

MINUTES

August 1, 2008

Minutes of the meeting of the State Board of Education held August 1, 2008, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:15 a.m. Vice Chairman Mark Cluff presided.

Members present were:

Vice Chairman Mark Cluff
Member Dixie L. Allen
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member Bill Colbert
Member Thomas Gregory
Member Greg W. Haws
Member Michael G. Jensen
Member Charlene Lui
Member Richard Moss
Member Debra G. Roberts
Member Teresa L. Theurer

Chairman Richard Sadler and Members Rosanita Cespedes, Randall Mackey and Denis R. Morrill were excused.

Also present were:

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

Members of the Press:

Lisa Schencker, Salt Lake Tribune
Amy Stewart, Deseret Morning News
Rachel Thompson, Alpine School District
Kate Ross, Alpine School District
Kris Fawson, Utah State Independent Living Council
Teddi Safman, State Board of Regents Office
Debi Tabor, Utah PTA
Michael Kjar, Governor's Office of Planning and Budget

Welcome and Student Achievement Spotlight

Vice Chairman Mark Cluff called the meeting to order. He excused Chairman Richard Sadler and Members Rosanita Cespedes, Randall A. Mackey and Denis R. Morrill.

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Vice Chairman Cluff introduced Meghan Holbrook, the new representative on the Board from the Board of Regents.

Vice Chairman Cluff shared a quote from George Washington: “There is nothing which can better deserve your patronage than the promotion of science, literature and the arts. Knowledge is in every country the surest basis of public happiness.”

Board Member Bill Colbert lead the Board in the Pledge of Allegiance.

Board Member Debra Roberts offered opening remarks using the book “The Prophet” by Kahlil Gibran, and his essay on children.

The Board recognized JoAnn Memmott, Wasatch School District Arts Coordinator for her outstanding leadership and innovative practices in arts education. Associate Superintendent Brenda Hales presented some of the outstanding achievements made by Ms. Memmott. The Board presented Ms. Memmott with an Excellence Certificate.

Monticello Academy Charter School Amendment

Monticello Academy opened in the 2006-2007 school year in West Valley City, Utah. Currently chartered to serve grades K-9, the school now requests to add grades 10-12 to it secondary program. This change will allow the school a K-12 program, which is an academically rigorous, college preparatory school. Monticello uses Core Knowledge Sequence and the Direct Instruction Method, and is pioneering the internationally successful Singapore Math program. The State Charter School Board voted to recommend this amendment for approval by the State Board of Education, with votes for non-recommendation from members Julie Adamic and Bobbie Killpack. (For complete details see General Exhibit No. 10613.)

Superintendent Harrington explained the reasons for the two dissenting votes was there were concerns that the enrollment increases for this school were taking away from others.

The Board reviewed the recommendations and concerns from the State Charter School Board.

Member Janet Cannon requested information on the academic performance of the school. Associate Superintendent Judy Park verbally presented the achievement data indicating the school passed U-PASS.

Member Debra Roberts voiced concern that there was not enough outreach by the school for economically disadvantaged students.

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Member Tom Gregory noted that it indicates in the report that the school is currently running a deficit and he questioned who ultimately is responsible if the school fails financially. Superintendent Harrington indicated it would be the State Board of Education.

John Taggart, State Charter School Board staff explained that the school explained to the State Charter School Board how they were financially solvent and the reason why it appears as it does has to do with different accounting practices between government and private industry.

Vice Chairman Cluff indicated that the State Charter School Board felt good about their financial solvency.

Member Laurel Brown voiced concerns with the lack of counselors and servicing students in the 9th grade which is at the high school level.

Member Laurel Brown also expressed concern with the fact that there has been a great turnover of principals at the school. Mr. Taggart reported that Kim Campbell has stepped down from the Board to be the principal.

Motion was made by Member Bill Colbert and seconded by Member Michael Jensen to accept the recommendations from the State Charter School Board and approve the amendments to the Monticello Academy Charter School.

Member Teresa Theurer spoke in opposition to the motion for the same reasons as those indicated by the two Charter School Board members, that the school does not have a three year proven track record of successful performance financially, or academically.

Member Debra Roberts spoke against the motion for the same reasons noted by Member Theurer.

Member Richard Moss indicated that he felt that there has been progress in their reporting and in their academic results.

Member Janet Cannon spoke against the motion indicating that their test scores should be the highest since there is a low number of economically disadvantaged students. She fears they might be trying to grow too fast and she would like to see them have a principal in line and some stability before enlargement.

Motion failed with Members Colbert, Haws, Jensen and Moss voting in favor; Members Allen, Brown, Burningham, Cannon, Gregory, Roberts and Theurer opposed.

