information about the Year of Civility was distributed. [For complete details see General Exhibit No. 11381.]

### **Swearing in of New Board Members**

Elected Board Members Dixie A. Allen, Laurel O. Brown, Kim R. Burningham, Keith M. Buswell, Craig E. Coleman, Joel Coleman, Michael G. Jensen, and Debra G. Roberts were sworn in by Dr. Larry K. Shumway, State Superintendent of Public Instruction.

Appointed Board Member James V. Olsen, representing the Utah Colleges of Applied Technology, was also sworn in by Superintendent Shumway.

### **Best Practices**

Karl Wilson, USOE Director of ESEA and Special Programs, and Ann White, USOE Title I Specialist, gave a presentation about the best practices common to high performing Title I schools. In high performing schools there is a critical need for strong leadership through principals and educational leaders. There is a strong focus on teaching and learning, high expectations for all students, staff, and parents, and strong collaboration among instructional staff with a focus on student learning and achievement. These schools provide high quality extended learning time opportunities.

Tools are in place to look at what is happening in the schools including assessments that are not only measuring results at the end of the year, but assessments that help to inform instruction, strong leadership, and culture and collaborative relationship within the school community.

Over the last three years, six Title I schools in Utah have received national recognition for high levels of achievement: Enoch Elementary, Iron School District; Ellis Elementary, Logan School District; Lewiston Elementary, Cache School District; Monroe Elementary, Granite School District, Minersville Elementary, Beaver School District, and Red Mountain Elementary, Washington School District. [For complete details see General Exhibit No. 11382.]

### **Public Participation/Comment**

Natalie Gochnour, Executive Vice President of the Salt Lake City Chamber, and Richard Kendell, an education policy advisor to the Chamber, introduced the Prosperity 2020 Campaign—a movement to enhance education in Utah, and distributed a governance overview. Ms. Gochnour acknowledged Superintendent Larry Shumway as a catalyst in the organization of this model. The Chamber will be launching the business-led movement, Prosperity 2020: It Starts with Education, on January 11, 2011. A large collaboration of business leaders statewide has been assembled to be a part of the movement that encompasses pre-K through 16+. Between now and 2020, the group wants to make a meaningful difference in education.

Richard Kendell expressed that there is a common theme among the business leaders involved—that education is the key investment in the quality of our lives and future of our economy. Early agenda items for the campaign will include support for full funding of student growth in public and higher education; support of Optional Extended-day Kindergarten as a fundamental education program; and support for a fully funded K-3 literacy program, with a similar initiative in mathematics. [For complete details see General Exhibit No. 11383.]

Chair Debra Roberts expressed appreciation for the collaborative effort and desire to forward the work of education.

The Board recessed into committee meetings at 9:00 a.m.

The Board reconvened at 10:10 a.m.

### **Achievement Spotlight**

Brenda Hales, USOE Associate Superintendent, honored Red Mountain Elementary School in Washington School District. The school, identified in 2008 as in need of improvement, implemented an achievement plan with support from the district, that focused on quality Tier 1 instruction for all, and provided additional learning time and support for students who were struggling. In addition, a Professional Learning Community was established. The plan has been remarkably successful, and the school is now well above the state average for student achievement in reading, language arts, and mathematics, and has been recognized as a Title I Distinguished School for closing the achievement gap. Principal Betty Barnum and staff

members received a Certificate of Excellence from Chair Debra Roberts. Students of the school joined the meeting electronically.

### **Utah Schools for the Deaf and the Blind (USDB ) Annual Report**

Steven Noyce, Superintendent of the Utah Schools for the Deaf and the Blind (USDB), along with Dr. Jennifer Howell and Michael Sears, presented the annual report of the USDB as required in Utah Code.

Superintendent Noyce discussed the impact of Rule R277-800 as outlined in the report, with the following requests from USDB:

- Eliminate the three percent rule from R277-800 and restore legislative funding.
- Concerning the Utah State Instructional Materials Access Center (USIMAC), implement a process to acquire additional funding when there are costs which exceed combined revenues and appropriation.

