

MINUTES

September 11, 2009

Minutes of the meeting of the State Board of Education held September 11, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. At the request of Chairman Debra G. Roberts, Vice Chairman Dixie L. Allen presided

Members present were:

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

Member Janet A. Cannon was excused.

Also present were:

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

Members of the Press:

Chris Onan, Standard Examiner
Lisa Schencker, Salt Lake Tribune
Amy Stewart, Deseret Morning News
Steve Noyce, Superintendent, Utah Schools for the Deaf and Blind
Michael Sears, Utah Schools for the Deaf and Blind
Holly Langton, UTPS
Brent Thorne, Superintendent Sevier School District
Cade Douglas, Sevier School District
Myron Mickelsen, Sevier School District
Bob Baker, NWEA

September 11, 2009

Patti Harrington, Citizen
Christine Kearn, Governor's Office
Sue Carey, Utah PTA

State Office of Education Staff:

Sherry Marchant, Student Achievement and School Success Division
Renee Hyer, Student Achievement and School Success Division
Nolan Fawcett, Data, Assessment, and Accountability

Welcome

Vice Chairman Dixie Allen excused Board Member Janet A. Cannon.

Board Member Mark Openshaw led the Board in the Pledge of Allegiance.

Board Member Leslie Castle welcomed everyone to the meeting, and acknowledged the solemn anniversary of the day eight years ago, the events of September 11, 2001 and the tragedy it was. We remember where we were, what we were feeling. As a way of reflecting on not only how we felt, but to ponder more deeply and more importantly how we feel today, and to think about what we have learned since then about the world we live in. About emotions like anger, fear, vulnerability and forgiveness, and what it is to be an American in the 21st century. She then read and excerpt from a speech from President Barak Obama, given earlier this year in Berlin. She indicated that his remarks reflect how she felt today being an American. (For complete details see General Exhibit No. 10987.)

Superintendent Larry K. Shumway provided information to the Board on "The Widget Effect" *Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness*, by The New Teacher Project. (For complete details see General Exhibit No. 10988.)

Dr. Shumway indicated that the problem is the evaluation system. The important thing to measure is the quality of instruction. We don't measure effectively what should be done in classrooms is being done in classrooms.

Public Participation/Comment

There were no requests for comments.

Achievement Spotlight

The Board recognized Todd Quarnberg, Principal at Copperhills High School. They honored him as one of the heroes. He is an amazing leader with a great vision toward the future. Mr. Quarnberg is a tireless advocate of students, spending countless hours helping them prepare

September 11, 2009

for speeches, presentations, scholarships and job interviews. He does the same for faculty serving as a mentor and coach, nominating them for awards and having an open door to all. He has an amazing passion and commitment to education. The Board honored him as a hero because he is a very caring, understanding and compassionate educator, and last December a colleague needed a kidney and he came forward and donated one of his kidney's for this individual.

The Board presented Mr. Quarnberg a Certificate of Excellence.

WestEd Evaluation of the Blue Ribbon
Panel Assessment Pilots and Comments
from Pilot Assessment Districts

Board Rule R277-705-11 allows for a new assessment system that exempts schools/districts from the state required assessments that include: adaptive testing in all grades; online writing assessment in grades 4 through 12; college placement assessments in grades 8, 10, and 11; college placements assessments in grade 11 to provide information for 12th grade high school course selections.

The Board previously approved Sevier and Juab Districts to participate in the assessment system for the 2008-09 school year and for Sevier, Juab and Millard Districts, John Hancock and Summit Academy Charter Schools, and Cherry Hill Elementary School and Meadow Elementary School in Alpine District for the 2009/10 school year. WestEd received the contract to conduct an evaluation of the Blue Ribbon Panel Pilots.

Paul Koehler, Reino Makkonen, and Stanley Rabinowitz from WestEd presented the final evaluation of the Blue Ribbon Panel Assessment Pilots for the 2008/09 school year. (For complete details see General Exhibit No. 10989.)

The Board also heard comments from the pilot assessment district superintendents, Brent Thorne, Sevier, and Kirk Wright, Juab. Both commented that you need a good solid staff development program and that it has been a very positive experience for the students in their districts.

Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member David Crandall that the Board move into an executive session following lunch for the purpose of discussing personnel issues and discussion of purchase, exchange, or lease of real property. The

September 11, 2009

Board was polled and by unanimous consent of those present, the Board moved into an executive session at 1:00 p.m.

Motion was made by Member Laurel O. Brown and seconded by Member Michael G. Jensen to reconvene into open meeting. The Board reconvened at 2:00 p.m.

State Rehabilitation Council

Motion was made by Member C. Mark Openshaw and seconded by Member Leslie B. Castle to appoint Curtis Brinkman and Larry Beall, and reappoint Garth Eldredge, Pam Knighton and Jackie Pierce to the State Rehabilitation Council, terms to expire September 2012. Motion carried.