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Writing Software Demonstration - My Access

Writing software has been implemented into most of Utah's high schools for the past two years with legislative funding. For the 2008-09 school year, funding will come from the Utah State Office of Education to help the program grow to more sites in the state. Requests for ongoing and permanent funding for this online learning tool is on the board's list for legislative consideration. Some legislators have seen the demonstration of the software and are enthused about continuing and expanding its use.

Kate Ross and Rachel Thompson of the Alpine School District provided a demonstration of the writing software *My Access*.

The Board received the demonstration as information. (For complete details see General Exhibit No. 10614.)

Executive Officer Report

Superintendent Patti Harrington presented the following items:

Information Items:

1. Senator Dayton and President Valentine are working on a joint letter to clarify the nature of "federal funds" that are impacted by SB 162 *Federal Education Agreements*.
2. Transportation costs for extracurricular events, district superintendents are meeting to discuss potential decreases in the number of competitive events.
3. Executive Appropriations Committee meets on August 19 and will hear an overview of the Approved Performance Based compensation Plans.
4. The Leonardo is hosting *Body Worlds, the Original Exhibition of Real Human Bodies* in September and are providing reduced costs for schools that may attend.
5. The USDB Legislative Workgroup is taking their recommendations to public stakeholders and will complete that work next week. They anticipate bringing recommendations to the Board in September.
6. A national update by the Education Commission of the States (ECS) on Science, Technology, Engineering and Math) STEM.
7. The Utah school Boards Association, the Utah School Superintendents Association, and the Utah Association of School Business Officials are now meeting to formulate their 2009 legislative agenda.

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Discussion Items:

1. Superintendent Harrington requested that the Board establish a formal opinion on UCAT - right now staff is saying we have no opinion from the Board. Vice Chairman Cluff clarified as to whether or not the Board would like this as an item on the September Board meeting agenda.

Member Greg Haws reported that he had attended the first meeting of the task force and was put into a position several times being asked to vote and was very uncomfortable because he did not have a position of the Board. For that purpose, he has indicated he will not be attending the next meeting and did not feel a board member should be present, but encouraged staff people to attend. He would recommend that the Board not take an opinion at this time. This will result in a bill and at that point the Board can come up with an opinion. The governance of UCAT is not for the Board to have an opinion on. Our issue is to have an open-ended, open-entry system.

Member Dixie Allen commented that after having served on the UCAT Board for several years, she agrees that there is not an option. She would like the Board to take a stand that we want to protect UCAT offerings. It would be a great disadvantage to this state to have UCAT go by the wayside and become a community college or another university. There are options there that are very necessary for our students and the workforce of the state.

Member Meghan Holbrook reported that there is a bill out which is about 46 pages which will probably be the first of many. As a member of the Board of Regents she would welcome any input and advice.

Vice Chairman Cluff summarized that it is the board's feeling that student access to technical education needs to be increased and not diminished.

Member Debra Roberts commented that she would strongly support local voices so board members serve on local boards.

Member Dixie Allen voiced a concern about some of the universities requiring testing to place students into programs and some of our technical students are having a difficult time passing these tests.

Member Janet Cannon reported that she was on this Board when it was over UCAT and has also served on the UCAT Board. It is critical for our state to provide students the kind of short-term open-entry/open-exit technical training. One area of concern is that when students

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have completed some training giving them the option of getting some kind of credit for that if they want to go into a higher education setting.

Superintendent Harrington indicated that she would capture in writing what has been said as a position representing the Board.

2. Potential for four-day week for USOE and USOR – The Governor by Executive Order declared most of the executive agencies in the state to work on a 4-day week of 10 hour days with offices closed on Friday. She indicated that she and the Governor have not had a conversation about this. It is her recommendation that the State Office of Education not move to a 4-day week because we would set a precedent that might want to be replicated across the state and that may not be in the best interest of students. Dave Rodemack our Human Resources Director is prepared to do survey's to check on the satisfaction level of this type of thing. She indicated that most of USOR will also remain at a 5-day work week. However, some offices will have to go to a 4-day week because of where they are housed with other state agencies.

3. Governor Huntsman's Deputy, Chris Kearl, presented his preliminary recommendations for education for 2009 session to the Utah School Superintendents. They are: 1) Increase teacher compensation; 2) Support U-PASS reform utilizing recommendations from the Governor's Blue Ribbon Panel on Assessment; and 3) Election of the State School Board should be "direct" and "nonpartisan."

4. 21st Century Workforce update and possible response – Interim Commissioner Buhler has responded to the 21st Century Workforce updates periodically and his response have raised some questions and have added clarification. She questioned if the Board would like her to do that on the Board's behalf as well. The Board agreed they would like her to do this as well and to pass it by leadership prior to submission.