Superintendent Noyce also updated the Board on implementation of USDB's goals and reviewed future goals and directions.

Member Carol Murphy commented that the outlines for placement should be uniformly seen as guidelines, and requested the materials be reproduced using the term "guidelines." [For complete details see General Exhibit No. 11384]

### **School Report Card**

Senator Wayne Niederhauser joined the Board to discuss his proposed school grading bill, based on the Florida model. His interest in school grading is in having transparency and accountability. He presented the concepts of the bill, which include giving each school a letter grade and rating each school on proficiency and progress. The focus will be on student performance, using the CRTs as the evaluation instrument. He distributed a sample matrix.

Superintendent Larry Shumway responded that with the exception of giving a letter grade, this data is already collected and reported by the State Office of Education in the U-PASS report. Senator Niederhauser responded that he is not opposed to grading several different areas, but is looking at one overall grade.

Member David Thomas questioned how the demographic differences would be accounted for, and whether incentive funding will be available for schools that score higher. Member Tami Pyfer also asked whether resources would be provided for those that are struggling. The Senator responded that his intention is to recognize progress, rather than solely look at proficiency. He is working on funding ideas, but has nothing definitive in place.

Member Dixie Allen raised a concern that with the implementation of the new Common Core State Standards, the current CRTs won't match what is being taught, therefore, until new assessments are in place, student achievement won't be accurately reflected through the CRTs. The new assessments are projected to be in place by 2014. Board Members raised other questions about duplicating efforts already in place, what the baseline will be, and whether there will be a large fiscal note such as Florida had in its model.

Senator Niederhauser responded that while some things are yet to be determined, his focus will be on bringing up the bottom 25 percent of schools. Whether funding is available or not, he expressed the need to move ahead with the report card to give the public a clear understanding of school progress.

Chair Roberts thanked Senator Niederhauser for his participation in the meeting. [For complete details see General Exhibit No. 11385.]

### **2011 Legislative Session**

Deputy Superintendent Martell Menlove gave a brief update of legislative activity and presented information on key bills and issues for the upcoming legislative session. The legislation tracking sheet was distributed and the position keys were discussed. Chair Roberts directed the addition of a new key to designate "constitutional issue." It was clarified that the new key would be used to explain the reason for opposing a bill.

Legislative Board meetings will be held January 21, January 27, February 10, February 17, and February 24 from 12:00 to 2:00 p.m. In order to take action a quorum must be present. Board members may participate electronically. Legislators will be invited to attend to explain their bills. [For complete details see General Exhibit No. 11386.]

### **Resolution Supporting Budget Recommendations for FY2012**

Motion was made by Member Joel Coleman and seconded by Member Michael Jensen that the Resolution Supporting Budget Recommendations be tabled. Motion carried unanimously. [For complete details see General Exhibit No. 11387.]

### **Discussion with Education Appropriations Subcommittee Co-Chair**

Representative Merlynn Newbold, Co-chair of the 2011 Public Education Appropriations Subcommittee, joined the board for lunch and discussed the budget process for the upcoming legislative session. She indicated that each committee has been asked to identify areas for cuts and to trim seven to ten percent of its base budget. She emphasized that this number will be a starting point for discussion, and invited Board Members to attend the appropriations meetings.

### **Executive Session**

Motion was made by Member Laurel Brown and seconded by Member Michael Jensen that the Board move into an Executive Session following lunch, for the purpose of discussing personnel issues, pending or potential litigation, and 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 1:15 p.m.

Motion was made by Member Janet Cannon and seconded by Member Keith Buswell that the Board reconvene into open session. Motion carried unanimously. Meeting reconvened at 3:05 p.m.

### **Swearing in of Board Member**

Member Isaiah Spencer was sworn in as an Appointed Advisory Board Member by Superintendent Larry K. Shumway.