Governor's Committee on Employment for People with Disabilities

Motion was made by Member C. Mark Openshaw and seconded by Member Leslie B. Castle to appoint Alvin Cain, Brian Nelson and Max Neves to the Governor's Committee on Employment for People with Disabilities, terms to expire September 2012. Motion carried.

Instructional Materials Commission Appointment

Motion was made by Member C. Mark Openshaw and seconded by Member Leslie B. Castle to appoint Marshal Garret, Superintendent in the Logan School District to the Utah Instructional Materials Commission. This appointment fills the vacancy created by the appointment of Dr. Martell Menlove as Deputy Superintendent at the Utah State Office of Education. Motion carried.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member to adopt the Commission recommendation in Case No. 09-900 to permanently revoke based upon default the educator license of a former educator in Davis School District. This action is taken because the educator violated standards of professional conduct by engaging in a sexual relationship with a student. On June 16, 2009, she plead guilty to Attempted Aggravated Sexual Abuse of a Child, a first degree felony. Motion carried unanimously.

(For complete details see General Exhibit No. 10990.)

Promises to Keep - Next Steps

Superintendent Larry Shumway reported that yesterday he, Chairman Roberts and Vice Chairman Allen at a press conference indicated we would ask the Board to support an application to the U.S. Department of Education in the Race to the Top Competitive Grant

September 11, 2009

Program. This is a distribution competitively of just over \$4 billion to states and we recommend we make an application for not less than \$400 million. He and Chairman Roberts along with the Governor will have to sign the application. The guiding principles in the application will be those found in the Promises to Keep. The entire point in a Race to the Top Application is to pursue Utah priorities within Utah principles and values and also in a way that would protect ourselves from any greater federal inroads into our governance. As we commit the office to an effort of writing the application in the next two and a half months, given the framework of Promises to Keep, we keep the Boards authority to govern public education he requested board approval to move forward with the preparation of the application.

Vice Chairman Allen noted that board leadership and Superintendent Shumway met with major stakeholders on Wednesday and the overall recommendation was that we move ahead. In that process we decided it was good for us to jump on the bandwagon and do this as soon as possible. We held a signing yesterday of Promises to Keep and we also added the Race to the Top with the probability we would apply for it with the Board's approval.

Motion was made by Member Kim R. Burningham and seconded by Member David L. Crandall to approve allowing the State Office of Education and State Board Members that need to be involved, along with other stakeholders, to help create our application for Race to the Top. Motion carried unanimously.

Superintendent Shumway indicated we also need to be in concurrence on our legislative recommendation on Wednesday. Is this something that will come up in a committee report or something we should discuss now. There was some discussion of that in the student achievement and school success committee.

Superintendent Shumway on Promises to Keep - Next Steps requested that we all need to have a little patience on this. He indicated that we will continue to bring ideas and directions to the board on an ongoing basis.

Chairman Debra Roberts commented that in the study meeting the previous night considerable time was spent talking about a couple of promises, but not all of them. The recommendation from leadership is that Board Members take the information provided in the folder from Brenda Hales. Make the recommendations you like along with some of the other things, determine if it is something vital we want or not. Great strides were made under the

September 11, 2009

literacy and assessment pieces. Either we will have to take time in board meeting or we will need another work/study session.

Superintendent Shumway commented that as we move forward on this what extent does the Board want to rely on staff moving forward in developing initiatives and bringing them forward to the Board, and to what extent you want those to come up from the Board. He will be looking to Board Leadership on guidance for that.

Chairman Roberts indicated that this is not something to accomplish over a year, but over a period of years.

Board Standing Committee Reports

Audit Committee

Chairman Debra Roberts reported that the internal auditor introduced to the Board last month decided he was not comfortable with the position. Superintendent Shumway and the selection committee did a second interview process. Superintendent Shumway presented a recommendation to the Audit Committee to hire Natalie Grange as the Internal Auditor. The Audit Committee unanimously accepted the recommendation.

Student Achievement and School Success Committee

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

State Board of Education Special Education Rules Revised, and R277-750, Education Programs for Students with Disabilities

In August 1007, the State Board approved the State Special Education Rules, which were aligned with the IDEA 2006 regulations. On December 1, 2008, the Education Department released amendments to the 2006 IDEA regulations. These amendments, which went into effect December 31, 2008, permit parents to revoke their consent to special education services, allow states to determine whether non-attorneys will be permitted to represent parents in due process hearings, clarifies monitoring responsibilities of the USOE, clarifies State use of targets and reporting, clarifies the USOE responsibility to provide public notice, and clarifies distribution of subgrants to LEAs. Since that time, the Special Education Section has collected input from stakeholders to draft a revision in these amended areas to the current State Special Education Rules.

September 11, 2009

Additionally, it is proposed that R277-750, Education Programs for Students with Disabilities, be updated to reflect the current dates and status of the State Board of Education Special Education Rules.

The Committee reviewed the revisions to the State Board of Education Special Education Rules and the amendments to R277-750, Education Programs for Students with Disabilities. (For complete details see General Exhibit No. 10991.)