5. Informal math group update. Yesterday Dr. Harrington met with President Valentine and Senators Dayton and Stephenson, on math. They have been meeting with some members of the Alpine School District, including one Alpine School Board Member, Mark Cluff, Brenda Hales and herself as an informal math group. The last two or three times she and Ms. Hales have missed. They are proposing to revise the math standards and call them NASA standards because they would be aligned with the requirements to be employed by NASA. They would show enough rigor in math and science as one employed by NASA. The standards would be based in large part on Singapore Math and it is Senator Stephenson's belief that Singapore Math ought to be required in all of our K-4 levels. There is some deviation from that with

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Senator Dayton and President Valentine. They are looking at a possible math initiative to be legislated in 2009 to include incentives for a school or district to become a NASA school or district and it would link all of the various ways of doing this. There is clear understanding and commitment that professional development is key. Also a commitment to after school tutoring. At one point they were talking about a letter coming to the Board with their recommendations. Vice Chairman Cluff reported that there is a letter being drafted.

6. Common national standards – Dr. Harrington reported that she is seeing growing momentum on this issue. This momentum is coming from the National Governor’s Association who is advocating that there is a set of common national standards for every state to meet. Their provocation is because the proficiency scores are so different because of rigor state by state. The Council of Chief State School Officers and learned that 16 states have agreed to do the same common standards, another 15-16 are strongly considering it. A report just came out from ACHIEVE that calls for common national standards. These are not federally determined standards, Congress is wanting to hold CCSSO and other organizations accountable for creating a common set of national standards.

CCSSO has requested congress to give them enough time to work with the National Governor’s Association to see if they can come up with common standards.

Member Greg Haws reported that it was his understanding that the Bill and Linda Gates Foundation has put a great deal of money into this and CCSSO has the grant for this.

7. Patrick Lee, the one who organized the meetings in Cedar City is interested in feedback on Joint Legislative meetings in Cedar City. Superintendent Harrington asked Board Member to provide any feedback they would have and she will get them to Mr. Lee.

Dr. Harrington shared the Education Commission of the States Secondary STEM Education; the USBA/USSA/UASBO 2009 Legislative Committee priorities and what they are working on relative to legislation; and a CCSSO Responding to Achieve Report on Common Core Standards.

(For complete details of the report see General Exhibit No. 10615.)

Public Participation/Comment

No requests for comment were received.

Lunch

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Board Members visited with State Senator Ross Romero relative to the working relationship between the Board and the Legislature.

Executive Session

Motion was made by Member Bill Colbert and seconded by Member Tom Gregory to move into an executive session following lunch for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present, the Board moved into an executive session at 1:04 p.m.

Motion was made by Member Thomas Gregory and seconded by Member Dixie L. Allen to reconvene into open meeting. Motion carried Richard Moss absent. The Board reconvened at 1:30 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Thomas Gregory and seconded by Member Kim R. Burningham to accept the Commissions recommendation in Case No. 07-825 and accept a stipulated agreement, including conditions of the agreement, whereby a former educator in Washington School District voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation of his license for five 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 educator's revocation results from being charged with five class A misdemeanor counts of sexual battery based on his conduct with students. [This agreement was negotiated before Utah Code Section 53A-6-501(2) (HB 286, Sub1) became effective.] Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor; Member Moss absent.

Motion was made by Member Thomas Gregory and seconded by Member Kim R. Burningham to accept the Commissions recommendation in Case No. 07-829 and accept a stipulated agreement whereby a former educator in Salt Lake City School District voluntarily surrenders his educator license in lieu of a hearing for permanent revocation of his license from the date of formal action by the State Board of Education. The educator's revocation results from engaging in sexual activity with a student. Respondent was convicted of three second degree felony counts of forcible sexual abuse. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor: Member Moss absent.

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Motion was made by Member Thomas Gregory and seconded by Member Kim R. Burningham to accept the Commissions recommendation in Case No. 07-844 for a permanent revocation based upon default of a former educator in Washington School District. This action is taken as a result of the educator's engaging in a sexual relationship with a student. Her actions resulted in convictions for three third degree felony counts of unlawful sexual activity with a 16 or 17 year old. Many UPPAC contacts to the educators' last known address received no response. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor; Member Moss absent..

Motion was made by Member Thomas Gregory and seconded by Member Kim R. Burningham to accept the Commission recommendation in Case No. 08-852 for a revocation for a period of five years from the date of formal action by the State Board of Education based upon default against a former educator in the Salt Lake City School District. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. This action is taken as a result of the educator abusing prescription drugs rendering her unfit for duty per an independent psychological evaluation and failing to complete required treatment that would render her fit to serve as an educator. The educator's drug use created an unsafe learning environment for students, as evidenced by her treatment of students, and parent concerns. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor; Member Moss absent.