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

Member Isaiah Spencer presented a formal position from CMAC, taken in its December 16, 2010 meeting, in support of the Utah Compact as it relates to immigration in Utah. This position included a request to address the State Board on the issue and a request that the Board consider taking a formal position in support of the CMAC position. In a letter sent to the Board, five principles of the Utah Compact are listed, relating to federal solutions, law enforcement, families, economy, and a free society.

Motion was made by Member Carol Murphy and seconded by Member Tami Pyfer that the Board go on record as supporting the principles found in the Utah Compact.

Member David Thomas expressed a concern that the second part of the Compact doesn't comply with the law, and the position could present a civil violation of federal code. Member Craig Coleman questioned whether it advances the purposes of the board, and Member Joel Coleman echoed his concerns, adding that the language is too general and vague.

Motion carried with Members Dixie Allen, Laurel Brown, Kim Burningham, Keith Buswell, Leslie Castle, Carol Murphy, Tami Pyfer, and Debra Roberts voting in favor and Members Janet Cannon, Craig Coleman, Joel Coleman, David Crandall, Michael Jensen, C. Mark Openshaw, and David Thomas opposed. [For complete details see General Exhibit No. 11388.]

## **Promises to Keep Strategic Directions**

A strategic plan for implementing Promises to Keep was presented to the Board at its December 3, 2010 meeting. The Board provided input and the suggested changes have been made.

Motion was made by Member Joel Coleman and seconded by Member C. Mark Openshaw that the Board adopt the Strategic Plan for Promises to Keep. Motion carried unanimously. [For complete details see General Exhibit No. 11389.]

## **Board Chair Report**

### Audit Committee Report

At the direction of Chair Debra G. Roberts, Natalie Grange, USOE Internal Auditor, reported on two audits of the USOE conducted by state auditors: the Financial Statement Audit and the Federal Single Audit. The Financial Statement Audit found that no significant adjustments are needed. In the Federal Single Audit there were no material findings or questioned costs, but there were six findings that were significant deficiencies.

1. Monitoring grant requirements or administrative cost caps - the IDEA program administration costs were exceeded. The USOE Special Education and Internal Accounting Sections are working to review those caps and make sure budgets are set correctly from year to year.
2. USOR - upon review of expenditures made against a grant, auditors found that a service was paid for that wasn't provided for on an IEP. The Office of Vocational Rehabilitation has indicated they will continually train their case workers and counselors so they are aware of proper documentation for IEPs.
3. Salaries charged to federal programs - USOE has made some significant changes to its payroll certification and time card system, put into place in March 2010.
4. CTE Perkins grant - a new report in place this year didn't agree to some of the data that had been submitted. In the future, CTE will make sure every individual that deals with that report is adequately trained.
5. CTE programs - the CTE program has not been reviewing single audits from universities and ATCs receiving federal CTE funds. The internal auditors and CTE are requesting all the audit reports for non-profits, universities, and colleges, have begun reviewing those reports, and are communicating problems and concerns.
6. Period of availability - when auditors tested expenditures for some grants that had been finalized, they found some of the expenditures that were booked to those grants had

occurred after the period of availability. USOE staff will review those costs that are being booked into our grants.

### Chair Report

Chair Debra Roberts reported on the following;

- Board members were reminded to make individual or group contacts with legislators and email Chair Roberts reports on those visits. It was suggested that a meeting for all legislators be organized to present the Common Core.
- Members were asked to review the list of external committee assignments, and email reports on those meetings to the entire board.
- Members were reminded to submit their financial disclosures.
- Upcoming events were reviewed.
- Chair Roberts presented the 2010 Year in Review.

[For complete details see General Exhibit No. 11390.]