The Committee approved the State Board of Education Special Education Rules and moves that the Board approve the Rules.

The Committee approved the revisions to R277-750, Education Programs for Students with Disabilities on first reading and moves that the Board approve the R277-750 on second reading. Motion carried unanimously.

Blue Ribbon Panel Pilot Accountability System and Diploma Requirements

Board Rule R277-405-11 allows for a new assessment system that is “subject to an accountability plan and high school graduation standards that are based on the assessment system.” The Board previously approved Sevier and Juab Districts to participate in the assessment system for the 2008/09 school year and for Sevier, Juab and Millard Districts, John Hancock and Summit Academy Charter Schools, and Cherry Hill Elementary School and Meadow Elementary School in Alpine District for the 2009/10 school year. A pilot accountability system and diploma requirements have been established.

The Committee reviewed the detailed plan for the accountability system and the diploma requirements for the Blue Ribbon Panel Pilots.

The pilot accountability system:

- Utilizes the design of the U-PASS accountability system
- Replaces current assessments with pilot assessments

The pilot diploma requirement:

- Replaces UBSCT with adaptive testing, PLAN, ACT or Accuplcer
- Requires students to meet the required proficiency for only one of the four tests.

Under the Proposed Accountability Model changes were made as follows:

September 11, 2009

Under Inclusion, eliminate the writing as part of the participation. Under Achievement, rather than using MyAccess as a vendor which is no longer a vendor, substitute Online Writing.

Associate Superintendent Judy Park noted that this will all roll together similar to U-PASS.

(For complete details see General Exhibit No. 10992.)

Motion from the Committee that the Board approve the accountability system and diploma requirements for the Blue Ribbon Panel Pilots.

Member Dave Thomas clarified that by approval of this we will then move it forward as part of our legislative package. Vice Chairman Dixie Allen noted that as we do this we would indicate this is an action and movement and we will be upgrading it as we move along.

Motion carried unanimously.

Assessment Recommendations

State Law 53A-1-603 requires the administration of the following assessments: a) a statewide norm-referenced test to all students in grades 3, 5, and 8; b) statewide criterion-referenced tests in grades 2 through 12 and courses in basic skill areas of the core curriculum; c) an online writing assessment to all students in grades 5 and 8; d) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and e) a test to all students in grade 3 to measure reading level.

Board Rule R277-695-11(A) allows for a pilot assessment system that exempts schools/districts from the state required assessments that includes: adaptive testing in all grades; online writing assessment in grades 4 through 12; college placement assessments in grades 8, 10, and 11; college placement assessments in grade 11 to provide information for 12th grade high school course selections.

Due to several factors which include assessment budget cuts, the conclusion of the two year assessment pilots and the Utah interest in national standards and assessments, it is essential that an assessment plan for the future be determined.

The Committee received an outline of possible courses of action which will include a legislative course of action for the existing state assessment system and the pilot assessments. (For complete details see General Exhibit No. 10993.)

The Committee made the following amendments:

September 11, 2009

1. Title: National standards/assessments change to Common State Standards.
2. Blue Ribbon Panel Assessment Pilot change the last sentence to read: It is recommended that the current requirements of only two urban districts, three rural districts and five charter schools be expanded to allow for more schools/districts.
3. Current state assessment system, eliminate the paragraph Norm referenced test all together.

Superintendent Shumway voiced concern with eliminating the third grade reading norm referenced test. There is not currently a state data element to tell us if kids are reading on grade level in grade 3.

4. Criterion-Referenced Test - beginning in the 4th line strike the names of the tests.

Motion from the Committee that the Board approve a course of action for the assessment system and the pilot assessments as amended above.

Superintendent Shumway suggested a language change to the document that instead of saying "it is recommended" to say, The State Board recommends.

Amendment to the motion was made by Member Kim R. Burningham and seconded by Member C. Mark Openshaw to amend the proposal from the committee to reinstate the language in #3 to retain the 3rd grade.

Member Doug Holmes commented that it was his understanding that we are already doing enough testing and we don't need the Iowa test.

Member Dave Crandall suggested we ask the legislature to remove this from the statute.

Associate Superintendent Judy Park commented that this is a funding issue and our current contract has expired and we did not have the funding to do the Norm Referenced test this current school year.

Member Dave Thomas recommended that we seek to take the language out of the statute.

Amendment carried with Members Brown, Burningham, Castle, Haws, Jensen, Locke, Morrill, Murphy and Openshaw voting in favor; Members Allen, Crandall, Roberts and Thomas opposed.

Motion from the Committee as amended carried unanimously.

September 11, 2009

Introduction of New Internal Auditor

Chairman Debra Roberts introduced Natalie Grange as the new Internal Auditor.

Chairman Roberts motion from the Audit Committee that the Board approve the appointment of Natalie Grange as the Internal Auditor. Motion carried unanimously.