(For complete details see General Exhibit No. 10616.)

Disability Determination Services Advisory Council

Motion was made by Member Teresa Theurer and seconded by Member Laurel O. Brown to appoint Kent Palmer to the Utah State Office of Rehabilitation, Disability Determination Services Advisory Council, term to expire June 2011. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor; Member Moss absent.

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Law & Policy Committee

Member Debra G. Roberts Chairman of the Law and Policy Committee presented the following recommendations from the Committee:

School Community Councils, R277-491

School Community Councils is a new rule to provide direction to school districts and schools in establishing and maintaining school community councils. The primary focus of school community councils is improving educational excellence through team decision making by elected representatives of parents, staff, and the principal. The new rule provides for school community council school/school administrator responsibilities; provisions for school community council member elections; and parent rights and responsibilities criteria.

The rule was tabled in the Law and Policy Committee in June with direction to staff to resolve conflicting language in the law and the rule. Working with the PTA representatives, Utah State Office of Education staff have developed language that provides for significant parent participation in community councils. This proposed new rule includes additional clarifying language that has been double underlined. (For complete details see General Exhibit No. 10617.)

The Law and Policy Committee approved R277-491, School Community Councils on first reading and moves that the Board approve R277-491 on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor; Member Moss absent.

Educator Licensing and Data Retention, Section 4, License Levels, Procedures and Period of Validity, R277-502-4 (Amended) [Speech-language pathology CCC eligibility for Level 3 License]

The Speech-Language Pathologists (SLP) Shortage Committee was created by the Board to make recommendations regarding the critical shortage of Speech-Language Pathologists in Utah's public schools. The committee has identified recruitment and retention strategies that would help to address the critical shortage.

The committee believes that the American Speech-Language-Hearing Association's (ASHA) Certificate of Clinical Competence (CCC) is comparable in terms of rigor and requirement to the National Board of Professional Teaching Standards (NBPTS) Certification which the Utah State Office of Education currently recognizes as eligible for Level 3 licensure.

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Recognizing the ASHA CCC as a certification beyond a master's degree would improve the recruitment and retention of SLPs in the public school system and better compete with the private sector.

R277-502-4 is being amended to make a SLP holding a CCC eligible for a Level 3 Utah Educator license upon completion of all other Level 3 licensing requirements. This modification will help public schools recruit and retain qualified SLPs within the public school system. (For complete details see General Exhibit No. 10618.)

The Law and Policy Committee reviewed the changes and approved the amendments to R277-502-4 on first reading and moves that the Board approve the amendments to R277-502-4 on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor; Member Moss absent.

Charter School and Online Student
Participation in Extracurricular
Activities, R277-494

Charter school and Online Student Participation in Extracurricular Activities, R277-494 was presented to the Law and Policy Committee and to the full Board and approved on first and second reading on June 13, 2008. Board members requested that staff make minor changes to the rule, provide language on co-curricular activities, and discuss the rule with various school administrators who may be affected by the rule. Co-curricular language and various minor changes have been made to the rule based on the Board members' request.

The Law and Policy Committee reviewed the new rule with the changes. (For complete details see General Exhibit No. 10619.)

The Law and Policy Committee approved the new rule with the changes on second reading with the request that the rule come back to the committee in April of 2009, following a thorough analysis of the schedule and dollars; and moves that the Board approve R277-494 on third and final reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor; Member Moss absent.

Dual Enrollment, R277-438

This rule is being amended to reflect the directive of SB 36, 2008 Legislative Session, which provides for Utah charter school students and Utah online school students to participate in extracurricular activities in compliance with a fee schedule in their resident traditional public

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school. This amended rule references the fee schedule discussed and approved by the Board at the June meeting in R277-494 Charter School and Online Student Participation in Extracurricular Activities. R277-438 and R277-494, specific to charter and online students, are now consistent. (For complete details see General Exhibit No. 10620.)

The Committee made the following amendments to the rule:

Add to R277-438-1 - Definitions two new definitions: "School participation fee" and "Student participation fee." Throughout the rule add after extracurricular or co-curricular. Clarification as to when the school pays and when the student pays; deleted a part that dealt with paying prior to tryouts. (For complete details see General with the changes see General Exhibit No. 10621.)

The Law and Policy Committee reviewed the amendments to R277-438 and approved it on first reading and moves that the Board approve R277-438 Dual Enrollment on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Roberts and Theurer voting in favor; Member Moss absent.

Rich School District Four-Day School
week Report

The Rich School District was authorized by the Board to implement a four-day school week during the 2007-08 and 2008-09 school year, with a waiver of the relevant parts of R277-419 *Pupil Accounting*. As part of the authorization, the District is required to make a report of the effects of the school calendar on student achievement, district budget, and other related issues.