### **Executive Officer's Report**

Larry K. Shumway, Chief Executive Officer, presented information on the following:

- Superintendent Candidates Seminar
- Innovation Grant Awards - invitations will be issued to Board Members to visit the schools receiving the grants.
- Utah will be joining the CCSSO Common Core System State Collaborative on Assessment and Student Standards.
- Graduation and dropout rate report.
- 2009-10 single-year dropout rate report.
- Governor's budget recommendations.
- Extended Time Calendar and Schedule Exploration and Planning Report - the Task Force is recommending that calendaring should remain the purview of local boards. Appreciation was expressed to Kerrie Naylor for chairing the Task Force.
- Strengthening the Senior Year Career and College Ready Report - Recommendations include the need for more intense counseling and communication with students and parents about planning post-high-school education and careers. Other clear message - there is no evidence that less education is helpful. Appreciation was expressed to Lillian Tsosie-Jensen for chairing the Task Force.

- USOE/USHE College and Career Readiness Recommendations to Middle and High School Students - will be presented at the next K-16 Alliance meeting for adoption.
- Social networking sites for the State Board and USOE will go live on January 14.
- Celebration of Public Education event will be held in the Capitol rotunda on January 28.

[For complete details see General Exhibit No. 11391.]

## **Board Standing Committee Reports**

### DATA, ASSESSMENT, AND ACCOUNTABILITY COMMITTEE

Member David L. Thomas, Committee Chair, reported on the following items from the Committee.

#### Review of Risk Management Insurance Policy

The Committee was apprised that the Division of Risk Management provides property, casualty, and liability insurance coverage, claims administration, and loss control services to the participating insured of the Risk Management Fund. Among those insured are all state agencies, all public school districts, all public institutions of higher education, and most of the public charter schools. Utah Code Title 63A, Chapter 4, mandates the appointment of a Risk manager, iterates the duties and powers of the risk manager, established the Risk Management Fund, and directs the administration of the Fund. Critical to the administration of the Fund is the Governmental Immunity Act, Utah Code Title 63G, Chapter 7, which limits the exposure of the Fund and the settlement authority of the risk manager. [For complete details see General Exhibit No. 11392.]

#### Calendaring for Promises to Keep Strategic Directions

The Committee reviewed the Promises to Keep strategic directions document and gave input into calendaring reports to the committees each month regarding the implementation of the strategic plan. The Committee chair will work with USOE staff to put together a calendar for review in the February Board meeting.

### INSTRUCTION, SUPPORT, AND TECHNOLOGY COMMITTEE

Member Janet A. Cannon, Committee Chair, presented the following recommendations from the committee.

### Determine Time Line for New Charter School Approval

Current Utah Code does not allow for final funding allocations for charter school expansion until the legislative session in the year prior to when the expansions occur. The funded expansion for the 2012-2013 school year will not be known until action in the 2011 Legislative Session. Recognizing this restriction, the State Charter School Board has tentatively approved applications for expansions and new charter schools for the 2012-2013 school year.

Motion from the committee that the time line for new charter school approval be referred to the Charter Schools Committee of the Board for collaboration with the State Charter School Board to revise the rule and the process for the time line. Motion carried unanimously. [For complete details see General Exhibit No. 11393.]

### Wasatch Peak Academy Amendment Request

The Committee reviewed the State Charter School Board's recommendation that Wasatch Peak Academy be granted an amendment request to its charter agreement to replace dual immersion instruction with Spanish emphasis. Wasatch Peak Academy opened in fall 2005.

Motion from the Committee that the Board approve the requested amendment to Wasatch Peak Academy's charter. Motion carried unanimously. [For complete details see General Exhibit No. 11394.]

### State Board of Education Bylaws Amendments

Proposed changes to the State Board of Education Bylaws were reviewed by the Committee.

Motion from the Committee that the Board approve the revision of Section III, Board Ethics, as follows:

- Add a new item E to read: "Once the board has voted on an issue, that becomes the official position of the board."
- Renumber item E to F and change to read: "Board members may express personal opinions on issues, legislation, and areas of concern. Individual Board members should state at the outset of comment or statement that comments reflect their personal opinions and evaluations and do not represent the Board's official position."
- Renumber item F to G.

Motion carried unanimously.

Motion from the Committee that the Board approve the revision of Section V, Election of Officers, Item B #4 to add the Deputy Superintendent to the Leadership Committee. Motion carried unanimously.