New Math Cut Scores

The implementation of a new math core in the 2007/08 school year necessitated the development of new math Criterion-Referenced Tests (CRTs) that are aligned to the new math core. These new math CRTs were administered in spring of 2009 in grades 2-12. A rigorous and extensive process was followed to establish and approve the proficiency cut scores for the new math CRTs. The process which was directed by psychometric consultants involved classroom teachers, curriculum specialists, assessment directors, district leadership, and USOE staff. These cut scores will be used to determine proficiency rates, Adequate Yearly Progress (AYP) and Utah Performance Assessment System for Students (U-PASS) accountability reports.

The Committee received detailed information on the process and the recommendations for the new cut scores. (For complete details see General Exhibit No. 10994.)

The Committee approved the cut scores for the new math tests in grades 2-12 and moves that the board approve the cut scores. Motion carried unanimously.

Teacher Quality Report

The Teacher Quality Report is an annual report presented to the Board of Education and the Education Interim Committee. The report contains information on recruitment and retention initiatives as well as data on our “freshmen” class of teachers.

The Committee received the annual Teacher Quality Report from the Educator Quality and licensing staff as information. (For complete details see General Exhibit No. 10995.)

Criterion-Referenced Test (CRT) Results

The Criterion-Referenced Tests (CRTs) were administered in the spring of 2009. The tests have been scored and the state results have been prepared.

The Committee received the results of the 2009 administration of the CRTs. (For complete details see General Exhibit No. 10996.)

Law & Policy Committee

Member Denis R. Morrill, Vice Chairman of the Law & Policy Committee presented the following recommendations from the Committee:

September 11, 2009

School District and Charter School
Bullying and Hazing Policies and
Training, R277-613

At least one high school community has experienced very serious bullying and hazing among students in its football program this past summer despite a state law that was passed (53A-11a-101 et seq) in 2008. It seems that further direction is warranted from the State Board of Education in order to protect public education students, support safe and meaningful public education athletic programs and ensure the implementation of the law by school districts and charter schools.

An anti-bullying and hazing section was added in 2008 to R277-609 *Standards for School District, School and Charter School Discipline Plans* in response to the legislation and to give direction, in addition to the legislation, to school districts and charter schools to pass and implement anti-bullying and anti-hazing policies and to provide needed and current training for educators on these important issues. This section of a rule has proved difficult to find among other Board directive and Rules and continuing problems prompt the need for this Board rule specific to bullying and hazing and requiring training for public education employees, including specific training for athletic coaches.

The Committee reviewed R277-613 School District and Charter School Bullying and Hazing Policies and Training. (For complete details see General Exhibit No. 10997.)

The Committee made the following changes:

R277-613-1(D)(2) deleted.

R277-613-3, deleted A and B and renumbered the remainder.

R277-613-4© change to read: Each school district and charter school shall post a copy of its policy on district or school website no later than November 1, 2009.

R277-613-4 add a (D) to read: Each school district and charter school shall provide a copy or a uniform resource locator (URL) of the district/school policy passed by the local school board or charter school board to the State Superintendent of Public Instruction no later than November 1, 2009.

R277-613-4(G) replace “plan” with policy.

Add (7) to read: notice to employees that violation(s) of this rule may result in employment discipline or action.

September 11, 2009

R277-613-6(B) changed to read: Failure to act consistently with R277-515 toward students, colleagues and parents may result in ~~employment discipline or in-discipline~~ against an educator's license ~~or both~~.

The Committee approved R277-613 School District and Charter School Bullying and Hazing Policies and Training with amendments on first reading and moves that the Board approve R277-613 on second reading. Motion carried unanimously.

Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees, R277-516

R277-516 Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees is amended to provide new language clarifying that the USOE will review background check information only for licensed educators. New definitions used within the new language have also been added to the rule. (For complete details see General Exhibit No. 10998.)

The Law and Policy Committee reviewed and approved on first reading R277-516, Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees on first reading and moves that the Board approve the amendments to R277-516 on second reading. Motion carried unanimously.

Utah Schools for the Deaf and Blind, R277-800, (Repeal/Reenact)

During the past year a Board authorized task force worked on major changes to the rules for the Utah Schools for the Deaf and Blind. As a part of this process, State Office of Education staff have also received input from many stakeholders. These changes along with those that were made in HB 296 during the 2009 legislative session required the complete rewriting of R277-800 Utah Schools for the Deaf and Blind. The Law and Policy Committee reviewed and proposed amendments to line 1-252 of the rule in its August 7, 2009 meeting. The Committee directed that definitions be consistent with IDEA and the Utah Special Education rules. This draft of the rule provides for those changes and includes other Board member amendments from the August 7 review. (For complete details see General Exhibit No. 10999.)

Member Morrill commented that several definitions were added from the Special Education Rules. The Committee made the following amendments to the rule:

September 11, 2009

R277-800-1 Add "F". "Child Find" means activities and strategies designed to locate, evaluate and identify individuals eligible for services under the IDEA.

R277-800-1(K) add ('hard of hearing' for purposes of this rule)

R277-800-1(O) delete "in a student's resident district."

R277-800-4(B) change the term for appointment from one to two years with three consecutive terms, and add at the end: Advisory council members serve at the pleasure of the Board.