The Law and Policy Committee received the four-day week report from Superintendent Dale Lamborne, Rich School District Board members and staff. (For complete details see General Exhibit No. 10622.)

The Committee received the report as information. Member Roberts indicated that the Board will be asked to take action relative to a continuation of the 4-Day school week pilot program in Rich School District. Member Roberts encouraged Board members to review the information in the report from the Rich School District prior to the September meeting.

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Presentation on Teachers Hired Between
July 1, 2007 and June 30, 2008

No Child Left Behind and other pressures have had the positive effect of greatly improving the accuracy and reliability of CACTUS. As a result, CACTUS is now a useful tool from which to extract data that describe the teacher workforce in useful ways. Of particular interest and importance is an understanding of the needs of districts and schools for new teachers.

The Utah State Office of Education staff have used CACTUS to describe the teachers hired by districts and charter schools in the last year. It is anticipated that this analysis will be conducted annually to provide a longitudinal view of the evolving teacher needs of Utah schools.

The Law and Policy Committee reviewed the information and discussed the needs of districts and schools for new teachers. (For complete details see General Exhibit No. 10623.)

Finance Committee

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

Classroom Supplies Appropriation
R277-459 - Amendment

For many years, the legislature has appropriated one-time funding for classroom supplies and materials of \$7.5 million. In the 2007 General Session, an additional amount of \$2.5 million was appropriated for first through fifth year teachers. Administrative Rule R277-459, Classroom Supplies Appropriation, was revised in 2007 to reflect that change, to give direction and more clarification of the distribution of these funds. During the 2008 General Session the legislature has continued this one-time funding. This rule needs to be amended to reflect the change showing (1) this appropriation came from SB2, (2) an amended date for the CACTUS data, and (3) further clarification for the distribution of funds including the funds for the second through fifth year teachers. (For complete details see General Exhibit No. 10624.)

The Finance Committee reviewed the amendment to sections of R277-459, Classroom Supplies Appropriation and approved the amendments on first reading and moves that the Board approve the amended section of R277-459 on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Haws, Jensen, Roberts and Theurer voting in favor; Members Gregory and Moss absent.

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Set Fiscal Priorities for 2009
Legislative Session

The State Board of Education scheduled a budget planning meeting on May 29, 2008 to better inform the Governor's office of its legislative funding priorities. The Governor has released his budgetary guidelines for the 2009 legislative session: "Given the weakening economy, we need to prepare for FY 2009 and FY 2010 revenue growth being weaker than in previous years." The guidelines suggest several restrictions in budget proposals.

The Finance Committee reviewed the preliminary funding priorities made by the Board at the May 29, 2008 meeting.

The Committee identified those that are federal and state mandates and Governor Initiatives. The Committee prepared a recommended fiscal prioritization from the State Board of Education, Charter Schools, Utah State Office of Rehabilitation, Utah Schools for the Deaf and Blind and others, with priorities in each section. (For complete details see General Exhibit No. 10625.)

Motion from the Committee that the Board approve the recommended fiscal prioritization prepared by the Committee. Member Haws indicated there will be further discussion on the budget priorities.

Vice Chairman Mark Cluff noted that the Committee did not make a recommendation on the WPU increase which will need to be discussed and decided at some point.

Member Bill Colbert expressed concern that the Board needs to set the physical facility for the Utah Schools for the Deaf and the Blind as a priority.

Motion was made by Member Bill Colbert and seconded by Member Dixie L. Allen to add a number 1 priority for a permanent facility in Salt Lake City as a capital priority for the Utah Schools for the Deaf and the Blind. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Haws, Jensen, Roberts and Theurer voting in favor; Members Gregory and Moss absent.

Original motion as amended carried with Members Allen, Brown, Burningham, Cannon, Colbert, Haws, Jensen, Roberts and Theurer voting in favor; Members Gregory and Moss absent.

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Curriculum Committee

Board Member Dixie L. Allen Vice Chairman of the Curriculum Committee presented the following recommendations from the Committee:

Standards for School District, School and Charter School Discipline Plans, R277-609

The 2008 Legislature passed HB 325, Bullying and Hazing, which directs that public schools prohibit bullying or hazing, retaliation for reporting, or assisting in the investigation of, bullying or hazing, and making a false report of bullying or hazing; requires local school boards and local charter boards to adopt policies, on or before September 1, 2009, for reporting and responding to bullying, hazing, or retaliation; requires the Board to develop, on or before September 1, 2008, a model policy on bullying, hazing, or retaliation; and provides for training and education regarding the prevention of bullying, hazing, or retaliation.

Standards for School District, School and Charter School Discipline Plans, R277-609 is being amended to include the language in the legislation. (For complete details see General Exhibit No. 10626.)