Motion from the Committee that the Board approve the revision of Section V, Election of Officers, as follows:

- Delete #10
- Insert new #2 to read: "Is the official spokesperson for the Board."
- Renumber 2-9.

Motion carried unanimously.

The remainder of proposed changes to the Bylaws will be revisited in the February Board meeting. [For complete details see General Exhibit No. 11395.]

#### Calendaring for Promises to Keep Strategic Plan

The Committee reviewed the Promises to Keep strategic directions document and gave input into calendaring reports to the committees each month regarding the implementation of the strategic plan. The Committee chair will work with USOE staff to put together a calendar for review in the February Board meeting.

#### STANDARDS, CURRICULUM, AND STUDENT SUCCESS COMMITTEE

Member Laurel O. Brown, Committee Chair, reported on the following items from the committee.

#### Education Programs Serving Youth in Custody, R277-709 (Amended)

Proposed amendments to R277-709, Education Programs Serving Youth in Custody, will provide changes initiated by the Utah Coordinating Council for Youth in Custody. The changes to this rule will ensure greater compliance with existing statutory language [53A-1-403]. The role of the Coordinating Council is to plan, coordinate and recommend budget, policy and program guidelines for the education and treatment of persons in custody of the Division of Juvenile Justice Services and Division of Child and Family Services.

A comprehensive reconstitution of the composition of the Coordinating Council as recommended in a performance audit conducted by the Utah State Board of Education, and subsequently by the Utah Coordinating Council for Youth in Custody, is proposed. Semantic changes to the rule also need to be made to reflect accurate titles of existing divisions (i.e. Division of Youth Corrections should read Division of Juvenile Justice Services).

The Standards, Curriculum, and Student Success Committee approved the amendments to R277-709 on first reading, and moved that the Board approve Education Programs Serving Youth in Custody, as amended, on second reading.

Motion carried unanimously. [For complete details see General Exhibit No. 11396.]

#### Calendaring for Promises to Keep Strategic Directions

The Committee reviewed the Promises to Keep strategic directions document and gave input into calendaring reports to the committees each month regarding the implementation of the strategic plan. The Committee requested a discussion of early intervention programs for high need pre-K children in February. The Committee chair will work with USOE staff to put together a calendar for review in the February Board meeting.

#### **General Consent Calendar**

Motion was made by Member Carol Murphy and seconded by Member Joel Coleman to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meetings

Minutes of the Meeting of the State Board of Education held December 3, 2010

2. Contracts

The following contracts were approved by the Board:

A. SRI International. \$18,081. 12/15/10-1/31/11

To further define and expand the scope of work in the contract between the Utah State Office of Education and SRI International for Utah's Enhanced Assessment Grant, the Alternate Assessment Design - Mathematics project. This Project involves a consortium of three states: Utah, Florida, and Idaho.

B. Project Legal, Inc. \$49,900. 11/01/10-10/31/11. Amend.

To provide evaluation of the High Ability Student Initiative Program.

C. Utah Afterschool Network. \$33,750. 9/15/10-9/14/11. Amend.

Facilitate the development of a comprehensive after school/community school professional development system by fostering multiple pathways for training and technical assistance to ensure high quality programs that meet the needs of a diverse population.

[For complete details see General Exhibit No. 11397.]

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3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved by the State Board of Education. [For complete details see General Exhibit No. 11398.]

4. 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. 11399.]

5. Advisory Council Notice of Vacancy

Due to a resignation, there is a vacancy on the Utah Schools for the Deaf and the Blind Advisory Council. This vacancy represents a member who is a parent of a deafblind child.

6. 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. 11400.]

7. Claims Report

The Claims Report for November 30, 2010 in the amount of \$249,808,341.68 was approved by the Board. [For complete details see General Exhibit No. 11401.]

Motion was made by Member David Crandall and seconded by Member Michael Jensen that the meeting adjourn. Motion carried unanimously.

Meeting adjourned at 4:29 p.m.

Lorraine Austin, Secretary to the Board  
Approved February 4, 2011