R277-800-5 add: Charter School to the title.

R277-800-5(D) to read: It is the responsibility of the student's district of residence or charter school to conduct Child Find under R277-800-1F, and....

R277-800-5(H) to read: The IEP or Section 504 team shall determine the designated LEA for ~~the~~ student placement.

R277-800-5(I)(1) delete the words: file a complaint against the entity where the student was placed, and add: access dispute resolution procedures, consistent with Utah State Board of Education Special Education Rule, August 2007.

R277-800-5(I)(2) add: or Section 504 accommodation plan, delete should name both entities in the parent's complaint, and add may access dispute resolution procedures consistent with Utah State Board of Education Special Education Rules, August 2007.

The Committee expressed appreciation to all of the people who worked on this. It has been a monumental task.

The Law and Policy Committee reviewed the further refinements to R277-800 and approved the repeal and reenactment of R277-800 Utah Schools for the Deaf and Blind on first reading and moves that the Board approve the repeal and reenactment of R277-800 on second reading, including the outline that goes with the rule. Motion carried unanimously.

Finance Committee

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

Office Budget Approval for FY 2011

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

September 11, 2009

financing, and educational program priorities. The Governor has released his budgetary guidelines for the 2010 legislative session and given the weakening economy, we need to prepare for FY 2011 revenue growth being weaker than in previous years. The guidelines suggest several restrictions in budget proposals.

The Committee discussed the Governor's budget guidelines along with their own budget priorities and possible strategies for presentation in the 2010 legislative general session. (For complete details see General Exhibit No. 11000.)

Member Haws reported that there is still a significant shortfall in the state budget. There is a desire to ask the agency to cut our budget, as they have done in the past. The State Offices under the Board took more than their share of reductions last year so the request to the Governor has been made that we not be asked to give more. There are some parts of our budget that we don't really have control over because they are initiatives the legislature wants to maintain. When they are in our budget and you are asked for a 10% reduction and they say you cannot touch those items, we then have to make up the 10% of that somewhere else. This report isolates those items separately so we can have some protection.

Motion from the Committees that the Utah State Office of Education, Utah State Office of Rehabilitation and USDB Budgets move forward as presented noting there may need to be some adjustments made as we move forward. Motion carried unanimously.

Charter School Revolving Loan Committee Report

This report was pulled from the agenda until the October meeting.

Progress Report on School Bus Standards' Committees

On June 5, 2009, the Finance Committee discussed the progress of the five standards' committees of the Utah Pupil Transportation Advisory Council (UTPAC) and concerns over the loss of state funding for the replacement of old school buses used to transport Utah school children to and from school. During the discussion, the Finance Committee requested a future update on UTPA's committees progress and made a special request that the Utah School Bus Operations and Security Standards Committee work with the School Bus Lifecycle Study Committee to carefully review concerns over the loss of funding for school bus replacement and report their findings back to the Finance Committee.

September 11, 2009

On June 12, 2009, the Utah school Bus Operations and Security Standards Committee met to address the standards for the safety and security of Utah school children, and this request from the Finance Committee. The committee discussed the many concerns expressed across the state over the loss of state funding for the replacement of old school buses and the possible affect it could have on the safe and economical transportation of Utah's school children.

On June 9, 2009, the Lifecycle Study Committee met to discuss concerns over the loss of state school bus replacement funding. The committee discussed what could be done to address all of the concerns the recent Legislative Performance Audit of School Busing identified. During the end of July and the start of August, the Operations and Security as well as the Data/Funding Committees met to identify how to implement the progressive data management upgrades.

The Finance Committee received the report on the committees' progress along with a presentation of why it may be in the best interest of the state to reinstate funding for the replacement of old school buses. (For complete details see General Exhibit No. 11001.)

District and Charter School Budget Reductions Report

The unprecedented reductions to public education have required serious review and prioritization of services and operations within the schools of the state. The ongoing state support for public education was reduced by more than 16 percent representing a loss of over \$412 million. The Board directed staff to collect and summarize school district and charter school budget decisions along with estimated impacts on public education for a consolidated report to the legislature. Since two budget years are affected by the budget reductions, two separate reports were presented and reviewed by the Finance Committee. (For complete details see General Exhibit No. 11002.) The Committee discussed dissemination and presentation of the report findings for legislative committees and education community requests.

Executive Officer Report

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

- As the year progresses we will be receiving one after another requests for budget scenarios for budget reductions of different percentages. This is very demoralizing and time consuming. He has directed Associate Superintendent Todd Hauber when he receives these to fill in everything that we will cut everything by 1% rather than having us crush peoples morale.