The Committee reviewed the amended rule and approved R277-609 on first reading and moves that the Board approve R277-609, Standards for School District, School and Charter School Discipline Plans on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Haws, Jensen, Roberts and Theurer voting in favor; Members Gregory and Moss absent.

General Financial and Economic Literacy, R277-704

The 2008 Legislature passed SB 2 that directs the Board to make rule amendments to the instruction of financial and economic literacy education. The legislation created a financial and economic literacy passport that tracks mastery of financial and economic literacy concepts and the completion of specific competencies and activities in grades kindergarten through 12th grad. In addition, the legislation requires the Board to work with private and non-profit entities to create the financial literacy passport, coordinate financial literacy instruction with existing instruction, create staff development programs and assessments, and makes rules related to financial literacy and economic education. (For complete details see General Exhibit No. 10627.)

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The Committee reviewed the amendments to R277-704 and approved it on first reading and moves that the Board approve R277-704, General Financial and Economic Literacy on second reading.

Member Teresa Theurer suggested that Under R277-704-3.E the word “eventually” be deleted and the third line be changed to include when developed. Following some discussion on the word “eventually”, it was agreed that R277-704-3.E. would be changed to read: Students and parents will receive information and encouragement toward the financial and economic literacy student passport opportunity when developed as pare of the SEOP process.

Motion carried unanimously with Members Allen, Brown, Burningham, Cannon, Colbert, Haws, Jensen, Roberts and Theurer voting in favor; Members Gregory and Moss absent.

Governor’s Blue Ribbon Panel on
Assessment Juab School District
Pilot Request

The State Board of Education received information concerning recommendations from the Governor’s Blue Ribbon Panel on Assessment during the May 29, 2008 study session. In the June 8, 2008 Board Meeting, the Board approved a request for Sevier School District to pilot the recommendations in the 2008-09 school year. The Juab School District is also requesting to pilot the Blue Ribbon Panel Recommendations. This pilot will require a waiver to exempt the district from the current state law and federal law for mandated testing and allow them to work with USOE to pilot an adjusted Utah Performance Assessment System for Students (U-PASS) and the No Child Left Behind Adequate Yearly Progress (AYP) Accountability system. (For complete details see General Exhibit No. 10628.)

In addition to the Juab School District request, Logan School District is sending out an RFP for formative assessment which Juab and Sevier have already identified. Logan has not yet determined the test yet, therefore it is not included in their pilot program. They have aligned with the state demographics with the assessment programs and these have been funded by the State Office Assessment Division. They would like to add the EPASS program which is the secondary level of the program and we help fund those for them and they would continue to give the core tests at the end of the year. The funding is not a huge issue because the money has already been set aside to help them develop some programs.

Member Allen reported that in the committee meeting Member Tom Gregory had specific recommendations to go to the Blue Ribbon Committee as follows:

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1. No student fees were included as part of the testing for the pilot programs.
2. The Accuplacer not be used to determine concurrent enrollment, nor should it be used to determine acceptance into higher education.
3. These are only a one year pilot and to go beyond that it needs to come back to the Board after that year. If it is not approved in the legislature this year, we review it again next year.

Member Laurel Brown recommended that we inform parents early on about the fact that their students may or may not be taking the core.

Motion from the Committee that the Board approve the request for the Juab School District and Logan School District to pilot and request the waiver for state and federal laws, knowing this still needs to go to the Blue Ribbon Committee etc. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Haws, Jensen, Roberts and Theurer voting in favor; Member Gregory and Moss absent.

Comprehensive Counseling and Guidance Information

Comprehensive Counseling and Guidance Programs in Utah's schools are an important aspect of the education system as affirmed in the resolution of the Utah State Board of Education in November 2007. Counselor student ratios continue to be high and additional assignments of testing and tracking reduce time counselors have to dedicate to student guidance activities. Nationally the counselor to student ration is 1:250 yet many Utah secondary schools have ratios in excess of 1:500. The State Board will request additional funding for the program in the 2009 legislative session.

The Committee received information regarding the state statute, Board rule, Utah Model for Comprehensive Counseling and Guidance, counselor-student ratios, and elementary counseling programs. (For complete details see General Exhibit No. 10629.) The Committee further considered future amendments to R277-462, Comprehensive Counseling and Guidance Program.

The Committee asked the staff to prepare a rule specifying that our counselor to student ratio be one to 350 for them to receive full minimum school funding. As part of that also try in a future meeting to have a resolution specifying we would like to see elementary counselors and counselors of diverse backgrounds.

No action was required.