September 11, 2009

- Press event - Race to the Top/Promises to Keep - He reported that there were some non-substantive changes in the Promises to Keep document and it was signed by he, Chairman Roberts, and Vice Chairman Allen at the press conference yesterday.
- Leadership Summit - was announced yesterday to be held on September 30 in which the State Board will be convening elected leaders in Utah education policy, which include state board members, legislators, the Governor's office, and local board members. As we move forward we will include many other stakeholders He encouraged Board Members to calendar that time going from 3:00 p.m. until about 8:00 p.m. We are still working on logistics. At this meeting we will talk about three things: (1) Aligning future programs and policies to our Promises to Keep Vision and Mission Statement; (2) Identifying areas we have been successful and ways to build on those and the areas of needed improvement and clarifying expectations; and (3) discussing the roles of governance of the public education system.
- Summary of ACT and AP test results - Superintendent Shumway commented that we hear so much about the wasted senior year. He was intrigued with the course taking patterns shown in the report. There is a total of almost 22,000 students in the group taking the ACT and when you combine the report they report they are also taking 4 years of English. There are nearly 22,000 who report taking 3 years of math, and 16,700 taking 4 years of math. We have a number of students with nearly perfect score. We have students who could be engineers if they wanted. We want to continue to improve with the high standards, rigor and relevance in our curriculum, but we a lot of kids doing very well – we are not a failure. He then reviewed our AP participation. Of the 28 states where AP is given we were 8th of the 28.
- Update on H1N1 flu - Associate Superintendent Brenda Hales reported that there is a letter is going out from Superintendent Shumway and Dr. Sundwall to all school districts regarding the latest H1N1 guidelines. She noted that H1N1 is a moving target and can change in a week. The memo talks about a reminder that the best way to deal with this is prevention and the simplest prevention procedures

September 11, 2009

involve hand washing and avoiding shaking hands. They are alerting the schools that there is a possibility they may be asked by their local public health department to participate in vaccination clinic locations - schools are a natural place for such to take place. It contains the dates when they think the H1N1 vaccinations will start to be available. We are reminding everyone that now is the time to get the seasonal influenza vaccination. School districts and schools are being asked to make sure they contact their local health department.

- U.S. Department of Education response to assessment pilots - Last August Superintendent Harrington wrote a letter to the Department of Education requesting that our pilot districts using the NWEA MAP Tests be exempted from the CRTs. In November the Department responded in the negative to that request. There was some variety of informal communications between then and this spring, but no specific permission was ever received from the Department of Education for those districts not to take the CRT. In the spring those districts did not take the CRT. In July he and Associate Superintendent Judy Park spoke with the Department with the intention of finding a way to proceed with preparing an AYP report for those schools without the CRT scores. In August we received a letter from the Department of Education indicating that they were not happy with the non participation in the CRTs as part of our NCLB/AYP Plan and declaring that those schools that did not participate had to be indicated in the AYP Report as not making adequate progress. They also required that from the state level the administrative and activities level of Title 1, \$58,000 had to be transferred out of that and distributed among districts. The same day we got that we got a letter indicating we should increase the amount we had in that fund by approximately \$122,000. Since that time we have had a series of meetings with NWEA and been in communication with several of our experts in assessment and the test approval process and believe we have in place [and we have informed the Department we have in place] a process to move forward for peer review so those tests can be approved. We anticipate we have a plan in place to accomplish what we see as an essential element of moving our pilot programs to fruition and implementation and that is to get federal approval through the peer review process for these tests.

September 11, 2009

- Summary of schools showing President Obamas speech on Tuesday. We received many calls and there has been a great deal of discussion.

(For complete details of the report see General Exhibit No. 11003.)

Board Chairman Report

Chairman Debra Roberts presented the following items of information:

- Chairman Roberts distributed a sign-up sheet requesting that if there are Board Members who could attend Utah School Superintendents Association meetings to please sign for one or more of the upcoming meetings.
- Reported that she and Vice Chairman had a meeting on August 14 with USBA Leadership. It was decided that we needed to do it more often and will meet with them on a quarterly basis. Our next meeting will be October 9th. She indicated that Member Kim Burningham serves on their executive board, however, we lack having the local voice here in our meeting. She recommended that we look at inviting a member of USBA's leadership as a non-voting member of the board. She asked Board Member to consider such a move and indicated that it will be on the agenda next month as an action item. If anyone has any questions or concerns please contact her.
- She has had meetings with the following:
 - Brian Allen, Chairman of the Charter School Board on charter issues.
 - She and Brenda Hales met with the teachers in the Wayne District and it was very positive experience.
- Consideration for changing the names of Board committees. The Curriculum Committee will now be known as the School Success and Student Success (SASS) Committee and the Finance Committee will become the Finance and Operations Committee.
- Chairman Roberts expressed for the press conference yesterday. Superintendent Shumway and Mark Peterson handled it very well. It was nice to have Lane Beattie in attendance and he was very positive about our Promises to Keep indicating it was the best document and that the Chamber will be pushing it.
- Chairman Roberts indicated that we need to have the top level of our goals in Promises to Keep prior to our leadership summit meeting. She suggested the

September 11, 2009

Board go through the items and e-mail them to Associate Superintendent Brenda Hales. Superintendent Shumway indicated that one of the things we will make clear in the Leadership Summit it is a listening opportunity. The Board makes decisions about the board's recommendations and decisions and general control and supervision of public education. These are not summits where we ask everyone else to vote as if they were the board. They will tell us what they think we should do, but will not tell us what to do, that remains the board's decision.