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Board

Board Chairman Report

Vice Chairman Mark Cluff presented the following items of information:

NASBE --

- Annual meeting and Gala are coming up in October. If you are interested in attending please let Twila know as soon as possible if you plan to attend.
- Board members have received or will be receiving information on those running for President-Elect of NASBE and Western Area Director. Vice Chairman Cluff noted that NASBE bylaws have been changed and the voting for president will be held at the annual meeting on Friday afternoon and our voting delegate will place the vote for the person the Board selects.
- There is a conference September 16-19 in South Carolina, The US Army and Public Education Building Strong Futures Together. The Army is very interested in working with public education. The conference is fully sponsored by the Army. He asked if there were any Board Member interested in attending to let him know. Member Bill Colbert expressed an interest in attending

September 24-25 the Utah Native American Summit is being held in Vernal. He encouraged Board Members to attend if possible.

The next Board leadership meeting will be held on August 27 at 8:30 a.m.

The next Board meeting is September 11 Work/Study meeting 11-3 include items of the status and outcomes of the 21st Workforce initiative; Senator Pat Jones and her efforts for a ten to twenty year plan for public education; new Commissioner of Higher Education and public and higher education issues including UCAT and a mid-term report from Debra Roberts and Larry Shumway from the Differentiated Compensation Work Group. Our regular Board meeting on September 12. Also there will be an Audit Committee meeting on September 11 at 3:00 p.m.

General Consent Calendar

Motion was made by Member Teresa Theurer and seconded by Member Janet A. Cannon to approve the General Consent Calendar as presented. Motion carried with Members Allen, brown, Burningham, Cannon, Colbert, Haws, Jensen, Roberts and Theurer voting in favor; Members Gregory and Moss absent.

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1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held June 13, 2008 and July 10, 2008.

2. Contracts

The following contracts were approved by the Board:

(A) College Board Examination Board. \$52,596. 1/1/08-1/16/09 - Amend. - Fed.

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

(B) Measured Progress. \$7,415,133. 6/30/08-7/15/2011. - Fed.

Provide the delivery of electronic administration of Utah's Science, Language Arts, and Mathematics Criterion Referenced Tests for both the elementary and secondary grades.

(C) National Ctr f/t Improvement of Educational Assessment, Inc. \$10,220. 6/15/08-10/14/08 - Amend. - Fed.

Amendment is to obtain assistance from NCIEA with developing alternate assessment extended standards (essences) for the Utah Alternate Assessment (UAA).

(D) Utah Association for the Deaf, Inc. \$1,800. 11/1/07-10/31/08 - RECEIVABLE - Amend.

Provide space for the Utah Association for the Deaf (UAD) Bookstore for access to individuals who are Deaf, Hard of Hearing, or Speech Impaired needing equipment or information. One location at the Sanderson Community Center of the Deaf and Hard of Hearing in Taylorsville, adding this year a trial period for a second location at the Southern Utah Program to the Deaf and Hard of Hearing office in St. George.

(E) Old Dominion Freight Line, Inc. \$320,000. 8/1/08-7/31/09.

Transportation of USDA Dry and Temperature Controlled Commodities to recipient agencies statewide.

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(F) Teacher-Teachers. \$98,558. 4/1/08-3/30/09.

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

(For complete details see General Exhibit No. 10630.)

3. Gang Prevention and Intervention Programs in the Schools, R277-436

The Gang Prevention and Intervention Program provides funds for direct services to students in a comprehensive prevention approach.

The State Gang Prevention Intervention Steering Committee has recommended that R277-436 be amended to place a 10 percent cap on the amount of funds, LEAs can use for program administration oversight, professional development, and technical services.

The Board approved R277-110, Legislative Supplemental Salary Adjustments on second reading at the June 13, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-436, Gang Prevention and Intervention Programs in the Schools on third and final reading. (For complete details see General Exhibit No. 10631.)

4. Highly Impacted Schools, R277-464

Highly Impacted Schools, R277-464 is amended to add new language that provides for:

- increased oversight of highly impacted schools funds applications;
- reallocation of funds from operating highly impacted schools within a school district to fund a newly designated highly impacted school and to allow for changes in the designation of a highly impacted school;
- application by a school district for a variance from the rule; and
- USOE oversight and monitoring for program compliance.

The Board approved R277-464, Highly Impacted Schools on second reading at the June 13, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-464, Highly Impacted Schools on third and final reading. (For complete details see General Exhibit No. 10632.)