- Upcoming Calendar events:
 - Legislative Interim Committee - Wednesday morning 9:00 a.m. We will have presentations on the Blue Ribbon Committee and the testing.
 - Leadership meeting will be held that afternoon. She requested that if there are any issues from Board Members they e-mail them to her.
 - K-16 Alliance meeting on the 21st.
 - September 30 - Leadership Summit at Murray High School.
 - Board Meeting on October 2nd.
 - Teacher of the Year Banquet on October 2nd following board meeting. Since this is the UEA Convention we may want to postpone this until the November meeting.

General Consent Calendar

Motion was made by Member David L. Crandall and seconded by Member Michael G. Jensen 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 August 7, 2009.

2. Contracts

The following contracts were approved by the Board:

(A) Utah Statewide Independent Living council. \$207,807. 10/1/09-9/30/10. - Fed.

To provide resources to the Independent Living Program in accordance with title VII Part B and the State Plan for Independent Living.

September 11, 2009

(B) HMB Information System Developers. \$348,400. 9/1/09-9/1/10. - Fed.

The USOE has received Sole Source approval for HMB to build a new LEA consolidated application tool. This tool replaces the CUSAP. The source code for the tool is free, but customizations will be paid for by the USOE. This contract is for Phase I.

© Janitech LLC. \$4620.00.8/1/09-7/31/10. - Fed.

To provide janitorial services for the Price Rehabilitation Office located at 662 West Price River Road, Price, Utah.

(D) Utah Department of Health. \$99,195. 4/22/09-4/23/10. RECEIVABLE, Amend. - Fed.

To engage services from USOR to assist in implementing a Social Security Benefit Offset Pilot demonstration project referred to as the Utah SSDI '1 for 2' Project.

(E) Measured Progress. \$229,423. 8/1/09-7/15/11. - Amend. - Fed.

Amendment is to clarify and improve Utah's existing uniform online testing system.

(For complete details see General Exhibit No. 11004.)

3. Charter Schools, R277-470

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

The new legislation specifically did not reauthorize R277-470-1-2(B) and ©, Education Administration, Charter School Parental Involvement.

The State Charter School Board recommended the following amendments to R277-470 sections (1) definition of a satellite school, (3) recapturing of unused students, (5) clarification, (7) clarification, (12) removal of parental involvement requirement, (13) requiring all charter schools to be accredited through NAAS, and (17) charter school revolving loan committee nominations. The amendments were reviewed and approved on first reading by the Law and Policy Committee, and the State Board of Education approved R277-470, Charter Schools on second reading at the August 7, 2009 meeting. There have been no substantive changes

September 11, 2009

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. 11005.)

4. Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports, R277-704

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

R277-704 was amended to include the language of SB 100 passed in the 2009 legislative session. The amendments were approved by the Board to R277-502 on second reading at the August 7, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-704, Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports on third and final reading. (For complete details see General Exhibit No. 11006.)

5. Adult Education Programs, R277-733

R277-733, Adult Education Programs was approved by the Board on February 1, 2009. It provides a diploma equivalent (the Utah High School Completion Diploma) for students who have passed the five subtests of the GED. In 2006-07, thirty-three students with disabilities passed the GED. In 2007-08, ten students with disabilities passed the GED. In order to be consistent with the Individuals with Disabilities Education and Improvement Act (IDEA) and federal regulations, entitlement to a free appropriate education (FAPE) does not end when a student with disabilities who is served in special education programs has passed the GED. The entitlement to FAPE only ends when the student has graduated with a regular high school diploma or has reached the maximum age limit of twenty-two years.

R277-733 is amended to clarify that, for student with disabilities eligible for and being served by special education programs, successfully passing the GED and being awarded the Utah High School Completion Diploma does not end the entitlement to FAPE, consistent with the IDEA and federal regulations. Such students remain eligible for special education services until they have either received a regular high school diploma or reached the maximum age limit of twenty-two years.

The Curriculum Committee made one additional amendment to change higher education to post secondary education and approved the rule on first reading. The Board approved R277-733, Adult Education Programs on second reading at the August 7, 2009 Board meeting. There have been no substantive changes to the

September 11, 2009

rule since that time. The Board approved R277-733, Adult Education Programs on third and final reading. (For complete details see General Exhibit No. 11007.)