5. Charter Schools R277-470

HB 160, Charter School Law Revisions, HB 472, Charter School Building and Enrollment Amendments, and SB 2, Minimum School Program Budget Amendments, 2008 Legislative Session added new law pertaining to charter

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schools in respect to accountability, enrollment deadlines and communication, and enrollment increases, respectively. The new legislation specifically:

- modifies the appointment procedures for the staff director of the State Charter School Board (53A-1a-501.7)
- modifies provisions relating to the purposes and status of charter schools (53A-1a-503)
- requires the State School Board, in consultation with the State Charter School Board, to make rules relating to charter school accountability (53A-1a-519)
- modifies the reporting deadlines and requirements relating to students who have accepted enrollment in a charter school (53A-01a-506.50)
- modifies provisions related to the funding of charter schools (53A-1a-513)
- modifies the maximum authorized students (53A-1a-502.5)

The amended rule provides the above modifications and proposed standards, procedures, and timelines for the above mentioned accountability process. Additionally, it brings the rule in line with current practice of application deadlines.

Further amendments were made to the rule at the June 13, 2008 Board Meeting, and the Board and approved R277-470, Charter School on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-470, Charter Schools on third and final reading. (For complete details see General Exhibit No. 10633.)

6. Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program, R277-477

This rule was amended to provide for more specific procedures for distribution of funds based on approval of School LAND Trust Plans. The amended rule also provides requirements for school business administrators in each school district and charter school to enter summary financial data on the School LAND Trust Program on the Program website.

Further amendments were made to the rule at the June 13, 2008 Board meeting, and the Board approved R277-477, Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-477 on third and final reading. (For complete details see General Exhibit No. 10634.)

7. School Psychologists and School Social Workers Licenses and Programs, R277-506

In April 2006, the school counselor licensing section was removed from this rule and inserted into R227-502. Educator Licensing and Data Retention. The school counselor language would be more appropriate in R277-506. R277-502 was

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amended effective March 24, 2008, and the school counselor language was removed but was not inserted back into R277-506. The amendment corrects the oversight.

The Board approved R277-506 on second reading at the June 13, 2008 Board meeting,. There have been no substantive changes to the rule since that time. The Board approved R277-506, School Psychologists, School Social Workers, and School Counselors Licenses and Programs on third and final reading. (For complete details see General Exhibit No. 10635.)

8. English Language Learner Family Literacy Centers Program, R277-715

This new rule provides a formula to allocate funds appropriated by the 2008 Legislature in S.B. 2 in a fair and equitable manner for school districts and charter schools to provide for an English Language Learner Family Literacy Center. The new rule provides:

- criteria for proposals from school districts and charter schools;
- for USOE response to proposals;
- timelines for submission of proposals;
- a formula for distribution of funds; and
- accounting measures

Amendments were made to the rule at the June 13, 2008 Board meeting, and the Board approved R277-715, English Language Learner Family Literacy Centers Program on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-715 on third and final reading. (For complete details see General Exhibit No. 10636,)

9. Adult Education Programs, R277-733

In September 2007, R277-733, Adult Education programs, was repealed and reenacted. At that time, significant changes were made to align state and federal laws and state policies. Definitions, programs standards, fiscal procedures, pupil accounting, curriculum standards, and data management standards were all brought up to date. The amendments proposed a few additional changes, primarily regarding earning credits, qualified instructors and adding an advisory council.

Local adult education directors and the Utah State Office of Education staff have worked together to propose the amendments.

Additional amendments were made to the rule at the June 13, 2008 Board meeting, and the Board approved R277-733, Adult Education Programs on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-733 on third and final reading. (For complete details see General Exhibit No. 10637.)

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10. Corrections Education Programs, R277-735

The rule was amended to align with state and federal law and to update procedures. The rule has also been amended to align with new adult education definitions, program standards, fiscal procedures, pupil accounting, curriculum standards, and data management standards. The changes are the same as the adult education rule making the wording consistent.

The Board approved R277-735, Corrections Education Programs on second reading at the June 13, 2008 Board meeting. There have been no substantive changes made to the rule since that time. The Board approved R277-735, Corrections Education Programs on third and final reading. (For complete details see General Exhibit No. 10638.)

11. Adjudicative Proceedings Under the Vocational Rehabilitation Act, R280-150

The rule was repealed/reenacted to eliminate duplicate processes and to specify standards and procedures for adjudication of disputes under the Vocational Rehabilitation Act.

Board approved R280-150, Adjudicative Proceedings Under the Vocational Rehabilitation Act on second reading at the June 13, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R280-150 on third and final reading. (For complete details see General Exhibit No. 10639.)

12. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2008 is provided for information to the Board. (For complete details see General Exhibit No. 10640,)

13. 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. 10641.)

14. Ratifications

Moya Kessig was ratified as an Educational Specialist in the Student Achievement and School Success Division..

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15. 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. 10642.)

16. Claims Report

The Claims Reports for May 31, 2008 in the amount of \$236,302,158.62 and June 30, 2008 in the amount of \$212,088,732.10 were approved by the Board. (For complete details see General Exhibit No. 10643.)

Motion was made by Member Debra G. Roberts and seconded by Member Michael Jensen to adjourn. Meeting adjourned at 2:45 p.m.