6. State Charter School Board Recommendations

The State Charter School Board met on August 13, 2009 and unanimously approved to recommend to the State Board of Education the following:

- **DaVinci Academy** increase its enrollment by 300 students beginning in their 2010-2011 school year. DaVinci Academy has been open since 2004.
- **George Washington Academy** modify its program to add grade 9 and increase its enrollment by 450 students beginning in the 2010-2011 school year. George Washington Academy has been open since 2006.
- **Hawthorn Academy** increase its enrollment by 60 students beginning in the 2010-2011 school year. Hawthorn Academy will open in fall 2009.
- **Lincoln Academy** increase its enrollment by 50 students beginning in the 2010-2011 school year. Lincoln Academy has been open since 2005.
- **North Davis Preparatory Academy** increase its enrollment by 108 students beginning in the 2010-2011 school year. North Davis Preparatory Academy has been open since 2004.
- **Open High School of Utah** modify its program to serve grades 9-12 in 2009-2010 and increase its enrollment by 1000 students beginning in the 2011-2012 school year (600 in 1022-2012, 1,000 in 2012-2013, 1,500 in 2013-2014). Open High School of Utah will open fall 2009.
- **Oquirrh Mountain Charter School** increase its enrollment by 60 students beginning in the 2010-2011 school year. Oquirrh Mountain Charter School will open in fall 2009.
- **Quest Academy** increase its enrollment by 298 students beginning in the 2011-2012 school year. The State Charter School Board stipulated that the school must reduce its student transfer rate to at least the average for first year schools. Quest Academy has been open since 2008.
- **Renaissance Academy** increase its enrollment by 80 students beginning in the 2010-2011 school year. Renaissance Academy has been open since 2006.
- **Salt Lake Center for Science Education** modify its program to add grades 10 - 12 and increase its enrollment by 280 students beginning in the 2010-2011 school year. Salt Lake Center for Science Education has been open since 2008.
- **Walden School of Liberal Arts** increase its enrollment by 380 students beginning in the 2011-2012 school year. Walden School of Liberal Arts has been open since 2004.
- **Excelsior Academy** modify its current governance structure to (1) increase minimum board size to five and maximum board size to 11, (2) add a PTO nominated member, (3) remove the 25% parent member requirement, (4) extend the term to three years, (5) limit participation to two consecutive terms, (6) remove the parents from voting on all board members, having one-third positions appointed by the existing board, (7) reduce officers term to one year,

September 11, 2009

(8) remove all duties of officers from the charter and place solely in the bylaws. Excelsior Academy will open in fall 2009.

- **Navigator Point Academy** modify its current governance structure to revert back to its originally approved governance structure which has a five member board with no term limits rather than a board composed of 25% parents, with one elected from the parent body. Their request is due to the legislative sunset of R277-470-12. Navigator Pointe has been open since 2005.

The Board approved the above recommendations from the State Charter School Board. (For complete details see General Exhibit No. 11008.)

7. Minimum School Days Waiver, R277-419

The State Board of Education in its April 3, 2009 meeting provided additional flexibility to school district boards of education and charter school governing boards in the current difficult financial circumstances. The Board's action allows the reduction of up to five instructional days, provided the following requirements are met: (1) Prior to the cutting of any instructional days, a district or charter school must first cut three calendared professional development days (days on which licensed staff would have worked without students present). Only after the reduction of the professional development days may the district or charter school reduce instructional days. (2) The decision to reduce instructional days must be made in an open meeting of the board. Parents must be notified of the pending action and provided opportunity to be heard. (3) Once a school district or charter school has taken action to reduce instructional days, notification of the action must be provided to the State Board of Education. This notification shall be made by letter to the State Superintendent. This action is specifically limited to the 2009-2010 school year. The following school districts and charter schools have taken action (prior to the publication of the General Consent Calendar) to reduce school days in the 2009-2010 school year: C.S. Lewis Academy, Merit College Preparatory Academy, Paradigm High School, and Pinnacle Canyon Academy. (For complete details see General Exhibit No. 11009.)

8. 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. 11010.)

9. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2009 is provided for information to the Board. (For complete details see General Exhibit No. 11011.)

September 11, 2009

10. National Association of State Boards of Education (NASBE) Proposed Changes to the Public Education Positions and Bylaws

Each October, the state delegate assembly meets during the NASBE Annual Conference at the business meeting to vote on proposed bylaw changes and public education positions. The proposed changes to the NASBE Bylaws and the Public Education Positions were reviewed. (For complete details see General Exhibit No. 11012.)

The Board approved the proposed changes. The Voting Delegate from Utah will then be able to vote on the proposed changes at the NASBE Annual Meeting in October.

11. Utah Schools for the Deaf and Blind Superintendent Salary and Benefits

Under authority of 53A-1-302 of the Utah Code, the State Board of Education hereby sets the salary of the Utah Schools for the Deaf and Blind Superintendent Steven Noyce at \$63.22 per hour. The salary may be reviewed, and if appropriate, adjusted annually. In addition, the Superintendent is afforded all benefits available to other state officers. (67-22-2 of the Utah Code)

12. 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. 11013.)

13. Claims Report

The Claims Reports in the amounts of \$60,277,085.31, and \$60,699,647.00, for July 31, 2009 were approved by the Board. (For complete details see General Exhibit No. 11014.)

Motion was made by Member C. Mark Openshaw and seconded by Member Michael

D. Jensen to adjourn.

Meeting adjourned at 4:15 p.m.